

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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fishing license suspended in this State or in another state is not eligible for a nonresident lobster and crab landing permit.

7. It clarifies that a person who holds a current lobster and crab fishing license does not need to obtain a commercial green crab only license to fish for or take green crabs or possess, ship, transport or sell green crabs.

8. It exempts a person from commercial green crab licensing requirements if that person is fishing for, taking, possessing or transporting green crabs for personal use and the green crabs are taken by hand or by speargun, harpoon, minnow trap, hand dip net or hook and line.

LD 1725 An Act To Create a Minimum Age To Hold a Limited-purpose Aquaculture License

**PUBLIC 232
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E	OTP-AM	S-163

This bill sets the minimum age to hold a limited-purpose aquaculture license at 12 years of age.

Committee Amendment "A" (S-163)

This amendment adds an emergency preamble and emergency clause to the bill in order to avoid an influx of applications for limited-purpose aquaculture licenses by individuals who are under 12 years of age.

Enacted Law Summary

Public Law 2019, chapter 232 sets the minimum age to hold a limited-purpose aquaculture license at 12 years of age.

Public Law 2019, chapter 232 was enacted as an emergency measure effective June 7, 2019.

LD 1729 An Act To Create a Carrier License for Pelagic and Anadromous Fish

PUBLIC 332

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAULKINGHAM B	OTP-AM	H-457

This bill creates a new license to allow individuals to possess or transport pelagic or anadromous fish that they did not take.

Committee Amendment "A" (H-457)

This amendment specifies that fees collected for a carrier license are a source of revenue for the Pelagic and Anadromous Fisheries Fund. It specifies that Atlantic herring and Atlantic menhaden are the only species that a person may possess or transport under a carrier license without having taken the fish. Lastly, it makes the legislation effective January 1, 2020.

Enacted Law Summary

Public Law 2019, chapter 332 creates a carrier license to allow individuals to possess or transport pelagic or anadromous fish that they did not take. It specifies that Atlantic herring and Atlantic menhaden are the only species that a person may possess or transport under a carrier license without having taken the fish. It specifies that that fees collected for a carrier license are a source of revenue for the Pelagic and Anadromous Fisheries Fund. It specifies that Atlantic herring and Atlantic menhaden are the only species that a person may possess or transport under a

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carrier license without having taken the fish.

This legislation becomes effective January 1, 2020.

LD 1732 An Act To Eliminate the Scallop Drag Size Limitation in Blue Hill Bay

PUBLIC 230

<u>Sponsor(s)</u> MCDONALD G	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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This bill eliminates the drag size limitation of eight feet, six inches that is currently in place for Blue Hill Bay.

Enacted Law Summary

Public Law 2019, chapter 230 eliminates the drag size limitation of eight feet, six inches that is currently in place for Blue Hill Bay.

LD 1745 An Act Regarding the Tagging and Sale of Shellfish

PUBLIC 334

<u>Sponsor(s)</u> MCCREIGHT J	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-456
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This bill makes changes to the laws governing shellfish sales and handling to ensure compliance with the National Shellfish Sanitation Program in the protection of public health and to create additional flexibility in shellfish sales.

This bill:

1. Requires a person who holds an aquaculture license to tag that person's shellfish in accordance with Department of Marine Resources rules;
2. Expands the buying station permit to include other species of shellfish besides soft-shelled clams, including mussels, quahogs and oysters;
3. Allows aquaculture license holders to sell shellfish to an enhanced retail certificate holder in addition to a wholesale seafood license holder;
4. Requires a person who holds a land-based aquaculture license to acquire an aquaculture license to sell shellfish from the person's land-based aquaculture facility; and
5. Clarifies that a shellfish sanitation certificate issued by a jurisdiction recognized by the Interstate Shellfish Sanitation Conference allows a person to process, buy, sell, ship, transport or shuck shellfish or whole scallops.

Committee Amendment "A" (H-456)

This amendment specifies that a shellfish sanitation certificate includes one issued by the relevant regulatory authority recognized by the United States Department of Health and Human Services, Food and Drug Administration and posted on the administration's interstate certified shellfish shippers list.

Enacted Law Summary

Public Law 2019, chapter 334 makes changes to the laws governing shellfish sales and handling to ensure