

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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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.

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This amendment also adds an emergency preamble and emergency clause so that this legislation will take effect in time for a Monhegan Lobster Conservation Area student license holder to fish for lobster during the summer months.

Committee Amendment "B" (H-360)

This amendment is the minority report of the committee. This amendment strikes and replaces the title and bill.

Like the bill, this amendment allows a person with a student lobster and crab fishing license to fish for or take lobster during a closed season on fishing for or taking lobsters if that closed season occurs during an interim between school years, except this amendment limits the permission to a student license holder issued trap tags to fish only in the Monhegan Lobster Conservation Area who may fish only during the closed season in the Monhegan Lobster Conservation Area. This amendment retains the number of Monhegan Lobster Conservation Area trap tags that may be issued by the commissioner to a student license holder at 15 for a student license holder eight years of age or older and under 14 years of age and increases from 15 to 25 the number of trap tags issued to a student license holder 14 years of age or older and under 23 years of age.

This amendment also adds an emergency preamble and clause so that it will take effect in time for a Monhegan Lobster Conservation Area student license holder to fish for lobster during the summer months.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 210 allows a person with a student lobster and crab fishing license to fish for or take lobster during the closed season in the Monhegan Lobster Conservation Area if that closed season occurs during an interim between school years, and the student license holder has been issued trap tags to fish only in the Monhegan Lobster Conservation Area.

This law changes the number of Monhegan Lobster Conservation Area trap tags that may be issued by the commissioner to a student license holder from 15 to 10 for a student license holder if that person is eight years of age or older and under 11 years of age; 25 for a student license holder if that person is 11 years of age or older and under 14 years of age; and 50 for a student license holder if that person is 14 years of age or older and under 23 years of age.

Public Law 2019, chapter 210 was enacted as an emergency measure effective June 6, 2019.

LD 960

An Act To Allow Municipalities with Municipal Shellfish Conservation Ordinances To Establish Minimum and Maximum Size Limits for Shellfish That Are at Least as Strict as Those Limits Established by the State

PUBLIC 144

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J	OTP-AM	H-177

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws governing size requirements for soft-shell clams and to create a spat collection permit for soft-shell clams.

Committee Amendment "A" (H-177)

This amendment replaces the bill, which is a concept draft, and the title. It specifies that a municipality with a municipal shellfish conservation ordinance may establish minimum or maximum size limits on shellfish regulated by the ordinance as long as those limits established are no less stringent than any minimum or maximum size limit

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set in law or rule, except it requires that an ordinance must establish minimum size limits for soft-shell clams that are at least as strict as those limits established in the Maine Revised Statutes, Title 12, section 6681. Lastly, it also clarifies that enforcement of any provision adopted in any ordinance is enforceable only in the municipality in which the harvesting of the shellfish occurs.

Enacted Law Summary

Public Law 2019, chapter 144 specifies that a municipality with a municipal shellfish conservation ordinance may establish minimum or maximum size limits on shellfish regulated by the ordinance as long as those limits established are no less stringent than any minimum or maximum size limit set in law or rule, except it requires that an ordinance must establish minimum size limits for soft-shell clams that are at least as strict as those limits established in the Maine Revised Statutes, Title 12, section 6681. Lastly, it also clarifies that enforcement of any provision adopted in any ordinance is enforceable only in the municipality in which the harvesting of the shellfish occurs.

LD 961 An Act To Create the Shellfish Research Fund

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J	OTP-AM	H-376

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create a research fund for the clam fishing industry in the State.

Committee Amendment "A" (H-376)

This amendment replaces the bill which was a concept draft. It creates the Shellfish Research Fund as a nonlapsing fund administered by the Commissioner of Marine Resources for the purpose of funding shellfish research projects in the State. It provides ongoing funding of \$50,000 per fiscal year from the General Fund. It also allows the commissioner to accept and deposit into the fund any monetary gifts, donations or other contributions from public or private sources. It requires that the commissioner consult with the Shellfish Advisory Council before deciding upon research projects and awarding grants from the fund.

It also increases the membership of the Shellfish Advisory Council from 13 to 14 members. It directs the commissioner to appoint as a member of the Shellfish Advisory Council a person who has a demonstrated knowledge of a marine science and, at minimum, a bachelor's degree in a field of marine science.

This bill was reported out of committee and then carried over to any special or regular session, or both, on the Special Appropriations Table by joint order, H.P. 1322.

LD 962 An Act To Protect Shellfish in the Intertidal Zone by Including within the Definition of "Fish" the Taking of Spat and Seed

Leave to Withdraw Pursuant to Joint Rule

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

This bill adds to the definition of the verb "fish" the taking of spat and seed.