

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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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 730 **An Act To Establish Minimum and Maximum Size Limits for Possession of Soft-shelled Clams** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R MAKER J	ONTP	

This bill amends the laws regarding the size limit of soft-shelled clams. It decreases the minimum size from two inches to one and a half inches and sets a maximum size of four inches.

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** **CARRIED OVER**

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

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.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

LD 1067 **An Act To Limit the Size of Scallop Drags** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY R VITELLI E	ONTP	

This bill limits the size of scallop drags allowed in the territorial waters of the State to a maximum measurement of five and a half feet across when used within the island zone as defined by the Department of Marine Resources and ten feet across when used outside the island zone. This bill also establishes penalties for exceeding the drag width limit.

LD 1207 **An Act To Make Technical Changes to Maine's Marine Resources Laws** **PUBLIC 146
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W	OTP-AM	H-347

This bill makes technical changes to Maine's marine resources laws. It clarifies that license revocation for a conviction of scrubbing egged lobsters may be permanent. It prohibits the sale of offal for use as bait to fish for or take lobsters or crabs. It creates a residency requirement for a commercial pelagic and anadromous fishing license, but allows for licensure of a nonresident if an applicant documents that the applicant's state of residence allows Maine residents to purchase a license and fish for pelagic and anadromous species in that state. Finally, it exempts

Joint Standing Committee on Marine Resources

the holder of a marine harvesting demonstration license from the prohibition on hauling on Sundays in the summer.

Committee Amendment "A" (H-347)

This amendment retains the provisions of the bill that prohibit the sale of offal for use as bait to fish for or take lobsters or crabs and that exempt the holder of a marine harvesting demonstration license from the prohibition on hauling on Sundays in the summer.

The amendment removes the provision of the bill that specifies that license revocation for a conviction of scrubbing egged lobsters may be permanent.

The amendment removes the provision of the bill limiting the commercial pelagic and anadromous fishing license to residents unless a nonresident's state allows residents of Maine to fish for those species in that state.

The amendment provides that the definition of "offal" does not include fat attached to an animal hide from which the hair has been removed as long as the total thickness of fat and animal hide does not exceed one and a quarter inches.

The amendment provides that a holder of a Class I, Class II or Class III lobster and crab fishing license or noncommercial lobster and crab fishing license is not eligible to obtain a marine harvesting demonstration license and that the Commissioner of Marine Resources may permanently revoke the marine harvesting demonstration license of a person who sells, retains, ships or transports any portion of the catch or does not release all organisms alive into the area from which the organisms were harvested under that license. The amendment requires the holder of a retail seafood license buying directly from a harvester a species for which an electronic reporting requirement is in place to obtain an endorsement for that species from the Department of Marine Resources at no cost.

Enacted Law Summary

Public Law 2017, chapter 146 makes technical changes to Maine's marine resources laws. Public Law 2017, chapter 146 prohibits the sale of offal for use as bait to fish for or take lobsters or crabs. Public Law 2017, chapter 146 provides that the definition of "offal" does not include fat attached to an animal hide from which the hair has been removed as long as the total thickness of fat and animal hide does not exceed one and a quarter inches. Public Law 2017, chapter 146 exempts the holder of a marine harvesting demonstration license from the prohibition on hauling on Sundays in the summer and provides that a holder of a Class I, Class II or Class III lobster and crab fishing license or noncommercial lobster and crab fishing license is not eligible to obtain a marine harvesting demonstration license and that the Commissioner of Marine Resources may permanently revoke the marine harvesting demonstration license of a person who sells, retains, ships or transports any portion of the catch or does not release all organisms alive into the area from which the organisms were harvested under that license. Public Law 2017, chapter 146 requires the holder of a retail seafood license buying directly from a harvester a species for which an electronic reporting requirement is in place to obtain an endorsement for that species from the Department of Marine Resources at no cost.

Public Law 2017, chapter 146 was enacted as an emergency measure effective June 8, 2017.

LD 1316 An Act To Provide for an Elver Dealer's License for the Houlton Band of Maliseet Indians INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAR H	ONTP OTP	

This bill requires the Department of Marine Resources to issue an elver dealer's license to the Houlton Band of Maliseet Indians at no cost annually.