

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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 703 An Act To Address Marine Debris Resulting from Commercial Activities

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M VITELLI E	ONTP OTP-AM	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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

This bill proposes to address the problem of marine debris resulting from commercial activities such as commercial fishing and aquaculture.

The bill uses current knowledge, information and data generated by previous meetings and conferences and scientific publications along with accepted fishing and aquaculture practices to advance an approach to address marine debris while recognizing that healthy commercial fishing and aquaculture industries are paramount for the economic health of this State.

Committee Amendment "A" (H-617)

This amendment is the minority report of the committee. The amendment replaces the bill, which is a concept draft, with a resolve that establishes the Commission To Study the Effects of Marine Debris, which is a 13-member commission tasked with studying marine debris and how it has affected or potentially will affect Maine's ocean and coastal ecosystem, habitats and species. The commission is required to meet at least four times and must submit a report, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than November 7, 2018.

LD 922 An Act Directing the Commissioner of Marine Resources To Investigate the Conditions of Sheepscot Pond Related to a Management Plan for Anadromous Fish Species

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE J VITELLI E	OTP-AM ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill directs the Commissioner of Marine Resources to open and keep operational from April 15th to June 30th annually the fishway on the Sheepscot River located at the outlet of Sheepscot Pond in the Town of Palermo and to investigate the conditions of the pond for the purpose of developing a management plan for anadromous fish species.

Committee Amendment "A" (H-631)

This amendment, which is the majority report of the committee, removes the provisions of the bill that direct the Commissioner of Marine Resources to develop a management plan for anadromous fish in Sheepscot Pond and that direct the Commissioner of Inland Fisheries and Wildlife to cooperate in that effort. The amendment delays until 2020 the requirement in the bill that the Commissioner of Inland Fisheries and Wildlife open and keep operational

Joint Standing Committee on Marine Resources

the fishway at the outlet of Sheepscot Pond from April 15th to June 30th annually to allow the passage of anadromous fish. The amendment also requires the Commissioner of Inland Fisheries and Wildlife to provide, no later than January 15, 2020, a report to the joint standing committees of the Legislature having jurisdiction over inland fisheries and wildlife and marine resources matters detailing how the Department of Inland Fisheries and Wildlife, with the cooperation of the Department of Marine Resources, as necessary, will address concerns related to opening the fishway regarding managing any biosecurity concerns at the Palermo Rearing Station on Sheepscot Pond, allowing lamprey eels to exit Sheepscot Pond and managing the migration of alewives out of Sheepscot Pond. The amendment allows each joint standing committee to report out legislation based on the report to the Second Regular Session of the 129th Legislature.

LD 1519 An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances

PUBLIC 350

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M VITELLI E	ONTP OTP-AM	H-611

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill amends the law regarding municipal shellfish conservation programs to clarify that the intertidal zone extends from the high-water mark to the extreme low-water mark and that the shellfish conservation ordinances apply only within the intertidal zones of municipalities.

Committee Amendment "A" (H-611)

This amendment is the minority report of the committee. The amendment provides that, for the purposes of municipal shellfish conservation programs, the intertidal zone is the area below the high-water mark and above subtidal lands, instead of the area between the high-water mark and the extreme low-water mark, as the bill provided.

Enacted Law Summary

Public Law 2017, chapter 350 provides that, for the purposes of municipal shellfish conservation programs, the intertidal zone is the area below the high-water mark and above subtidal lands.

LD 1652 An Act To Authorize the Commissioner of Marine Resources To Limit the Number of Shrimp Licenses That May Be Used in Certain Seasons

PUBLIC 346

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B	OTP-AM	S-376

This bill authorizes the Commissioner of Marine Resources to adopt rules to establish a system by which the use of commercial northern shrimp licenses may be limited in a season when the total allowable catch is less than 2,000 metric tons.

Committee Amendment "A" (S-376)

This amendment, like the bill, authorizes the Commissioner of Marine Resources to adopt rules to establish a system by which the number of commercial northern shrimp licenses issued may be limited in a season when the total allowable catch for Maine is less than 2,000 metric tons. The amendment requires the commissioner to consult with members of the northern shrimp industry prior to initiating rulemaking to limit the number of commercial northern shrimp licenses. The amendment also requires the commissioner, if the commissioner limits the number of commercial northern shrimp licenses, to provide a report to the joint standing committee of the Legislature having