

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> 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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**STAFF:**

CRAIG NALE, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/opla>

# STATE OF MAINE

128<sup>TH</sup> 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 128<sup>th</sup> 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 128<sup>th</sup> 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*

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

## *Joint Standing Committee on Marine Resources*

jurisdiction over marine resources matters regarding management of the northern shrimp resource and the northern shrimp fishing industry. The joint standing committee may report out legislation based upon that report.

### **Enacted Law Summary**

Public Law 2017, chapter 346 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. Public Law 2017, chapter 346 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. Public Law 2017, chapter 346 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 jurisdiction over marine resources matters regarding management of the northern shrimp resource and the northern shrimp fishing industry. The joint standing committee may report out legislation based upon that report.

<b>LD 1659</b>	<b>An Act To Amend Maine's Marine Resources Laws Regarding Certain License Fees and Surcharges That Were Amended by Recently Enacted Legislation</b>	<b>PUBLIC 320</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W	OTP	

This bill reduces the Class I lobster and crab fishing license fee for applicants under 18 years of age from \$65 to \$60; clarifies lobster license surcharge fees to avoid conflicts; fixes an error regarding resident apprentice licenses for applicants 18 years of age or older; and repeals conflicting language regarding sea urchin and scallop diving tender license surcharges to reflect current practice.

### **Enacted Law Summary**

Public Law 2017, chapter 320 reduces the Class I lobster and crab fishing license fee for applicants under 18 years of age from \$65 to \$60; clarifies lobster license surcharge fees to avoid conflicts; fixes an error regarding resident apprentice licenses for applicants 18 years of age or older; and repeals conflicting language regarding sea urchin and scallop diving tender license surcharges to reflect current practice.

<b>LD 1720</b>	<b>An Act To Increase Flexibility in the Temporary Medical Allowance for Lobster and Crab Fishing License Holders</b>	<b>PUBLIC 352</b>
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J VITELLI E	OTP-AM	H-616

This bill extends the maximum duration of a temporary medical allowance for lobster and crab fishing license holders from one year to two years.

The bill also creates a temporary terminal illness medical allowance that allows an individual to fish under the authority of the license of a Class I, Class II or Class III lobster and crab fishing license holder when the individual is a spouse or child of the license holder and has completed the lobster apprentice program and the license holder has been diagnosed with a terminal illness and harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for the temporary terminal illness medical allowance. The bill requires the license holder to be present on the vessel for at least half of the hours during which the individual is fishing under the authority of the license on which the temporary terminal illness medical allowance is based. The temporary terminal illness medical allowance may not exceed one year in duration and may be renewed up to two times.