

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON
MARINE RESOURCES**

August 2019

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STATE OF MAINE

129TH LEGISLATURE
FIRST REGULAR SESSION



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 129th 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 129th Legislature is Thursday, September 19, 2019. 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 intertidal zone within the previous five year period commits a Class E crime.

**LD 314 An Act To Simplify Apprenticeship Requirements for Student and
Apprentice Lobster and Crab Fishing License Holders**

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAULKINGHAM B DOW D	ONTP OTP-AM	

This bill requires the Commissioner of Marine Resources to allow a person with an apprentice lobster and crab fishing license or a student lobster and crab fishing license to demonstrate apprentice program completion through verified landings of at least 4,000 pounds of lobster over a period of not less than two years.

Committee Amendment "A" (H-14)

This amendment is the minority report of the committee. This amendment removes the requirement that the Commissioner of Marine Resources allow a person with an apprentice lobster and crab fishing license to demonstrate apprentice program completion through lobster landings. It clarifies that the allowance for a student lobster and crab fishing license holder applies only to a license holder who is less than 18 years of age and that landings must be confirmable, dealer-reported landings. Lastly, it specifies that 4,000 pounds of lobster must be caught over the course of 100 days at sea to be completed over two separate seasons, and not over two years, as in the bill.

This amendment was not adopted.

**LD 340 An Act To Clarify the Temporary Medical Allowance Relating to
Lobster and Crab Fishing Licenses**

PUBLIC 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J MOORE M	OTP-AM	H-70

This bill creates a temporary terminal condition 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 the child, spouse or domestic partner of the license holder and has completed the lobster apprentice program and the license holder has been diagnosed with a terminal condition and harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for the temporary terminal condition medical allowance. The bill allows the license holder to continue to fish pursuant to the license despite having been issued an allowance but permits only one person, the license holder or the designated individual, to fish under the license at any one time. The temporary terminal condition medical allowance may not exceed one year in duration and may be renewed at the discretion of the Commissioner of Marine Resources.

Committee Amendment "A" (H-70)

This amendment replaces the bill and changes the title. It clarifies that a lobster and crab fishing license holder who has a substantial illness or medical condition and has been granted a temporary medical allowance may continue to fish under the license as long as the license holder does not fish concurrently with the individual authorized to fish under the authority of that license holder through the temporary medical allowance. It adds domestic partners to the list of individuals authorized to fish under this provision. It also clarifies that the license holder is liable for the activities of the individual fishing under the temporary medical allowance whether or not the license holder is present on the vessel.

Joint Standing Committee on Marine Resources

Enacted Law Summary

Public Law 2019, chapter 68 clarifies that a lobster and crab fishing license holder who has a substantial illness or medical condition and has been granted a temporary medical allowance may continue to fish under the license as long as the license holder does not fish concurrently with the individual authorized to fish under the authority of that license holder through the temporary medical allowance. It adds domestic partners to the list of individuals authorized to fish under this provision. It also clarifies that the license holder is liable for the activities of the individual fishing under the temporary medical allowance whether or not the license holder is present on the vessel.

LD 618 **Resolve, To Temporarily Remove Nighttime Restrictions on Lobster Fishing in a Certain Area in the Bay of Fundy**

**RESOLVE 23
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MOORE M	OTP-AM ONTP	H-115

This bill allows a person who holds a lobster and crab fishing license to raise and haul lobster traps during any time of day between Labor Day and Memorial Day in an area in the Bay of Fundy encompassing approximately 210 square miles around Machias Seal Island, as long as that person is authorized to fish in that area.

Committee Amendment "A" (H-115)

This amendment is the majority report of the committee. This amendment replaces the bill with a resolve. It requires the Commissioner of Marine Resources to allow a person who holds a lobster and crab fishing license to raise and haul lobster traps during any time of the day from September 1, 2019 through October 31, 2019, in an area in the Bay of Fundy referred to as the "gray zone" that encompasses approximately 210 square miles around Machias Seal Island where there are overlapping claims of sovereignty by the United States and Canada, if that person is authorized to fish in that area. It also directs the commissioner to define this area in rule to ensure the boundaries of this area are clearly delineated. Lastly, it requires that the commissioner submit a report to the Joint Standing Committee on Marine Resources by February 1, 2020, and gives the committee the authority to report out a bill based on the report.

Enacted Law Summary

Resolve 2019, chapter 23 requires the Commissioner of Marine Resources to allow a person who holds a lobster and crab fishing license to raise and haul lobster traps during any time of the day from September 1, 2019, through October 31, 2019, in an area in the Bay of Fundy referred to as the "gray zone" that encompasses approximately 210 square miles around Machias Seal Island where there are overlapping claims of sovereignty by the United States and Canada, if that person is authorized to fish in that area. It also directs the commissioner to define this area in rule to ensure the boundaries of this area are clearly delineated. Lastly, it requires that the commissioner submit a report to the Joint Standing Committee on Marine Resources by February 1, 2020, and gives the committee the authority to report out a bill based on the report.

Resolve 2019, chapter 23 was finally passed as an emergency measure effective May 8, 2019.

LD 629 **An Act To Ensure a Seat on the Shellfish Advisory Council Is Held by a Person with a Background and Credentials in a Field of Marine Science**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J DOW D	ONTP	