

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

entry fishing license is revoked because the person did not provide the required landings data following a successful appeal of a denial of the license because of service in the United States Armed Forces or the United States Coast Guard.

Enacted Law Summary

Public Law 2017, chapter 161 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. Public Law 2017, chapter 161 provides for notice and the opportunity for a hearing to a person whose limited entry fishing license is revoked because the person did not provide the required landings data following a successful appeal of a denial of the license because of service in the military.

LD 1455 An Act To Fund Research on and Management and Enforcement of the ONTP
Eel and Elver Fisheries

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMMONS A	ONTP	

This bill increases the fee for an elver fishing license by \$100. The revenue from the increase is deposited in the Eel and Elver Management Fund. The bill also reinstates a lottery for elver licenses based on the number of pieces of gear that are retired in the prior calendar year. It allows the Department of Marine Resources to charge an annual fee of up to \$25 for the elver transaction card used by harvesters for electronic reporting. It also authorizes the department to sell at auction a portion of the individual quota allocations that are associated with retired licenses to existing license holders, with the revenues of the sale to be deposited in the Eel and Elver Management Fund.

LD 1502 An Act To Transfer Responsibility for Licensing of Land-based PUBLIC 94
Aquaculture from the Department of Marine Resources to the
Department of Agriculture, Conservation and Forestry

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

This bill transfers authority for the licensing of land-based aquaculture from the Department of Marine Resources to the Department of Agriculture, Conservation and Forestry.

Enacted Law Summary

Public Law 2017, chapter 94 transfers authority for the licensing of land-based aquaculture from the Department of Marine Resources to the Department of Agriculture, Conservation and Forestry.

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

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

Joint Standing Committee on Marine Resources

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.

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

LD 1520 An Act To Create an Aquaculture License

PUBLIC 296

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M	OTP-AM	H-288 S-324 HAMPER J

This bill creates an aquaculture license that exempts the holder from certain requirements in law to hold a separate license for the removal, possession, transport or sale of cultured marine organisms and authorizes the holder to remove, possess, transport or sell cultured marine organisms.

Committee Amendment "A" (H-288)

This amendment provides that the aquaculture license established in the bill expires on April 30th of each year. The amendment provides an exemption to the requirement to hold an aquaculture license for a holder of a limited-purpose aquaculture license who does not sell the organisms cultured under that license. The amendment establishes that an aquaculture license is not required in order to undertake aquaculture activities until May 1, 2018, before which date other licenses are required for those activities.

Senate Amendment "A" To Committee Amendment "A" (S-324)

This amendment reduces the amount of the fee for an aquaculture license that is deposited in the Aquaculture Management Fund from \$133 to \$74.75.

Enacted Law Summary

Public Law 2017, chapter 296 creates an aquaculture license that exempts the holder from certain requirements in law to hold a separate license for the removal, possession, transport or sale of cultured marine organisms and authorizes the holder to remove, possess, transport or sell cultured marine organisms. The aquaculture license expires on April 30th of each year and is not required in order to undertake aquaculture activities until May 1, 2018, before which date other licenses are required for those activities. Public Law 2017, chapter 296 provides an exemption to the requirement to hold an aquaculture license for a holder of a limited-purpose aquaculture license who does not sell the organisms cultured under that license. The amount of the fee for an aquaculture license that is deposited in the Aquaculture Management Fund is \$74.75.