

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
129<sup>TH</sup> LEGISLATURE  
FIRST SPECIAL AND SECOND REGULAR SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON  
MARINE RESOURCES**

November 2020

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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*

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 again carried over, still on the Special Appropriations Table, to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1882      An Act To Provide Noncommercial Lobster and Crab Fishing Licenses      PUBLIC 575  
and Scallop Licenses to Disabled Veterans at No Cost**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEPLER A MOORE M	OTP-AM	H-672

This bill allows a resident disabled veteran to obtain upon application, at no cost, a noncommercial lobster and crab fishing license or a noncommercial scallop license.

**Committee Amendment "A" (H-672)**

This amendment replaces the bill. It clarifies that a qualified resident disabled veteran may obtain a noncommercial lobster and crab fishing license or a noncommercial scallop license at no cost, and it adds reservists to the definition of "qualified resident disabled veteran." It also exempts a qualified resident disabled veteran from paying the scallop license surcharge that is assessed on a noncommercial scallop license.

**Enacted Law Summary**

Public Law 2019, chapter 575 allows a qualified resident disabled veteran to obtain upon application, at no cost, a noncommercial lobster and crab fishing license or a noncommercial scallop license.

**LD 1906      An Act To Amend the Laws Governing the Composition of the Shellfish      PUBLIC 600  
Advisory Council**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W	OTP-AM	H-697

This bill changes the composition of the Shellfish Advisory Council by:

1. Eliminating the requirement that three of the four members who are commercial shellfish license holders be soft-shell clam harvesters;
2. Expanding the representation from a member representing the interests of municipalities with wastewater treatment systems to a member who is a municipal official involved in pollution permitting or mitigation;
3. Changing the requirement that two members be municipal shellfish wardens to instead provide that two members must be municipal shellfish officials, including, but not limited to, a municipal shellfish conservation warden or a member of a municipal shellfish management committee;

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4. Allowing a person who is designated by the Department of Marine Resources as an authorized representative of the holder of a shellfish depuration certificate to be a member; and
5. Adding a nonvoting member who has a demonstrated knowledge of biological science and holds at least a bachelor's degree.

### **Committee Amendment "A" (H-697)**

This amendment changes the member of the Shellfish Advisory Council with a demonstrated knowledge of biological science from a nonvoting member, as proposed in the bill, to a voting member. It also requires the Commissioner of Marine Resources to make a reasonable effort to appoint as this member a person who has a minimum of five years of relevant experience.

### **Enacted Law Summary**

Public Law 2019, chapter 600 changes the composition of the Shellfish Advisory Council by:

1. Eliminating the requirement that three of the four members who are commercial shellfish license holders be soft-shell clam harvesters;
2. Expanding the representation from a member representing the interests of municipalities with wastewater treatment systems to a member who is a municipal official involved in pollution permitting or mitigation;
3. Changing the requirement that two members be municipal shellfish wardens to instead provide that two members must be municipal shellfish officials, including, but not limited to, a municipal shellfish conservation warden or a member of a municipal shellfish management committee;
4. Allowing a person who is designated by the Department of Marine Resources as an authorized representative of the holder of a shellfish depuration certificate to be a member; and
5. Adding a member who has a demonstrated knowledge of biological science. It also requires the Commissioner of Marine Resources to make a reasonable effort to appoint, as this member, a person who has a minimum of five years of relevant experience.

**LD 1922     An Act To Create a Menhaden Fishing License**

**PUBLIC 640**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCDONALD G	OTP-AM	H-723

This bill removes the authority to fish for Atlantic menhaden from the commercial pelagic and anadromous fishing license and creates a new commercial menhaden fishing license with two license categories.

### **Committee Amendment "A" (H-723)**

Like the bill, this amendment creates a menhaden fishing license system. The system set up in the amendment includes a resident commercial menhaden fishing license, a nonresident commercial menhaden fishing license and a noncommercial menhaden fishing license to begin in the 2021 licensing year. The amendment requires the Commissioner of Marine Resources to adopt routine technical rules to implement menhaden fishing license requirements and limitations.

### **Enacted Law Summary**