

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.

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House Amendment "A" (H-423)

This amendment removes the emergency preamble and clause and the provision that requires the department to issue an elver dealer's license to the Houlton Band of Maliseet Indians for the 2017 elver fishing season.

This amendment was not adopted.

LD 1379 An Act Regarding Enforcement of Marine Resources Laws and Suspensions of Marine Resources Licenses ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W	ONTP	

This bill amends the marine resources licensing consent to inspection provision to allow marine patrol to place covert electronic surveillance equipment on lobster vessels for the purpose of determining if a license holder is violating any laws or rules regarding the hauling of lobster gear. It also creates a process under which the covert electronic surveillance equipment may be used, including the requirement for probable cause. It expands the violations for which a marine resources license may be administratively suspended to include the Maine Revised Statutes, Title 17-A, chapter 15, theft, chapter 31, offenses against public administration, and criminal offense against a marine patrol officer. These are already included in the list of violations for which a license may be suspended following conviction. Violations of Title 17-A, chapter 33, arson and other property destruction, are added to both license suspension provisions, administrative suspension and following conviction.

LD 1380 An Act To Implement an Owner-Operator Requirement in the Scallop and Sea Urchin Fisheries ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W	ONTP	

This bill creates an owner-operator requirement for a scallop dragging license and sea urchin dragging license. It changes from major substantive rules to routine technical rules the rules to allow entry in the scallop fishery. It specifies that the prohibition against fishing for or taking scallops from April 16th to November 30th applies only to scallop dragging. It also allows the Commissioner of Marine Resources to amend by rule the boundaries of sea urchin Zone 1 and Zone 2.

LD 1438 An Act To Improve the Aquaculture Leasing and Licensing Laws PUBLIC 159

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M	OTP-AM	H-287

This bill amends the aquaculture leasing and licensing laws. It removes the prohibition on the provision by the Department of Marine Resources of promotional and marketing assistance to the aquaculture industry. It extends the potential term of an aquaculture lease from 10 to 20 years. It changes the order of preference for lease applications to include in the second position an individual who currently holds a limited-purpose aquaculture license for the area. It provides a process by which a holder of a standard lease could seek an expansion of the lease area by up to 10% once during the duration of the lease without having to apply for a new lease. It places the licensed activities and criteria for limited-purpose aquaculture licenses in separate statutory provisions. It requires a

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limited-purpose aquaculture license holder to specify if the license is for commercial or personal use and to identify the growing area and current classification of the area. It adds consideration of any risk to public health to the criteria used in determining whether to grant a limited-purpose aquaculture license. It adds to the eligibility criteria for a limited-purpose aquaculture license the completion of any educational courses that may be required by the Commissioner of Marine Resources.

Committee Amendment "A" (H-287)

This amendment increases the amount by which the contiguous area of a research or aquaculture lease may expand during the duration of the lease term from 10%, as provided in the bill, to 25%, except that the expansion may not be greater than four acres. The amendment clarifies that a person may submit comments to the Commissioner of Marine Resources regarding an application to expand a research or aquaculture lease for at least 30 days following the publication by the commissioner of the application summary. The amendment removes the provisions of the bill that require the commissioner to deny a lease expansion if comments are received opposing the expansion and instead requires the commissioner to consider all comments but to make the decision of whether to approve the expansion based upon the same criteria as would apply to a new lease application. The amendment prohibits the transport of organisms grown under a limited-purpose aquaculture license that is designated for personal use to an area that is the subject of a limited-purpose aquaculture license that is designated for commercial use.

Enacted Law Summary

Public Law 2017, chapter 159 amends the aquaculture leasing and licensing laws. It removes the prohibition on the provision by the Department of Marine Resources of promotional and marketing assistance to the aquaculture industry. It extends the potential term of an aquaculture lease from 10 to 20 years. It changes the order of preference for lease applications to include in the second position an individual who currently holds a limited-purpose aquaculture license for the area. It provides a process by which a holder of a standard lease could seek an expansion of the lease area by up to 25% once during the duration of the lease without having to apply for a new lease, except that the expansion may not be greater than four acres. It places the licensed activities and criteria for limited-purpose aquaculture licenses in separate statutory provisions. It requires a limited-purpose aquaculture license holder to specify if the license is for commercial or personal use and to identify the growing area and current classification of the area. It adds consideration of any risk to public health to the criteria used in determining whether to grant a limited-purpose aquaculture license. It adds to the eligibility criteria for a limited-purpose aquaculture license the completion of any educational courses that may be required by the Commissioner of Marine Resources. Public Law 2017, chapter 159 prohibits the transport of organisms grown under a limited-purpose aquaculture license that is designated for personal use to an area that is the subject of a limited-purpose aquaculture license that is designated for commercial use.

LD 1454 An Act To Extend the Time for an Appeal of Limited Entry Fishing License Denial for Members of the Military

PUBLIC 161

Sponsor(s)

BATTLE K

Committee Report

OTP-AM

Amendments Adopted

H-348

This bill eliminates the time limitation after which a military waiver of license denial is no longer available for a limited entry fishing license. It also requires that if a person who is denied a Class I, II or III lobster and crab fishing license because that person does not meet the eligibility requirements due to service in the military successfully appeals that denial, that person must submit landings data for the first two years in which that person holds a license. The person must demonstrate a minimum of 50 landings days and sales of lobster to a wholesale seafood dealer or the person ceases to be eligible to obtain that fishing license.

Committee Amendment "A" (H-348)

This amendment adds language that provides for notice and the opportunity for a hearing to a person whose limited