

# 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*

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

*Joint Standing Committee on Marine Resources*

Services or 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; and

5. 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.

**LD 1930     An Act To Amend Maine's Aquaculture Leasing and Licensing Statutes**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J		

This bill amends the aquaculture leasing and licensing statutes to:

1. Provide that the Department of Environmental Protection receives notices only of those lease applications that involve activities that have a discharge;
2. Expand the reasons under which the Commissioner of Marine Resources may initiate lease revocation proceedings to include operating in a manner substantially injurious to public health or violating minimum lease standards;
3. Reduce the number of days in advance of which an individual must apply for the renewal of a lease from 90 days prior to the expiration to 30 days prior to the expiration;
4. Clarify notice requirements when a standard lease is proposed for renewal;
5. Require the fee for a lease transfer to be paid upon application for the transfer instead of at the execution of the lease;
6. Specify that a person may not apply for an expansion of a lease until the person has held that lease for a minimum of two years;
7. Move the responsibility for notifying riparian landowners of an application for a lease expansion from the applicant to the Department of Marine Resources and move the responsibility for providing public notice in the newspaper from the department to the applicant;
8. Establish the rule-making authority for the commissioner to establish fees for services provided by the department to lease holders if they request testing or studies to ensure their products are safe for human consumption;
9. Broaden the language allowing changes to leases and require the commissioner to establish a fee for making changes to a lease;
10. Remove the commissioner's rule-making authority regarding changes to limited-purpose leases;
11. Limit the ability of the holder of a limited-purpose aquaculture license to have unlicensed individuals participate in the licensed activities by requiring their direct supervision by the license holder; and
12. Raise the fee for a limited-purpose aquaculture license from \$50 to \$100 for a resident and from \$300 to \$400 for a nonresident.