

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH 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

128TH LEGISLATURE
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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 128th 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 128th 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

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untagged lobster traps is a civil violation and fishing more than 25 untagged lobster traps is a Class D crime.

The amendment expands the behavior for which a marine resources license may be suspended through an administrative process to include setting fire to, sinking or damaging a lobster boat, conduct that would violate certain provisions of the Maine Criminal Code and offenses committed against a marine patrol officer or the officer's family as a result of the officer's performing official duties, regardless of whether that offensive behavior occurs while undertaking an activity for which a marine resources license is required.

The amendment provides for minimum and maximum lengths for suspension of a marine resources license upon an administrative finding or conviction of molesting lobster gear, fishing over the lobster trap limit or fishing a sunken trap or trawl and provides for minimum lengths for suspension for scrubbing lobsters or setting fire to, sinking or destroying a lobster boat.

The amendment allows the Commissioner of Marine Resources to reduce the number of traps a lobster and crab fishing license holder may fish following a suspension for one of those offenses.

The amendment provides that a suspension based upon a conviction or adjudication is the same length as an administrative suspension.

The amendment allows the commissioner to require a person whose lobster and crab fishing license was suspended for certain offenses to install equipment that allows the Department of Marine Resources to track the geographic location of the vessel listed on that person's lobster and crab fishing license for a period immediately following the reinstatement of the license that may not exceed the duration of the license suspension. Costs associated with equipment required to be installed must be paid by the license holder.

Committee Amendment "B" (S-201)

This amendment is the minority 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 untagged lobster traps is a civil violation and fishing more than 25 untagged lobster traps is a Class D crime.

The amendment expands the behavior for which a marine resources license may be suspended through an administrative process to include setting fire to, sinking or damaging a lobster boat, conduct that would violate certain provisions of the Maine Criminal Code and offenses committed against a marine patrol officer or the officer's family as a result of the officer's performing official duties, regardless of whether that offensive behavior occurs while undertaking an activity for which a marine resources license is required.

The amendment provides for specific lengths for suspension of a marine resources license upon an administrative finding or conviction of molesting lobster gear, fishing over the lobster trap limit, fishing a sunken trap or trawl, scrubbing lobsters or setting fire to, sinking or destroying a lobster boat.

The amendment allows the Commissioner of Marine Resources to reduce the number of traps a lobster and crab fishing license holder may fish following a suspension for one of those offenses.

The amendment provides that a suspension based upon a conviction or adjudication is the same length as an administrative suspension.

The amendment allows the commissioner to require a person whose lobster and crab fishing license was suspended for certain offenses to install equipment that allows the Department of Marine Resources to track the geographic location of the vessel listed on that person's lobster and crab fishing license for a period immediately following the

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reinstatement of the license that may not exceed the duration of the license suspension. Costs associated with equipment required to be installed must be paid by the license holder.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 197 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. Public Law 2017, chapter 197 makes molesting lobster gear, which is currently a civil offense, a Class D crime. Public Law 2017, chapter 197 provides that fishing 25 or fewer untagged lobster traps is a civil violation and fishing more than 25 untagged lobster traps is a Class D crime.

Public Law 2017, chapter 197 expands the behavior for which a marine resources license may be suspended through an administrative process to include setting fire to, sinking or damaging a lobster boat, conduct that would violate certain provisions of the Maine Criminal Code and offenses committed against a marine patrol officer or the officer's family as a result of the officer's performing official duties, regardless of whether that offensive behavior occurs while undertaking an activity for which a marine resources license is required.

Public Law 2017, chapter 197 provides for minimum and maximum lengths for suspension of a marine resources license upon an administrative finding or conviction of molesting lobster gear, fishing over the lobster trap limit or fishing a sunken trap or trawl and provides for minimum lengths for suspension for scrubbing lobsters or setting fire to, sinking or destroying a lobster boat.

Public Law 2017, chapter 197 allows the Commissioner of Marine Resources to reduce the number of traps a lobster and crab fishing license holder may fish following a suspension for one of those offenses.

Public Law 2017, chapter 197 provides that a suspension based upon a conviction or adjudication is the same length as an administrative suspension.

Public Law 2017, chapter 197 allows the commissioner to require a person whose lobster and crab fishing license was suspended for certain offenses to install equipment that allows the Department of Marine Resources to track the geographic location of the vessel listed on that person's lobster and crab fishing license for a period immediately following the reinstatement of the license that may not exceed the duration of the license suspension. Costs associated with equipment required to be installed must be paid by the license holder.

Public Law 2017, chapter 197 was enacted as an emergency measure effective June 14, 2017.

LD 616 An Act To Ensure Consistent Access to Limited-entry Lobster Zones

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL B	ONTP	

This bill prohibits a person holding a Class I, Class II or Class III lobster and crab fishing license who did not hold a Class I, Class II or Class III lobster and crab fishing license prior to the effective date of this legislation from fishing traps in a limited-entry zone that is not the license holder's declared lobster zone.