

STATE OF MAINE
127TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

August 2015

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Joint Standing Committee on Marine Resources

LD 98 An Act Amending the Trap Limit for the Swans Island Lobster Conservation Area

**PUBLIC 50
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY KUMIEGA	OTP-AM	S-24

This bill increases the number of traps that an individual registered to obtain Swans Island Lobster Conservation Area trap tags may place or maintain in the Swans Island Lobster Conservation Area from 550 to 600.

Committee Amendment "A" (S-24)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2015, chapter 50 increases the number of traps that an individual registered to obtain Swans Island Lobster Conservation Area trap tags may place or maintain in the Swans Island Lobster Conservation Area from 550 to 600.

Public Law 2015, chapter 50 was enacted as an emergency measure effective April 30, 2015.

LD 178 Resolve, Directing the Department of Marine Resources To Conduct an Impact Study in the St. George River Estuary

ONTP

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

This resolve directs the Department of Marine Resources to conduct an impact study in the intertidal area of the St. George River estuary in collaboration with the Georges River Regional Shellfish Management Committee and the member towns on the effects of harvesting marine worms and softshell clams in the same intertidal area in order to develop the best management practices in harvesting both species in the same area. The resolve directs the department to report its findings and any recommended legislation to the Joint Standing Committee on Marine Resources.

LD 222 An Act To Reduce Commercial Shellfish License Fees for Persons under 18 Years of Age

PUBLIC 355

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL BURNS	OTP-AM	H-33

This bill reduces a commercial shellfish license for persons under 18 years of age to \$67.

Committee Amendment "A" (H-33)

This amendment delays the effective date of the bill to May 1, 2016.

Enacted Law Summary

Public Law 2015, chapter 355 reduces a commercial shellfish license for persons under 18 years of age to \$67

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effective May 1, 2016.

**LD 255 An Act To Preserve the Integrity of Maine's Shellfish Industry by
Increasing the Penalty for Interfering with Permitted Harvest**

PUBLIC 225

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY KUMIEGA	OTP-AM	S-84

This bill increases the fine for a person who commits a civil violation of interfering with the ability of a person who holds a municipal shellfish aquaculture permit to carry out the privileges granted under the permit. The fine is changed from not less than \$100 nor more than \$500 to not less than \$500 nor more than \$2,000. The bill also clarifies that the prohibited action includes disturbing or molesting shellfish, not only the taking of shellfish.

Committee Amendment "A" (S-84)

This amendment replaces the bill. Unlike the bill, it excludes the designee of a holder of a municipal shellfish aquaculture permit from potential liability for taking, disturbing or molesting any shellfish on the permit site.

This amendment reduces the maximum penalty for a person who interferes with the ability of a permittee to carry out the privileges granted under the permit from \$2,000, as provided in the bill, to \$1,000 and provides restitution by that person to the permittee in an amount equal to twice the replacement value of any damaged equipment on the permit site.

Enacted Law Summary

Public Law 2015, chapter 225 increases the fine for a person who commits a civil violation of interfering with the ability of a person who holds a municipal shellfish aquaculture permit to carry out the privileges granted under the permit. The fine is changed from not less than \$100 nor more than \$500 to not less than \$500 nor more than \$1,000 and provides restitution by that person to the permittee in an amount equal to twice the replacement value of any damaged equipment on the permit site. The law clarifies that the prohibited action includes disturbing or molesting shellfish, not only the taking of shellfish. It excludes the designee of a holder of a municipal shellfish aquaculture permit from potential liability for taking, disturbing or molesting any shellfish on the permit site.

**LD 353 An Act To Authorize a Temporary Medical Transfer of an Elver
Individual Fishing Quota**

PUBLIC 131

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIERCE J	OTP-AM	H-63 H-133 KUMIEGA

This bill repeals provisions of law prescribing methods of elver fishing license and gear lotteries and implements a new elver fishing license lottery to be held before February 15th of each year beginning in 2016. This bill amends Maine's elver licensing laws to provide for the selection of elver gear types by elver fishermen, to be implemented via rulemaking before the 2016 elver fishing season. Additionally, this bill amends Maine's individual elver quota system to provide for transferability of individual quotas, to be implemented via rulemaking before the 2016 elver fishing season.

Committee Amendment "A" (H-63)

This amendment provides that the Commissioner of Marine Resources may authorize a temporary transfer of the elver individual fishing quota allocated to the holder of an elver fishing license to another holder of an elver fishing license. In order to be eligible to transfer quota, the transferor of the quota must have experienced a substantial

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illness or medical condition, must request the transfer in writing prior to March 1st of the fishing year and must have reported elver landings in the prior fishing year. The Commissioner of Marine Resources is authorized to adopt rules that would allow a temporary medical transfer requested after March 1st to address emergency medical conditions and must submit the rules or a written justification for not adopting rules to the Joint Standing Committee on Marine Resources by January 31, 2016.

House Amendment "A" To Committee Amendment "A" (H-133)

This amendment removes the requirement in Committee Amendment "A" that the Commissioner of Marine Resources submit the rules adopted, or a written justification for not adopting rules, that provide a method for authorizing a temporary medical transfer of the elver individual fishing quota allocated to the holder of an elver fishing license to another holder of an elver fishing license after March 1st to address emergency medical conditions to the Joint Standing Committee on Marine Resources.

Enacted Law Summary

Public Law 2015, chapter 131 provides that the Commissioner of Marine Resources may authorize a temporary transfer of the elver individual fishing quota allocated to the holder of an elver fishing license to another holder of an elver fishing license. In order to be eligible to transfer quota, the transferor of the quota must have experienced a substantial illness or medical condition, must request the transfer in writing prior to March 1st of the fishing year and must have reported elver landings in the prior fishing year.

LD 405 An Act To Support Expanded Capacity for Breeding Wild Atlantic Salmon in Downeast Rivers CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUBBELL BURNS		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to explore funding competitive grants to establish hatcheries supporting wild Atlantic salmon based on the success of and knowledge gained by the East Machias Aquatic Research Center.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 425 An Act To Prohibit False Labeling of Marine Organisms Accepted Majority (ONTP) Report

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

This bill requires clear and conspicuous labeling of a marine organism offered for sale if the marine organism is produced using genetic engineering and is labeled with the same name as its nongenetically engineered counterpart. Failure to provide the required labeling is a civil violation.

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LD 427 An Act To Address and Mitigate the Effects of Marine Debris

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN GERZOFSKY		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact measures to address and mitigate plastic pollution in the marine environment, including, but not limited to, microdebris pollution.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

LD 435 An Act To Extend the Protection of Municipal Shellfish Conservation Programs

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY	OTP-AM	S-40

This bill delays by two years the repeal of the provision of law that prohibits the harvesting of marine organisms within municipal predator control project areas, except for municipal removal of green crabs. The bill also extends by two years the municipal predator control pilot project within the Department of Marine Resources to evaluate the effectiveness of predator control strategies in increasing the survival rate of soft shell clams and marine worms.

Committee Amendment "A" (S-40)

This amendment enacts a provision of law with substantially the same language as a law that was repealed on February 28, 2015, which prohibited the harvesting of marine organisms within a municipal predator control project area, except for municipal removal of green crabs. The provision of law has a repeal date of November 1, 2016. The amendment provides that the Commissioner of Marine Resources may authorize an extension of predator control pilot projects begun by the towns of Freeport, Brunswick, Harpswell and West Bath in 2014, although the projects may continue only until November 1, 2016. The amendment requires towns with an extended predator control pilot project to report the results of the project to the Department of Marine Resources by January 31, 2017.

LD 490 An Act To Extend the Legal Hours for Harvesting Lobsters

ONTP

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

This bill extends the legal hours to harvest lobsters during the period from September 1st to October 31st.

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LD 491 An Act To Lower from 70 to 65 the Age at Which a Person May Obtain a Lobster and Crab Fishing License for a Reduced Fee ONTP

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

This bill lowers the age at which a person may obtain a lobster and crab fishing license for a reduced fee from 70 to 65 years of age.

LD 492 An Act To Expand Eligibility for Lobster and Crab Fishing Licenses for Veterans ONTP

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

This bill provides that a veteran who was honorably discharged, began military service prior to November 1, 2015, previously held a lobster or crab fishing license that was not revoked or suspended and reported lobster or crab landings to the Department of Marine Resources under that license is eligible to obtain a Class I, Class II or Class III lobster and crab fishing license.

LD 493 An Act To Create the Ocean Acidification Council CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN JOHNSON		

This bill establishes the Ocean Acidification Council to identify, study, prevent, remediate and mitigate the direct and indirect effects of coastal and ocean acidification on species that are commercially harvested and grown in the State's coastal and ocean environments. It provides for 16 council members, including two members of the Senate, three members of the House of Representatives, two representatives of an environmental or community group, three persons who fish commercially, including at least one aquaculturist, three scientists and the Commissioner of Marine Resources, the Commissioner of Environmental Protection and the Commissioner of Agriculture, Conservation and Forestry or those commissioners' designees.

The powers and duties of the council include, but are not limited to, the following:

1. Reviewing, analyzing and studying the existing scientific literature and data on coastal and ocean acidification and how it has directly or indirectly affected or may potentially affect commercially harvested and grown species along the coast of the State;
2. Identifying and monitoring the factors contributing to coastal and ocean acidification and identifying methods to mitigate acidification;
3. Working to implement the recommendations contained in the December 2014 report of the Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown Along the Maine Coast established by Resolve 2013, chapter 110;

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- 4. Advising state agencies, the Legislature, Maine's congressional delegation, the Governor and federal entities on matters of coastal and ocean acidification;
- 5. Assisting the Legislature and the Governor with pending legislation related to coastal and ocean acidification including giving testimony at a public hearing on legislation before a joint standing committee of the Legislature;
- 6. Identifying and promoting economic development opportunities afforded by ocean acidification through development and commercialization of new technologies and businesses;
- 7. Recommending or submitting legislation to the Legislature relating to coastal and ocean acidification matters; and
- 8. Holding public hearings to receive testimony and recommendations from members of the public and qualified experts on matters related to coastal and ocean acidification.

This bill also requires the council to submit an annual report to the Legislature and authorizes the council to accept funding from outside sources and contains a provision repealing the laws establishing the council December 31, 2018.

This bill was carried over over to any special or regular session of the 127th Legislature by joint order H.P. 992.

LD 563 An Act Regarding the Purchase of Trap Tags in the Lobster Fishery ONTP

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

This bill requires the Commissioner of Marine Resources to establish by rule a minimum amount of lobster or crab landings required of a Class I, Class II or Class III lobster and crab fishing license holder in order for the license holder to purchase the maximum number of trap tags available. If the license holder does not report the required amount of landings, the license holder is not eligible to purchase more than 300 trap tags in any subsequent license year.

This bill also provides that a holder of a Class I, Class II or Class III lobster and crab fishing license who has not reported any lobster or crab landings to the Department of Marine Resources during the two years prior to January 1, 2015 may not purchase more than 300 trap tags in the license year beginning in 2016.

LD 669 An Act To Create a Spat Collection License PUBLIC 199

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN LANGLEY	OTP-AM	H-218

This bill creates a new license type that authorizes the collection of spat, which are larval marine organisms.

Committee Amendment "A" (H-218)

This amendment specifies that "spat" means sea scallops or blue mussels in the post-larval stage that have gone through metamorphosis and settled on a substrate and provides that the Commissioner of Marine Resources may add additional species to this definition by rule.

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This amendment provides that an aquaculture lease or license holder is exempt from the requirement to hold a spat collection license if the species is listed on that person's lease or license and the species is commercially cultured.

This amendment clarifies that a holder of a spat collection license is not required to hold a separate license for harvesting the species identified on the spat collection license for harvesting up to the maximum size of spat of that species, as specified by rule adopted by the commissioner. This amendment reduces the fee for a spat collection license from \$143 to \$75.

This amendment establishes an effective date of January 1, 2016.

Enacted Law Summary

Public Law 2015, chapter 199 creates a spat collection license. This law specifies that "spat" means sea scallops or blue mussels in the post-larval stage that have gone through metamorphosis and settled on a substrate and provides that the Commissioner of Marine Resources may add additional species to this definition by rule.

It provides that an aquaculture lease or license holder is exempt from the requirement to hold a spat collection license if the species is listed on that person's lease or license and the species is commercially cultured.

It clarifies that a holder of a spat collection license is not required to hold a separate license for harvesting the species identified on the spat collection license for harvesting up to the maximum size of spat of that species, as specified by rule adopted by the commissioner.

It reduces the fee for a spat collection license from \$143 to \$75.

Public Law 2015, chapter 199 is effective January 1, 2016.

LD 730 An Act To Make Technical Changes to Maine's Marine Resources Laws PUBLIC 68

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER KUMIEGA	OTP-AM	S-41

This bill makes several technical and clarifying changes to Maine's marine resources laws. The bill:

1. Eliminates the requirement to record a research or aquaculture lease in the county registry of deeds;
2. Clarifies that a student lobster and crab fishing license holder may designate up to three sponsors;
3. Deletes the Kittery lobster trawl limit from statute. All other trawl limits are in department rule;
4. Clarifies that a student lobster and crab fishing license holder must declare a lobster management zone and may not fish a majority of the license holder's gear outside the declared zone;
5. Provides that the coordinates for the Swans Island Lobster Conservation Area are presented in latitude and longitude format and not Loran format;
6. Allows nonresidents who hold aquaculture leases or limited-purpose aquaculture licenses to be issued commercial shellfish licenses. Current law restricts commercial shellfish licenses to Maine residents;
7. Eliminates the limited wholesale shellfish harvester's license; and

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8. Clarifies the method for closing a municipal flat to depuration harvesting when the municipality is conducting pollution abatement activities.

Committee Amendment "A" (S-41)

This amendment strikes out a provision in the bill allowing nonresidents who hold aquaculture leases or limited-purpose aquaculture licenses to be issued commercial shellfish licenses.

Enacted Law Summary

Public Law 2015, chapter 68 makes several technical and clarifying changes to Maine's marine resources laws. The law:

1. Eliminates the requirement to record a research or aquaculture lease in the county registry of deeds;
2. Clarifies that a student lobster and crab fishing license holder may designate up to three sponsors;
3. Deletes the Kittery lobster trawl limit from statute. All other trawl limits are in department rule;
4. Clarifies that a student lobster and crab fishing license holder must declare a lobster management zone and may not fish a majority of the license holder's gear outside the declared zone;
5. Provides that the coordinates for the Swans Island Lobster Conservation Area are presented in latitude and longitude format and not Loran format;
6. Eliminates the limited wholesale shellfish harvester's license; and
7. Clarifies the method for closing a municipal flat to depuration harvesting when the municipality is conducting pollution abatement activities.

LD 800 An Act To Prevent Passage of Alewives through the Grand Falls Dam on the St. Croix River ONTP

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

This bill requires the fishway on the Grand Falls Dam located on the St. Croix River to be configured or operated to prevent passage of river herring into the lakes that form the headwaters of the river, including, but not limited to, Grand Falls Flowage, Big Lake, West Grand Lake and Spednic Lake.

LD 896 An Act To Improve Lobster Licensing Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALLEY BURNS	ONTP OTP	

This bill provides that the holder of a Class I, Class II or Class III lobster and crab fishing license may transfer the license to the buyer of the transferor's vessel and lobster and crab fishing traps if the transferee has completed the apprentice program under the Maine Revised Statutes, Title 12, section 6422.

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This bill further provides that a retired marine patrol officer is eligible for a lobster and crab fishing license with a 400 trap limit.

This bill also provides that a logbook maintained by a holder of a lobster and crab fishing license may not be inspected by the Commissioner of Marine Resources more than four times in any 10-year period.

LD 908 An Act To Promote Sustainability in the Scallop Fishing Industry ONTP

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

This bill creates a 90-pound per day, per person harvesting limit on scallops; however, this bill exempts scallops harvested through aquaculture from this limit. The bill provides that a hand fishing scallop license or scallop dragging license must be issued to an applicant who previously held a hand fishing scallop license or scallop dragging license, which had expired. The bill also imposes a maximum width of five feet, six inches for scallop drags.

LD 1016 An Act To Allow Retired Marine Patrol Officers To Obtain up to 2 Marine Fisheries Licenses ONTP

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

This bill provides that a retired marine patrol officer who applies for a Class I, Class II or Class III lobster and crab fishing license, an elver fishing license, a hand fishing scallop license, a scallop dragging license, a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license must be issued up to two of the licenses, but in no case two of the same license, if certain conditions are met. To be issued a license, the applicant must be eligible for service retirement benefits under the State Employee and Teacher Retirement Program and the issuance of the license must not result in an increase in the total number of licenses outstanding in the fishery for which the license is issued.

**LD 1027 An Act To Create an Elver Exporter's License PUBLIC 45
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA MIRAMANT	OTP-AM	H-100

This bill creates a new license for elver dealers who are exporting elvers out of the State.

Committee Amendment "A" (H-100)

This amendment eliminates the requirement that the Department of Marine Resources issue an elver dealer transaction card to the holder of an elver exporter's license and instead provides that the department must issue an electronic recording device that records the information on an elver dealer transaction card. It also adds an emergency preamble and clause to the bill.

Enacted Law Summary

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Public Law 2015, chapter 45 creates a new elver exporter's license for elver dealers who are exporting elvers out of the State. The law requires the holder of an elver exporter's license to use an electronic recording device issued by the Department of Marine Resources that records information on an elver dealer transaction card regarding sales, purchases and transportation of elvers.

Public Law 2015, chapter 45 was enacted as an emergency measure effective April 30, 2015.

**LD 1038 An Act To Amend the Emergency Rule-making Authority of the
Department of Marine Resources**

PUBLIC 80

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY KUMIEGA	OTP-AM	S-64

This bill expands the emergency rule-making authority of the Commissioner of Marine Resources to allow the Department of Marine Resources to amend rules to expand opportunity in a fishery if the amendment is in compliance with a federal or interstate fisheries management plan.

Committee Amendment "A" (S-64)

This amendment clarifies the emergency rule-making authority of the Commissioner of Marine Resources to adopt or amend rules to comply with changes to federal or interstate fisheries management plans. The amendment provides that the commissioner must follow the procedures set forth in the Maine Revised Statutes, Title 5, chapter 375 when adopting or amending emergency rules.

Enacted Law Summary

Public Law 2015, chapter 80 clarifies the emergency rule-making authority of the Commissioner of Marine Resources to adopt or amend rules to comply with changes to federal or interstate fisheries management plans. The amendment provides that the commissioner must follow the procedures set forth in the Maine Revised Statutes, Title 5, chapter 375 when adopting or amending emergency rules.

LD 1143 An Act To Promote Protection of Intertidal Rockweed Habitat

ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to enact measures to protect intertidal rockweed habitat by closing conserved lands, including, but not limited to, national parks and wildlife refuges and state parks, to commercial rockweed harvesting.

This bill further proposes to enact measures to protect intertidal rockweed habitat that would allow a landowner to close certain lands for commercial rockweed harvest at that landowner's discretion. A landowner would be permitted to close the following lands to commercial rockweed harvest: land with use restrictions arising from a recorded conservation easement; land owned by a land trust or other nongovernmental conservation organization held for conservation purposes; municipal parks; land held by a nonprofit entity with a research or educational mission, such as a coastal field station; and wildlife management areas as defined by the Maine Revised Statutes, Title 12, section 10001, subsection 74.

This bill further proposes to enact measures to protect intertidal rockweed habitat that would allow a municipality to

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close areas to commercial rockweed harvest upon approval of the majority of voters in a municipal referendum.

LD 1227 An Act To Provide for Improved Reporting of Marine Resources Landings

PUBLIC 201

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KRUGER BAKER	OTP	

This bill changes the marine resources licensing laws to facilitate the expansion of the use of the transaction card system for electronic dealer reporting that was implemented in Maine's elver fishery in 2014. Specifically, it provides that an individual who holds a dealer's license may be required to obtain equipment specified by the Department of Marine Resources in order to engage in licensed activities. Additionally, it specifies that in the sea urchin and scallop fisheries the license holder must be the individual who sells the harvested product; only the license holder will be issued a transaction card.

The bill also prohibits a holder of a wholesale seafood license from dealing in scallops without the holder's obtaining from the Commissioner of Marine Resources a scallop permit, which permits the holder to buy scallops from harvesters and to sell, process, ship or transport scallops.

Enacted Law Summary

Public Law 2015, chapter 201 changes the marine resources licensing laws to facilitate the expansion of the use of the transaction card system for electronic dealer reporting that was implemented in Maine's elver fishery in 2014. Specifically, it provides that an individual who holds a dealer's license may be required to obtain equipment specified by the Department of Marine Resources in order to engage in licensed activities. Additionally, it specifies that in the sea urchin and scallop fisheries the license holder must be the individual who sells the harvested product; only the license holder will be issued a transaction card.

The law also prohibits a holder of a wholesale seafood license from dealing in scallops without the holder's obtaining from the Commissioner of Marine Resources a scallop permit, which permits the holder to buy scallops from harvesters and to sell, process, ship or transport scallops.

LD 1233 An Act To Improve Enforcement of Maine's Marine Resources Laws

PUBLIC 172

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS KUMIEGA	OTP-AM	S-109

This bill amends the laws governing the enforcement of the marine resources laws in the following ways.

1. It specifies that notices of penalties and hearings are deemed received three days after they are mailed.
2. It authorizes the Commissioner of Marine Resources to deny the renewal of a license for an elver harvester or elver dealer who has not paid a pecuniary gain fine assessed to that harvester or dealer for buying or selling elvers in excess of that harvester's or dealer's quota.
3. It amends the consent to inspection provision to allow covert electronic surveillance by the Bureau of Marine Patrol, including allowing the bureau to place electronic surveillance equipment on lobster vessels for the purpose of determining if a lobster and crab fishing license holder is fishing over the trap limit.

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4. It imposes a time limit of up to 60 days for an administrative hearing on a license suspension to be held.
5. It changes the penalty for scrubbing egged lobsters from a one-year license suspension to license revocation.
6. It specifies that notice of failure to comply with monthly reporting requirements must be by mail or by serving the notice in hand and not by e-mail or telephone.

Committee Amendment "A" (S-109)

This amendment strikes the portion of the bill that provides authority for a marine patrol officer to use covert electronic surveillance to inspect watercraft or vehicles used in a licensed marine resources activity.

This amendment also provides authority for the Commissioner of Marine Resources to sell general merchandise to support the Bureau of Marine Patrol.

Enacted Law Summary

Public Law 2015, chapter 172 amends the laws governing the enforcement of the marine resources laws in the following ways.

1. It specifies that notices of penalties and hearings are deemed received three days after they are mailed.
2. It authorizes the Commissioner of Marine Resources to deny the renewal of a license for an elver harvester or elver dealer who has not paid a pecuniary gain fine assessed to that harvester or dealer for buying or selling elvers in excess of that harvester's or dealer's quota.
3. It imposes a time limit of up to 60 days for an administrative hearing on a license suspension to be held.
4. It changes the penalty for scrubbing egged lobsters from a one-year license suspension to license revocation.
5. It specifies that notice of failure to comply with monthly reporting requirements must be by mail or by serving the notice in hand and not by e-mail or telephone.
6. It provides authority for the Commissioner of Marine Resources to sell general merchandise to support the Bureau of Marine Patrol.

LD 1262 An Act To Authorize Tribal-state Memoranda in the Eel and Elver Fisheries

**Accepted Majority
(ONTP) Report**

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

This bill authorizes the Commissioner of Marine Resources to enter into a memorandum of agreement with the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians regarding the management of commercial fishing in the eel and elver fisheries.

This bill requires the commissioner to report the terms of a memorandum of agreement to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The committee may report out a bill to the next regular session of the Legislature after the session in which the report is received to make any necessary statutory changes in response to the agreement.

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**LD 1297 An Act To Amend Marine Resources Licensing Restrictions for
Wabanaki Tribal Members**

**Leave to Withdraw
Pursuant to Joint
Rule**

Sponsor(s)

BEAR

Committee Report

Amendments Adopted

This bill repeals existing allocations of lobster and crab fishing licenses, commercial sea urchin licenses, commercial scallop licenses and elver fishing licenses to the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs, and provides for an equal per capita distribution of those licenses among the Penobscot Nation, the Houlton Band of Maliseet Indians, the Aroostook Band of Micmacs, the Passamaquoddy Tribe at Sipayik and the Passamaquoddy Tribe at Motahkmikuk.

LD 1416 An Act Regarding Interstate Shellfish Depuration

**Accepted Majority
(ONTP) Report**

Sponsor(s)

BEAVERS

Committee Report

ONTP
OTP-AM

Amendments Adopted

This bill provides that a memorandum of agreement entered into by the Commissioner of Marine Resources regarding interstate transport of shellfish for depuration must be reciprocal among the states involved and require that the depuration occur in a facility certified for depuration by the United States Food and Drug Administration.

Committee Amendment "A" (H-286)

This amendment clarifies references in the bill to the National Shellfish Sanitation Program and facilities where depuration of shellfish may occur. The amendment also removes the requirement that a memorandum of agreement regarding interstate transport of shellfish for depuration be reciprocal among the states involved.

Joint Standing Committee on Marine Resources

SUBJECT INDEX

Alewives

Not Enacted

LD 800 An Act To Prevent Passage of Alewives through the Grand Falls Dam on the St. Croix River ONTP

Aquaculture, Shellfish and Marine Worms

Enacted

LD 222 An Act To Reduce Commercial Shellfish License Fees for Persons under 18 Years of Age PUBLIC 355

LD 255 An Act To Preserve the Integrity of Maine's Shellfish Industry by Increasing the Penalty for Interfering with Permitted Harvest PUBLIC 225

Not Enacted

LD 178 Resolve, Directing the Department of Marine Resources To Conduct an Impact Study in the St. George River Estuary ONTP

LD 435 An Act To Extend the Protection of Municipal Shellfish Conservation Programs Veto Sustained

LD 908 An Act To Promote Sustainability in the Scallop Fishing Industry ONTP

LD 1416 An Act Regarding Interstate Shellfish Depuration Majority (ONTP) Report

Elvers

Enacted

LD 353 An Act To Authorize a Temporary Medical Transfer of an Elver Individual Fishing Quota PUBLIC 131

LD 1027 An Act To Create an Elver Exporter's License PUBLIC 45 EMERGENCY

Fisheries Management

Enacted

LD 1038 An Act To Amend the Emergency Rule-making Authority of the Department of Marine Resources PUBLIC 80

LD 1227 An Act To Provide for Improved Reporting of Marine Resources Landings PUBLIC 201

Not Enacted

LD 1143 An Act To Promote Protection of Intertidal Rockweed Habitat ONTP

Licenses

Enacted

LD 669 An Act To Create a Spat Collection License PUBLIC 199

Not Enacted

LD 1016 An Act To Allow Retired Marine Patrol Officers To Obtain up to two Marine Fisheries Licenses ONTP

Lobsters and Crabs

Enacted

LD 98 An Act Amending the Trap Limit for the Swans Island Lobster Conservation Area PUBLIC 50
EMERGENCY

Not Enacted

LD 490 An Act To Extend the Legal Hours for Harvesting Lobsters ONTP

LD 491 An Act To Lower from 70 to 65 the Age at Which a Person May Obtain a Lobster and Crab Fishing License for a Reduced Fee ONTP

LD 492 An Act To Expand Eligibility for Lobster and Crab Fishing Licenses for Veterans ONTP

LD 563 An Act Regarding the Purchase of Trap Tags in the Lobster Fishery ONTP

LD 896 An Act To Improve Lobster Licensing Majority (ONTP)
Report

Marine Environment and Ocean Acidification

Not Enacted

LD 427 An Act To Address and Mitigate the Effects of Marine Debris CARRIED OVER

LD 493 An Act To Create the Ocean Acidification Council CARRIED OVER

Seafood Promotion

Not Enacted

LD 425 An Act To Prohibit False Labeling of Marine Organisms Majority (ONTP)
Report

Technical Changes

Enacted

LD 730 An Act To Make Technical Changes to Maine's Marine Resources Laws PUBLIC 68

LD 1233 An Act To Improve Enforcement of Maine's Marine Resources Laws PUBLIC 172

Threatened and Endangered Species

Not Enacted

LD 405 An Act To Support Expanded Capacity for Breeding Wild Atlantic Salmon in Downeast Rivers CARRIED OVER

Tribal Fishing

Not Enacted

LD 1262	An Act To Authorize Tribal-state Memoranda in the Eel and Elver Fisheries	Majority (ONTP) Report
LD 1297	An Act To Amend Marine Resources Licensing Restrictions for Wabanaki Tribal Members	Leave to Withdraw