

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<sup>TH</sup> 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

129<sup>TH</sup> 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 129<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 date for non-emergency legislation enacted in the First Regular Session of the 129<sup>th</sup> 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*

### 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	

**Joint Standing Committee on Marine Resources**

This bill directs the Commissioner of Marine Resources to ensure that a seat on the Shellfish Advisory Council is held by a member who has a demonstrated knowledge of a marine science and, at minimum, a bachelor's degree in a field of marine science.

**LD 675      An Act To Provide Equity in the Lobster Promotion License Surcharge      ONTP**

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

This bill amends the provisions regarding surcharges on lobster and crab fishing licenses that fund the Lobster Promotion Fund by replacing the current three-tiered structure for promotion surcharges on the three classes of lobster and crab fishing licenses with a single promotion surcharge of \$310 for all three classes of licenses.

**LD 676      An Act To Allow a Class III Lobster and Crab Fishing License Holder To Engage More Crew Members      PUBLIC 259**

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

This bill eliminates the Class I, Class II and Class III lobster and crab fishing licenses and replaces them with single and crew lobster and crab fishing licenses. It also specifies that a crew lobster and crab fishing license authorizes a license holder to engage an unlimited number of unlicensed crew members to assist in the licensed activities allowed by the crew lobster and crab fishing license.

**Committee Amendment "A" (H-287)**

This amendment replaces the title and the bill. It increases from two to four the number of unlicensed crew members a Class III lobster and crab fishing license holder may engage to assist in licensed activities.

**Enacted Law Summary**

Public Law 2019, chapter 259 increases from two to four the number of unlicensed crew members a Class III lobster and crab fishing license holder may engage to assist in licensed activities.

**LD 914      An Act To Enhance the Recruitment and Retention of Marine Patrol Sergeants      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESCHAMBAULT S TUELL W	ONTP	

This bill provides funding to increase the salaries of Marine Patrol Sergeants in the Department of Marine Resources by five percent.