

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.

Joint Standing Committee on Marine Resources

**LD 1059 An Act To Authorize the Establishment of an Apprentice License for the
Maine Scallop Fishery**

PUBLIC 107

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCDONALD G DOW D	OTP-AM	H-114

This bill allows the Department of Marine Resources to establish by rule an apprentice program for entry into the scallop fishery that includes an apprentice license allowing an apprentice to engage in dragging for scallops under the supervision of a scallop dragging license holder. It sets the apprentice license fee at \$250 and creates a \$250 license surcharge for a scallop dragger to sponsor an apprentice. It limits participation to residents and makes 18 years of age the minimum age to participate as an apprentice. It also changes rules to implement the scallop license limited entry system from major substantive rules to routine technical rules.

Committee Amendment "A" (H-114)

This amendment specifies that license fees collected for an apprentice scallop dragging license are to be deposited into the Scallop Research Fund and it clarifies that the fund may be used for the administrative costs associated with an apprentice program for entry into the scallop fishery.

The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 107 allows the Department of Marine Resources to establish by rule an apprentice program for entry into the scallop fishery that includes an apprentice license allowing an apprentice to engage in dragging for scallops under the supervision of a scallop dragging license holder. It sets the apprentice license fee at \$250 and creates a \$250 license surcharge for a scallop dragger to sponsor an apprentice. It specifies that license fees collected for an apprentice scallop dragging license are to be deposited into the Scallop Research Fund and allows the fund to be used for the administrative costs associated with an apprentice program for entry into the scallop fishery. It limits participation to residents and makes 18 years of age the minimum age to participate as an apprentice. It also changes rules to implement the scallop license limited entry system from major substantive rules to routine technical rules.

LD 1130 An Act To Promote Equity in the Elver Aquaculture Quota

**Accepted Majority
(ONTP) Report**

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

This bill requires the Commissioner of Marine Resources to establish an elver fishing lottery if the Atlantic States Marine Fisheries Commission allocates an elver quota specifically for use in aquaculture. To be eligible to apply to the aquaculture lottery, a person must hold a valid elver fishing license. The bill requires the commissioner to allocate the quota in five pound increments to each successful lottery applicant and requires that elvers caught as a result of this lottery be sold to an aquaculture facility approved by the commissioner. Twenty-five dollars of the \$35 application fee is required to be deposited in the Eel and Elver Management Fund for a life-cycle study of the elver fishery, and \$10 of the fee may be used by the department to fund the costs of administering the lottery.

Committee Amendment "A" (H-288)

This amendment is the minority report of the committee. This amendment replaces the bill. It specifies that a

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person receiving an elver quota to be allocated specifically for use in aquaculture shall provide to the Commissioner of Marine Resources a list of elver license holders who provided that person with their elver quota. Once an elver license holder is chosen, that license holder is not eligible to provide elvers to a person allocated an elver quota to be used in aquaculture for a period of three years. A person who has any elver fishing violations in the previous six years is not eligible to provide elvers to a person who receives an elver quota to be used in aquaculture.

This amendment was not adopted.

**LD 1148 An Act Regarding the Costs Incurred by Municipalities in the
Administration of Aquaculture Lease and License Applications**

PUBLIC 112

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J VITELLI E	OTP-AM ONTP	H-123

This bill allows a municipality to charge a reasonable fee to a person granted a Department of Marine Resources aquaculture lease on or under coastal waters to pay for the municipality's administrative costs associated with the lease.

Committee Amendment "A" (H-123)

This amendment is the majority report of the committee. This amendment changes the title and replaces the bill. The amendment specifies that a municipality may not charge a person applying for an aquaculture lease or license a fee of more than \$50 for the municipality's administrative costs associated with the lease or license application.

Enacted Law Summary

Public Law 2019, chapter 112 specifies that a municipality may not charge a person applying for an aquaculture lease or license from the Department of Marine Resources a fee of more than \$50 for the municipality's administrative costs associated with the lease or license application.

**LD 1241 An Act To Improve Survival Rates of Salmon and Other Migratory Fish
Transitioning from Freshwater to Saltwater Environments**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J GRATWICK G	ONTP	

This bill requires the commissioner, in cooperation with the University of Maine, to establish a smoltification success research program to develop reliable scientific information for use in the management of pollution control efforts and pollution licensing decisions.

It requires that the program include:

1. Investigation of external influences on smoltification success and metamorphosis success of nonsalmonid anadromous species and smolt migration success;
2. Specific attention to evaluating the effects of industrial and sewage treatment plant effluent and other pollutants on the timing of smoltification; and
3. The capacity to systematically analyze the effect of a variety of chemicals found in effluents on the timing of the development of and physical health of smolts and recommendations for conservation and management options.