

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

This bill allows a municipality in its municipal shellfish conservation ordinance to establish active municipal shellfish management areas where a person licensed under the ordinance may employ and develop methods that enhance commercial production of shellfish, which include but are not limited to protective netting, traps, cages and boxes. This bill requires that:

1. Active municipal shellfish management areas do not encompass more than 10% of the intertidal zone;
2. Only a person authorized by the municipality to engage in permitted activities in an active municipal shellfish management area may harvest any marine organisms;
3. Each person authorized to engage in permitted activities in an active municipal shellfish management area is limited to engage in those activities on no more than 2 acres of the intertidal zone;
4. An active municipal shellfish management area may not be established in areas closed by the Commissioner of Marine Resources;
5. Any shellfish harvested in an active municipal shellfish management area comply with minimum size requirements;
6. An active municipal shellfish management area be clearly marked with signs that identify that it has been designated as an active municipal shellfish management area and that harvesting of marine organisms is restricted to only those persons that have been authorized by the municipality;
7. Any gear used in an active municipal shellfish management area no more than 18 inches above the sediment; and
8. A person engaged in permitted activities in an active municipal shellfish management area report any findings and landing data to the Department of Marine Resources.

This bill specifies that a person that harvests any marine organisms from an active municipal shellfish management area in a manner that is not in accordance with law or a municipal shellfish conservation ordinance commits a Class D crime and the fines that are to be applied are the same as those imposed on a person that harvested shellfish from an area closed for conservation purposes that is in current law.

LD 1420 Resolve, To Establish a Task Force To Study the Current Status and Future Sustainability of Aquaculture in the State

**Accepted Majority
(ONTP) Report**

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

This resolve establishes the Task Force to Study the Current Status and Future Sustainability of Aquaculture in the State.

The 17 members of the task force includes Legislators, organizations with an interest and experience in aquaculture, entities representing municipal interests, state agencies, entities representing commercial fisheries interests; trade association representatives; aquaculture lease and license holders; and a representative from the University of Maine.

The duties of the task force include the following:

1. A review of the report from the Governor's Task Force on the Planning and Development of Marine Aquaculture

Joint Standing Committee on Marine Resources

in Maine dated January 30, 2004;

2. An assessment of the current status of aquaculture in the State, including: the number, increase and distribution of leases and licenses; current production levels and production capacity; and environmental effects and the carrying capacity of the coastal marine environment;
3. Identifying aquaculture best practices;
4. A review of relationships with other fisheries;
5. The current economic and workforce effects;
6. Identifying future opportunities; and
7. The exploration of current and proposed community outreach and education.

The task force is required to submit an interim report no later than September 1, 2019 and a final report no later than December 11, 2019 to the Joint Standing Committee on Marine Resources and the Joint Standing Committee on Environment and Natural Resources, which may each submit legislation based on the report to the Second Regular Session of the 129th Legislature.

Committee Amendment "A" (H-356)

This amendment specifies that the Legislative Council is required to provide staffing assistance to the task force instead of requiring that the Department of Marine Resources and the Department of Environmental Protection provide the assistance as in the resolve. It also removes the requirement that the Department of Marine Resources and the Department of Environmental Protection post the interim and final reports on their publicly accessible websites.

This amendment was not adopted.

LD 1514 An Act To Improve Enforcement in the Elver Fishery

PUBLIC 163

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J	OTP-AM	H-221

This bill clarifies the laws governing the use of the elver transaction card system and the seizure of illegal elvers. It makes it explicit that any currency used in violation of a marine resources law may be taken through the libel process. It requires license revocation for an individual who sells or purchases elvers without using the transaction card system. Finally, it establishes that if the Department of Marine Resources requires inspection of elver shipments prior to export, the department may charge a fee of up to \$500 per inspection.

Committee Amendment "A" (H-221)

This amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 163 clarifies the laws governing the use of the elver transaction card system and the seizure of illegal elvers. It makes it explicit that any currency used in violation of a marine resources law may be taken through the libel process. It requires license revocation for an individual who sells or purchases elvers