

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH 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

129TH 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 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

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

Joint Standing Committee on Marine Resources

Public Law 2019, chapter 640 removes the authority to fish for Atlantic menhaden from the commercial pelagic and anadromous fishing license and creates a new commercial menhaden fishing license. The system set up in the law 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. This law requires the Commissioner of Marine Resources to adopt routine technical rules to implement menhaden fishing license requirements and limitations.

LD 1925 An Act To Make Technical Changes to Maine's Marine Resources Laws

PUBLIC 642

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MIRAMANT D	OTP-AM	S-420

This bill makes technical changes to Maine's marine resources laws. It clarifies that it is the amount of quota, not the weight of elvers, sold through the elver transaction card system that is used to determine if an allocated quota has been exceeded. It clarifies that if a person holds a license in a limited entry fishery and that license has been suspended by the court, by the Department of Health and Human Services or by the Department of Administrative and Financial Services, Maine Revenue Services, the person, when the person becomes compliant, has the remainder of that calendar year and all of the following calendar year to purchase the license. It clarifies that a person who holds a wholesale seafood license with a lobster permit may remove lobster meat from the shell under either a lobster processor license or a lobster meat permit.

Committee Amendment "A" (S-420)

This amendment clarifies language related to the elver quota. Specifically, it does the following.

1. It allows the Commissioner of Marine Resources to use data collected from the elver transaction cards to determine whether the overall annual quota has been reached for federally recognized Indian tribes in the State.
2. It specifies that a person may not possess or sell elvers when that person's elver transaction card has been used to record transactions equal to or in excess of the elver quota allocation to that person.
3. It specifies that a person may not fish for or possess elvers for the remainder of the season when that person's elver transaction card has been used to record sales of elvers in an amount equal to or in excess of the elver quota allocation to that person.

Enacted Law Summary

Public Law 2019, chapter 642 makes technical changes to Maine's marine resources laws. Specifically, it:

1. Allows the Commissioner of Marine Resources to use data collected from the elver transaction cards to determine whether the overall annual quota has been reached for federally recognized Indian tribes in the State;
2. Specifies that a person may not possess or sell elvers when that person's elver transaction card has been used to record transactions equal to or in excess of the elver quota allocation to that person;
3. Specifies that a person may not fish for or possess elvers for the remainder of the season when that person's elver transaction card has been used to record sales of elvers in an amount equal to or in excess of the elver quota allocation to that person;
4. Clarifies that if a person holds a license in a limited entry fishery and that license has been suspended by the court, by the Department of Health and Human Services, by the Department of Administrative and Financial