

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

JOINT STANDING COMMITTEE ON MARINE RESOURCES

May 2008

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Joint Standing Committee on Marine Resources

LD 798 An Act To Standardize Inshore Dragging Seasons for Scallops and Sea Cucumbers **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	ONTP	

LD 798 changes the sea cucumber dragging season from July 1st to September 30th to April 16th to November 30th to align with the scallop season.

LD 1570 An Act To Support Commercial Groundfishing **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECTOR	ONTP	

This bill exempts diesel fuel used for the purpose of operating or propelling a commercial groundfishing boat from the sales tax. "Commercial groundfishing boat" is defined as a boat that is licensed to harvest and is used for harvesting northeast multispecies fish.

LD 1594 An Act To Amend the Laws Governing Closed Periods for the Hauling of Lobster Traps **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	ONTP	

LD 1594 changes the closed period for hauling lobster traps from June 1st through October 31st to June 1st through August 31st.

LD 1957 An Act To Restore Diadromous Fish in the St. Croix River **PUBLIC 587
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ OTP-AM MIN	S-505

LD 1957 requires the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to ensure by May 1, 2008 that fishways on the Woodland Dam and the Grand Falls Dam, both located on the St. Croix River, are configured or operated in a manner that allows the passage of alewives.

Committee Amendment "A" (S-505)

This amendment is the majority report and provides that by May 1, 2008 the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife shall ensure that only the fishway on the Woodland Dam on the St. Croix River allows the passage of alewives.

Committee Amendment "B" (S-506)

This amendment is minority report and provides that by May 1, 2008 the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife must ensure that only the fishway on the Woodland Dam on the

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St. Croix River allows the passage of alewives. It also provides that the Commissioner of Marine Resources, the Commissioner of Inland Fisheries and Wildlife and the Passamaquoddy Tribe must develop a memorandum of agreement that recognizes their joint management responsibilities within the St. Croix River as those responsibilities pertain to the coexistence of diadromous species and resident species within the watershed. The agreement must contain provisions regarding the passage of alewives over the Grand Falls Dam on the St. Croix River and requires the parties to report back to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 5, 2012.

Enacted Law Summary

Public Law 2007, chapter 587 provides that by May 1, 2008 the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife must ensure that the fishway on the Woodland Dam on the St. Croix River allows the passage of alewives.

Public Law 2007, chapter 587 was enacted as an emergency measure effective April 9, 2008.

LD 1958 An Act To Make Marine Resources Management More Responsive

PUBLIC 574

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-474

This bill changes the rules that are adopted to limit the taking of a marine organism for the purpose of protecting another marine organism from major substantive rules to routine technical rules in order to allow the Department of Marine Resources to respond more effectively to fisheries management needs.

Committee Amendment "A" (S-474)

Current law provides that a rule adopted by the Commissioner of Marine Resources that limits the taking of one marine organism to protect another marine organism is a major substantive rule. This amendment authorizes the Commissioner of Marine Resources, for biological reasons, to adopt a routine technical rule to limit the taking of one marine organism to protect another marine organism that is effective only until 90 days after the adjournment of the next regular session of the Legislature. It requires the Commissioner of Marine Resources to also submit such a rule to the Legislature as a major substantive rule. The provisions of this amendment are repealed July 31, 2012.

Enacted Law Summary

Public Law 2007, chapter 574 authorizes the Commissioner of Marine Resources, for biological reasons, to adopt a routine technical rule to limit the taking of one marine organism to protect another marine organism that is effective until 90 days after the adjournment of the next regular session of the Legislature. It requires the Commissioner of Marine Resources to also submit such a rule to the Legislature as a major substantive rule. The provisions of Public Law 2007, chapter 574 are repealed on July 31, 2012.

LD 1980 An Act To Preserve the Cobscook Bay Scallop Fishery

PUBLIC 557

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-472

This bill requires the suspension of a person's scallop fishing license if that person is convicted of 3 or more violations of the scallop fishing laws in Cobscook Bay. The bill also establishes mandatory fines and allows for the seizure of all scallops on board for violations of the scallop fishing laws in Cobscook Bay.

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Committee Amendment "A" (S-472)

This amendment conforms the prohibitions in the bill with the work of the Maine Criminal Justice Information System Policy Board to create a one-to-one relationship between each violation and a unique statutory citation.

Enacted Law Summary

Public Law 2007, chapter 557 requires the suspension of a person's scallop fishing license if that person is convicted of 3 or more violations of the scallop fishing laws in Cobscook Bay. The bill also establishes mandatory fines and allows for the seizure of all scallops on board for violations of the scallop fishing laws in Cobscook Bay.

LD 2006 **An Act To Give Municipalities Control of Mussels Located in Intertidal Zones**

PUBLIC 494

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAYE	OTP-AM	S-434

Under current law, a municipality may adopt shellfish conservation programs. This bill expands the definition of "shellfish" to include mussels.

Committee Amendment "A" (S-434)

This amendment replaces the bill and allows a municipality to specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support the municipality's shellfish conservation program. It authorizes the Commissioner of Marine Resources, with the advice of the affected municipality, to issue a permit to a person holding a mussel boat license to harvest mussels from an area designated by the municipality as a limited mussel dragging area. It provides that the commissioner must limit the number of these permits to achieve the goals of a municipality's shellfish conservation program and may place other restrictions on the permit necessary for consistency with the conservation program.

Enacted Law Summary

Public Law 2007, chapter 494 allows a municipality to specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support the municipality's shellfish conservation program. It authorizes the Commissioner of Marine Resources, with the advice of the affected municipality, to issue a permit to a person holding a mussel boat license to harvest mussels from an area designated by the municipality as a limited mussel dragging area. Public Law 2007, chapter 494 requires the commissioner to limit the number of these permits to achieve the goals of a municipality's shellfish conservation program and may place other restrictions on the permit necessary for consistency with the conservation program.

LD 2038 **An Act To Establish the Shellfish Advisory Council and To Improve the Process of Reopening Clam Flats**

**PUBLIC 606
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM MAJ OTP-AM MIN	H-741 H-947 GERZOFSKY H-954 MAZUREK

LD 2038 authorizes a municipality to contract with a private entity to conduct water sampling in an area closed by regulation to shellfish harvesting. The municipality may submit sampling results to the Commissioner of Marine Resources for consideration in determining whether or not to reopen the area to shellfish harvesting.

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Committee Amendment "A" (H-741)

This amendment is the majority report of the committee and replaces the bill with the following:

1. It establishes the Shellfish Advisory Council to advise the Commissioner of Marine Resources and the joint standing committee of the Legislature having jurisdiction over marine resources matters on matters of interest to Maine's shellfish industry, including how best to maintain the quality of coastal waters and to expedite the opening of closed shellfish flats;
2. It directs the Department of Marine Resources, working with the federal Food and Drug Administration, interested parties and the Shellfish Advisory Council, to implement the recommendations made pursuant to Resolve 2007, chapter 82;
3. It directs the Department of Marine Resources to undertake within one year 2 or more projects in which a municipality contracts with a private laboratory certified by the department to conduct water quality testing; and
4. It directs the Department of Marine Resources and the Shellfish Advisory Council to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters by February 15, 2009 on activities undertaken pursuant to the directives in this amendment.

House Amendment "B" (H-947)

This amendment delays the implementation of the review concerning additional staff to comply with the National Shellfish Sanitation Program model ordinance requirements. It requires the Department of Marine Resources to report by January 15, 2009 with a plan to implement that recommendation. The amendment also increases by 6 months the time during which the 2 or more water quality test projects must occur.

House Amendment "C" (H-954)

This amendment requires the Department of Marine Resources to report by May 1, 2009 on the progress of any water quality test project undertaken for testing by private laboratories.

Enacted Law Summary

Public Law 2007, chapter 606 does the following:

1. It establishes the Shellfish Advisory Council to advise the Commissioner of Marine Resources and the joint standing committee of the Legislature having jurisdiction over marine resources matters on matters of interest to Maine's shellfish industry, including how best to maintain the quality of coastal waters and to expedite the opening of closed shellfish flats;
2. It directs the Department of Marine Resources, working with the federal Food and Drug Administration, interested parties and the Shellfish Advisory Council, to implement the recommendations made pursuant to Resolve 2007, chapter 82, except the recommendation of the review requiring additional staff to comply with the National Shellfish Sanitation Program model ordinance requirements. The Department of Marine Resources must provide a plan to the joint standing committee of the Legislature having jurisdiction over marine resource matters to implement that recommendation by January 15, 2009;
3. It directs the Department of Marine Resources to undertake within 18 months 2 or more projects in which a municipality contracts with a private laboratory certified by the department to conduct water quality testing; and
4. It directs the Department of Marine Resources to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters by May 1, 2009 on the progress of any water quality test project undertaken for testing by private laboratories.

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Public Law 2007, chapter 606 was enacted as an emergency measure effective April 14, 2008.

LD 2039 Resolve, To Protect Public Health and Promote a Healthy Soft-shell Clam Industry

RESOLVE 222

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	H-723 S-678 ROTUNDO

This resolve directs the Department of Marine Resources to institute a system by rule for the sale of soft-shell clams at landings by holders of commercial shellfish licenses to holders of wholesale seafood licenses and holders of retail seafood licenses.

Committee Amendment "A" (H-723)

This amendment replaces the resolve and directs the Commissioner of Marine Resources to adopt rules necessary to allow the holder of a commercial shellfish license to safely sell shellstock to a wholesale seafood license holder at locations in addition to a permanent facility. The Department of Marine Resources must report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the activities related to the resolve by October 15, 2008.

Senate Amendment "A" (S-678)

This amendment amends Committee Amendment "A" by removing the appropriations and allocations section.

Enacted Law Summary

Resolve 2007, chapter 222 directs the Commissioner of Marine Resources to adopt rules necessary to allow the holder of a commercial shellfish license to safely sell shellstock to a wholesale seafood license holder at locations in addition to a permanent facility. It provides that the Department of Marine Resources must report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the activities related to the resolve by October 15, 2008.

LD 2071 An Act To Amend Maine's Scallop Laws

PUBLIC 607

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	OTP-AM	H-863 H-889 PERCY S-597 DAMON

Current law specifies that a boat must carry a scallop boat license before a person may engage in scalloping activities.

LD 2071 creates a requirement that a person hold a scallop dragging license and be present on the boat named on the license when the boat is engaged in dragging for scallops. It also restricts the issuance of scallop licenses in 2009 and thereafter to persons who had a scallop license in either the 2006 license year or the 2007 license year prior to April 15, 2007. The Commissioner of Marine Resources is required to establish a limited entry system for persons who did not possess a scallop license in the prior calendar year. This bill also increases the ring size used in the scallop fishery to 4 inches and expands the uses of the Scallop Research Fund to include the implementation of scallop management measures.

Committee Amendment "A" (H-863)

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This amendment does the following:

1. Reduces by 1/2 the daily quantity of scallops a person with a noncommercial scallop license can harvest or possess to 1 bushel of shell scallops or 2 quarts of shucked scallops;
2. Provides that the holder of an aquaculture lease is not required to hold a separate license for the removal, possession, transport or sale of scallops from the leased area or the licensed gear when the final product form is the adductor muscle only;
3. Provides for a \$40 surcharge for noncommercial scallop licenses;
4. Increases the number of people eligible to obtain a scallop fishing license in 2009 by increasing the eligibility period from those who held a scallop license between 2006 and April 15, 2007 to those who held a scallop license between 2005 and March 3, 2008;
5. Directs the Commissioner of Marine Resources to adopt rules to establish a minimum ring size of no less than 4 inches;
6. Directs the Commissioner of Marine Resources to adopt by rule the maximum size for the mouth of a drag or combination of drags used together that is no more than 5 feet, 6 inches across;
7. Directs the Scallop Advisory Council and the Department of Marine Resources to develop a comprehensive strategic plan that will rebuild Maine's scallop resource and create a sustainable scallop fishery. The council and department must report the plan, including findings, recommendations and necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 5, 2009. The joint standing committee may submit legislation to the First Regular Session of the 124th Legislature relating to the report and strategic plan; and
8. Provides that for any violation of a scallop law or rule all scallops on board may be seized and for the first offense a mandatory fine of \$500 is imposed, for the 2nd offense a mandatory fine of \$750 is imposed and for the 3rd and subsequent offenses a mandatory fine of \$750 is imposed.

House Amendment "A" (H-889)

This amendment adds a repeal date of July 1, 2012 to the new provision establishing a limited entry system for scallop licensing.

Senate Amendment "B" (S-597)

The amendment increases the number of people eligible to obtain a scallop fishing license by increasing the eligibility period from between 2005 and March 3, 2008 to between 2005 and May 1, 2008. The amendment also strikes the language that deals with drag width.

Enacted Law Summary

Public Law 2007, chapter 607 does the following:

1. Requires that a person hold a scallop dragging license and be present on the boat named on the license when the boat is engaged in dragging for scallops;
2. Restricts the issuance of scallop licenses in 2009 and thereafter to persons who had a scallop license between 2005 and May 1, 2008. This provision is repealed on July 1, 2012;
3. Reduces by 1/2 the daily quantity of scallops a person with a noncommercial scallop license can harvest or possess to 1 bushel of shell scallops or 2 quarts of shucked scallops;

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4. Provides that the holder of an aquaculture lease is not required to hold a separate license for the removal, possession, transport or sale of scallops from the leased area or the licensed gear when the final product form is the adductor muscle only;
5. Provides for a \$40 surcharge for noncommercial scallop licenses;
6. Directs the Commissioner of Marine Resources to adopt rules to establish a minimum ring size of no less than 4 inches;
7. Directs the Scallop Advisory Council and the Department of Marine Resources to develop a comprehensive strategic plan that will rebuild Maine's scallop resource and create a sustainable scallop fishery. The council and department must report the plan, including findings, recommendations and necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 5, 2009. The joint standing committee may submit legislation to the First Regular Session of the 124th Legislature relating to the report and strategic plan;
8. Provides that for any violation of a scallop law or rule all scallops on board may be seized and for the first offense a mandatory fine of \$500 is imposed, for the 2nd offense a mandatory fine of \$750 is imposed and for the 3rd and subsequent offenses a mandatory fine of \$750 is imposed; and
9. Expands the uses of the Scallop Research Fund to include the implementation of scallop management measures.

LD 2129 An Act To Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry

PUBLIC 692

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WEBSTER	OTP-AM MAJ OTP-AM MIN	H-728 H-789 PERCY S-535 DAMON

LD 2129 makes the shellfish sanitation hotline and the Department of Marine Resources' website the means by which the department notifies shellfish harvesters of the opening and closing of clam flats and not by newspaper publication.

Committee Amendment "B" (H-728)

This amendment is the minority report and replaces the bill. It removes the requirement that rules relating to the status of shellfish areas adopted by the Department of Marine Resources be published in a newspaper. Instead, the amendment requires the Department of Marine Resources to place any information concerning the opening or closing of a shellfish area on the department's shellfish sanitation hotline and on the department's publicly accessible website. It gives the Commissioner of Marine Resources the option to publish changes to shellfish areas in the newspaper in cases of emergency. It also repeals the provisions of this bill on July 31, 2009.

House Amendment "A" (H-789)

This amendment removes the language that repeals the shellfish area closure status notification. The amendment also changes the reporting date of the report to be filed by the Department of Marine Resources from January 5, 2009 to March 1, 2010.

Senate Amendment "A" (S-535)

The bill, as amended by Committee Amendment "B," eliminates the requirement that notification of rulemaking relating to the status of a shellfish area be published in a newspaper. This amendment directs that the resulting

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savings be transferred to the Shellfish Fund, which is established for the management, enforcement, restoration, development and conservation of shellfish and mussels in the intertidal zone or coastal waters, and allocates those funds for funding overtime for water quality staff and training volunteers in the water quality program.

Enacted Law Summary

Public Law 2007, chapter 692 eliminates the requirement that notification of rulemaking relating to the status of a shellfish area be published in a newspaper. Instead, Public Law 2007, chapter 692 requires the Department of Marine Resources to place any information concerning the opening or closing of a shellfish area on the department's shellfish sanitation hotline and on the department's publicly accessible website. It also directs that the resulting savings be transferred to the Shellfish Fund, which is established for the management, enforcement, restoration, development and conservation of shellfish and mussels in the intertidal zone or coastal waters, and allocates those funds for funding overtime for water quality staff and training volunteers in the water quality program.

LD 2137 An Act To Clarify the Licensing Requirements for Aquaculturists and Allow for the Appropriate Handling of Bycatch from Aquaculture Lease Sites

PUBLIC 522

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCDONOUGH	OTP-AM	H-711

LD 2137 provides that wild fish found with farmed fish in an area leased for aquaculture must be harvested and returned for appropriate disposal by the lease holder. It also provides that the holder of an aquaculture lease is not required to hold a separate license for the removal, possession, transport or sale of certain cultured organisms from the area leased for aquaculture or licensed gear. This bill establishes that commercial shellfish license holders, mussel hand-raking license holders and mussel boat license holders may use these licenses to remove, possess, transport and sell cultured shellfish they have removed from an area they lease for aquaculture.

Committee Amendment "A" (H-711)

This amendment makes technical corrections to certain statutory references in the bill.

Enacted Law Summary

Public Law 2007, chapter 522 provides that wild fish found with farmed fish in an area leased for aquaculture must be harvested and returned for appropriate disposal by the lease holder. It also provides that the holder of an aquaculture lease is not required to hold a separate license for the removal, possession, transport or sale of certain cultured organisms from the area leased for aquaculture or licensed gear. Public Law 2007, chapter 522 establishes that commercial shellfish license holders, mussel hand-raking license holders and mussel boat license holders may use these licenses to remove, possess, transport and sell cultured shellfish they have removed from an area they lease for aquaculture.

LD 2156 An Act To Amend the Laws Governing Marine Resources

PUBLIC 615

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-615

This bill makes the following changes to the laws governing marine resources:

1. Modifies the definition of "common carrier" to ensure that the intrastate transportation of marine organisms by common carrier is allowed;

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2. Provides the Commissioner of Marine Resources the authority to dispose of property as well as acquire and hold property;
3. Corrects a conflict created when Public Law 2007, chapters 176 and 240 both amended a provision of law that governs the Marine Resources Advisory Council. It corrects the conflict by incorporating the changes made by both laws;
4. Corrects a reference regarding where United States Coast Guard funding should be deposited within the Department of Marine Resources;
5. Creates the Watercraft Fund within the Department of Marine Resources;
6. Creates the Halibut Fund within the Department of Marine Resources;
7. Creates an exception to the prohibition against the possession, buying or selling of Atlantic salmon for those fish that have been legally obtained from a licensed private fee pond and are tagged in conformance with rules adopted by the Commissioner of Marine Resources;
8. Creates a mandatory suspension based on 3 or more convictions of possessing oversize sea urchins;
9. Clarifies that an individual who is under 18 years of age and living year round on an island that is not connected to the mainland by an artificial structure may not be subject to being placed on a waiting list when issued a license in a limited-entry zone;
10. Provides for a portion of the fees for Class I and Class III lobster and crab fishing licenses for applicants 70 years of age and older to be deposited in the Lobster Fund;
11. Creates an exemption to limited entry in the elver fishery to allow a person whose elver fishing license was suspended for longer than a year to purchase a license in the year after the suspension is concluded;
12. Creates an exemption to allow dead marine mammals to be brought to shore for the purpose of research with written permission of the Commissioner of Marine Resources and subject to conditions imposed by the commissioner
13. Prohibits a person from fishing for or taking mussels between sunset and sunrise;
14. Provides that half of the research surcharge on a sea urchin and scallop diving tender license is deposited into the Scallop Research Fund and half is deposited into the Sea Urchin Research Fund;
15. Creates an exemption to limited entry in the sea urchin fishery to allow a person whose urchin license was suspended for longer than a year to purchase a license in the year after the suspension is concluded
16. Clarifies that an individual with a wholesale seafood license with lobster permit may ship lobster out of state, but may only transport within the State, unless they also hold a lobster transportation permit; and
17. Adds areas covered by limited purpose leases for commercial aquaculture research and development or for scientific research, emergency aquaculture leases for shellfish relocation and the limited-purpose aquaculture license to the areas where fishing near floating equipment is prohibited.

Committee Amendment "A" (S-615)

This amendment reduces the fee for a nonresident lobster and crab landing permit from \$2,047.25 to \$500 and

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increases the surcharge on that license from \$93.75 to \$250. Money raised from the surcharge on that license goes into the Lobster Promotion Fund. It makes a technical change to the law regarding lobster fishing in the Monhegan Lobster Conservation Area. It authorizes the Commissioner of Marine Resources to grant an exception for research purposes to the law prohibiting a person from depositing a dead marine animal in the intertidal zone. This amendment limits the prohibition in the bill for harvesting mussels between sunset and sunrise to draggers and authorizes the Commissioner of Marine Resources to allow the harvest of mussels during that time in areas designated as seed mussel areas.

Enacted Law Summary

Public Law 2007, chapter 615 makes the following changes to the laws governing marine resources:

1. Modifies the definition of "common carrier" to ensure that the intrastate transportation of marine organisms by common carrier is allowed;
2. Provides the Commissioner of Marine Resources the authority to dispose of property as well as acquire and hold property;
3. Corrects a conflict created when Public Law 2007, chapters 176 and 240 both amended a provision of law that governs the Marine Resources Advisory Council. It corrects the conflict by incorporating the changes made by both laws;
4. Corrects a reference regarding where United States Coast Guard funding should be deposited within the Department of Marine Resources;
5. Creates the Watercraft Fund within the Department of Marine Resources;
6. Creates the Halibut Fund within the Department of Marine Resources;
7. Creates an exception to the prohibition against the possession, buying or selling of Atlantic salmon for those fish that have been legally obtained from a licensed private fee pond and are tagged in conformance with rules adopted by the Commissioner of Marine Resources;
8. Creates a mandatory suspension based on 3 or more convictions of possessing oversize sea urchins;
9. Clarifies that an individual who is under 18 years of age and living year round on an island that is not connected to the mainland by an artificial structure may not be subject to being placed on a waiting list when issued a license in a limited-entry zone;
10. Provides for a portion of the fees for Class I and Class III lobster and crab fishing licenses for applicants 70 years of age and older to be deposited in the Lobster Fund;
11. Creates an exemption to limited entry in the elver fishery to allow a person whose elver fishing license was suspended for longer than a year to purchase a license in the year after the suspension is concluded;
12. Authorizes the Commissioner of Marine Resources to grant an exception for research purposes to the law prohibiting a person from depositing a dead marine animal in the intertidal zone;
13. Prohibits a person from fishing for or taking mussels between sunset and sunrise except the Commissioner of Marine Resources may allow the harvest of mussels during that time in areas designated as seed mussel areas.
14. Provides that half of the research surcharge on a sea urchin and scallop diving tender license is deposited into the Scallop Research Fund and half is deposited into the Sea Urchin Research Fund;

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15. Creates an exemption to limited entry in the sea urchin fishery to allow a person whose urchin license was suspended for longer than a year to purchase a license in the year after the suspension is concluded;
16. Clarifies that an individual with a wholesale seafood license with lobster permit may ship lobster out of state, but may only transport within the State, unless they also hold a lobster transportation permit;
17. Adds areas covered by limited purpose leases for commercial aquaculture research and development or for scientific research, emergency aquaculture leases for shellfish relocation and the limited-purpose aquaculture license to the areas where fishing near floating equipment is prohibited;
18. Reduces the fee for a nonresident lobster and crab landing permit from \$2,047.25 to \$500 and increases the surcharge on that license from \$93.75 to \$250. Money raised from the surcharge on that license goes into the Lobster Promotion Fund; and
19. Makes a technical change to the law regarding lobster fishing in the Monhegan Lobster Conservation Area.

**LD 2158 Resolve, Regarding Legislative Review of Portions of Chapter
34.10(1)(B)(4)(b)(viii): Atlantic Halibut, Landings Tag, Proposed Fee, a
Major Substantive Rule of the Department of Marine Resources**

**RESOLVE 169
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-724

This resolve provides for legislative review of portions of Chapter 34.10(1)(B)(4)(b)(viii): Atlantic Halibut, Landings Tag, proposed fee, a major substantive rule of the Department of Marine Resources.

Committee Amendment "A" (H-724)

This amendment approves the final adoption of the major substantive rule regarding halibut tag fees if the rule is amended to set the tag fee at \$1 and to allow the Department of Marine Resources to increase the fee to cover increased tag, administration and mailing costs. It must also provide that a portion of the tag fee may be used to fund Atlantic halibut research.

Enacted Law Summary

Resolve 2007, chapter 169 approves the final adoption of the major substantive rule regarding halibut tag fees if the rule is amended to set the tag fee at \$1 and to allow the Department of Marine Resources to increase the fee to cover increased tag, administration and mailing costs. It also provides that the final rule must allow a portion of the tag fee be used to fund Atlantic halibut research.

Resolve 2007, chapter 169 was enacted as an emergency measure effective March 27, 2008.

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SUBJECT INDEX

Aquaculture

Enacted

LD 2137	An Act To Clarify the Licensing Requirements for Aquaculturists and Allow for the Appropriate Handling of Bycatch from Aquaculture Lease Sites	PUBLIC 522
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Clams

Enacted

LD 2038	An Act To Establish the Shellfish Advisory Council and To Improve the Process of Reopening Clam Flats	PUBLIC 606 EMERGENCY
LD 2038	An Act To Establish the Shellfish Advisory Council and To Improve the Process of Reopening Clam Flats	PUBLIC 606 EMERGENCY
LD 2039	Resolve, To Protect Public Health and Promote a Healthy Soft-shell Clam Industry	RESOLVE 222
LD 2129	An Act To Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry	PUBLIC 692

Department of Marine Resources

Enacted

LD 1958	An Act To Make Marine Resources Management More Responsive	PUBLIC 574
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Diadromous Fish

Enacted

LD 1957	An Act To Restore Diadromous Fish in the St. Croix River	PUBLIC 587 EMERGENCY
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Groundfish

Enacted

LD 2158	Resolve, Regarding Legislative Review of Portions of Chapter 34.10(1)(B)(4)(b)(viii): Atlantic Halibut, Landings Tag, Proposed Fee, a Major Substantive Rule of the Department of Marine Resources	RESOLVE 169 EMERGENCY
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Not Enacted

LD 1570 An Act To Support Commercial Groundfishing ONTP

Lobster

Not Enacted

LD 1594 An Act To Amend the Laws Governing Closed Periods for the Hauling of Lobster Traps ONTP

Miscellaneous

Enacted

LD 2156 An Act To Amend the Laws Governing Marine Resources PUBLIC 615

Mussels

Enacted

LD 2006 An Act To Give Municipalities Control of Mussels Located in Intertidal Zones PUBLIC 494

Scallops and Sea Cucumbers

Enacted

LD 1980 An Act To Preserve the Cobscook Bay Scallop Fishery PUBLIC 557

LD 2071 An Act To Amend Maine's Scallop Laws PUBLIC 607

Not Enacted

LD 798 An Act To Standardize Inshore Dragging Seasons for Scallops and Sea Cucumbers ONTP

**JOINT STANDING COMMITTEE ON
MARINE RESOURCES**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	11	78.6%	2.0%
<u><i>Bills Carried Over from previous session</i></u>	3	21.4%	0.5%
Total Bills referred	14	100.0%	2.5%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	14	100.0%	2.5%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	0	0.0%	0.0%
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	0	0.0%	0.0%
<i>Ought to Pass as Amended</i>	8	57.1%	1.5%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	3	21.4%	0.6%
Total unanimous reports	11	78.6%	2.1%
B. Divided committee reports			
<i>Two-way reports</i>	3	21.4%	0.6%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	0	0.0%	0.0%
Total divided reports	3	21.4%	0.6%
Total committee reports	14	100.0%	2.6%
III. CONFIRMATION HEARINGS	1	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	9	64.3%	1.6%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	2	14.3%	0.4%
<u><i>Constitutional Resolutions</i></u>	0	0.0%	0.0%
Total Enacted or Finally Passed	11	78.6%	2.0%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	1	100.0%	4.5%
<u>Rules not authorized by the Legislature</u>	0	0.0%	0.0%
Total number of rules reviewed	1	100.0%	4.5%
C. Bills vetoed or held by Governor			
<i>Vetoes over-ridden</i>	0	0.0%	0.0%
<i>Vetoes sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	0	0.0%	0.0%
Total	0	0.0%	0.0%

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.

Prepared by the Office of Policy and Legal Analysis
123rd Legislature, Second Regular and First Special Sessions