

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON MARINE RESOURCES**

August 2017

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

*CARRIED OVER*..... carried over to a subsequent session of the Legislature  
*CON RES XXX*..... chapter # of constitutional resolution passed by both houses  
*CONF CMTE UNABLE TO AGREE*..... Committee of Conference unable to agree; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE*..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT*..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 128<sup>th</sup> Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Marine Resources*

**LD 539**

**An Act To Allow Municipalities To Establish Shellfish Conservation Areas**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR J MIRAMANT D	ONTP	

This bill allows municipalities or regional shellfish management committees to designate conservation areas where harvesting any marine organism is prohibited. In aggregate the conservation areas may not exceed 10% of the total harvestable area in the intertidal zone. A designated conservation area must be clearly marked with signs that identify the municipality or regional shellfish management committee that designated the area and indicate the purpose of the area.

**LD 575**

**An Act To Improve the Enforcement of Maine's Lobster Laws**

**PUBLIC 197  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B TUELL W	OTP-AM OTP-AM	S-200

This bill is a concept draft pursuant to Joint Rule 208.

This bill would enact measures to improve the enforcement of the State's lobster conservation laws and ensure the long-term sustainability of the lobster resource. These measures may include:

1. Establishing minimum penalties such as license suspension to deter violations, including scrubbing lobsters, fishing over the trap limit, fishing sunken trawls or untagged gear and molesting lobster traps;
2. Establishing minimum monetary fines to deter violations, including keeping short, over-sized, v-notched or egg-bearing female lobsters, and higher minimum penalties for repeat offenders;
3. Allowing the Commissioner of Marine Resources to revoke the marine resources licenses of those found guilty of sinking, burning or otherwise destroying another fisherman's vessel;
4. Requiring lobster fishing license holders found guilty of violating marine conservation laws to pay restitution equal to the cost incurred by the State to conduct the investigation for offenses, including scrubbing lobsters; fishing over the trap limit; fishing sunken trawls or untagged gear; keeping short, over-sized, v-notched or egg-bearing female lobsters; molesting lobster traps; or sinking, burning or otherwise destroying another fisherman's vessel; and
5. Requiring a lobster fishing license holder convicted of a marine resources violation resulting in a license suspension who reenters the lobster fishery to reenter as a new entrant limited to 300 traps and to have a vessel monitoring system aboard the license holder's vessel. Such a lobster fishing license holder would be allowed to build up the number of traps at a rate of 100 traps per year up to the lobster zone limit.

**Committee Amendment "A" (S-200)**

This amendment is the majority report of the committee. The amendment replaces the bill.

The amendment adds to the list of convictions or adjudications that are the basis for suspending a marine resources license a conviction for committing arson or aggravated criminal mischief. The amendment makes molesting lobster gear, which is currently a civil offense, a Class D crime. The amendment provides that fishing 25 or fewer