

STATE OF MAINE  
129<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON  
MARINE RESOURCES**

August 2019

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*Joint Standing Committee on Marine Resources*

**LD 4 An Act To Encourage Applied Shellfish Research**

**ONTP**

Sponsor(s)

ALLEY R

Committee Report

ONTP

Amendments Adopted

This bill amends the law governing municipal shellfish conservation programs. It provides that a municipal shellfish conservation ordinance may allow a research entity to conduct applied research in conjunction with staff from the Department of Marine Resources or an approved professional entity to support a municipal shellfish conservation program. It also requires a municipality to require a research entity conducting approved research projects in the intertidal zone to issue an annual report on research findings to the Commissioner of Marine Resources by January 1st.

**LD 28 An Act Regarding Access to Lobster Licenses**

**CARRIED OVER**

Sponsor(s)

MCCREIGHT J  
MIRAMANT D

Committee Report

Amendments Adopted

This bill directs the Commissioner of Marine Resources to authorize new zone entrants for a limited-entry lobster zone who have been on a waiting list for 10 or more years and have met certain eligibility requirements. A person authorized as a new zone entrant under this bill must adhere to specific trap tag limits.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 174 An Act To Promote Youth Participation in the Maine Lobster Fishery**

**ONTP**

Sponsor(s)

MCDONALD G  
MIRAMANT D

Committee Report

ONTP

Amendments Adopted

This bill allows an unlicensed person 12 years of age or younger to assist a Class I, II or III lobster and crab fishing license holder with licensed activities.

**LD 290 An Act To Prohibit Motor Vehicle Use in the Intertidal Zone**

**ONTP**

Sponsor(s)

ZEIGLER S  
HERBIG E

Committee Report

ONTP

Amendments Adopted

This bill prohibits a person from operating a motor vehicle in the intertidal zone except to launch or retrieve a watercraft, to engage in an activity that requires the use of a motor vehicle and for which any necessary state or local permits have been obtained or if the vehicle is an authorized emergency vehicle. It specifies that a person who violates the prohibition on the operation of a motor vehicle in the intertidal zone commits a civil violation, except that a person who is adjudicated as having committed three or more civil violations for operating a motor vehicle in

***Joint Standing Committee on Marine Resources***

the intertidal zone within the previous five year period commits a Class E crime.

**LD 314      An Act To Simplify Apprenticeship Requirements for Student and  
Apprentice Lobster and Crab Fishing License Holders**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAULKINGHAM B DOW D	ONTP OTP-AM	

This bill requires the Commissioner of Marine Resources to allow a person with an apprentice lobster and crab fishing license or a student lobster and crab fishing license to demonstrate apprentice program completion through verified landings of at least 4,000 pounds of lobster over a period of not less than two years.

**Committee Amendment "A" (H-14)**

This amendment is the minority report of the committee. This amendment removes the requirement that the Commissioner of Marine Resources allow a person with an apprentice lobster and crab fishing license to demonstrate apprentice program completion through lobster landings. It clarifies that the allowance for a student lobster and crab fishing license holder applies only to a license holder who is less than 18 years of age and that landings must be confirmable, dealer-reported landings. Lastly, it specifies that 4,000 pounds of lobster must be caught over the course of 100 days at sea to be completed over two separate seasons, and not over two years, as in the bill.

This amendment was not adopted.

**LD 340      An Act To Clarify the Temporary Medical Allowance Relating to  
Lobster and Crab Fishing Licenses**

**PUBLIC 68**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J MOORE M	OTP-AM	H-70

This bill creates a temporary terminal condition medical allowance that allows an individual to fish under the authority of the license of a Class I, Class II or Class III lobster and crab fishing license holder when the individual is the child, spouse or domestic partner of the license holder and has completed the lobster apprentice program and the license holder has been diagnosed with a terminal condition and harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for the temporary terminal condition medical allowance. The bill allows the license holder to continue to fish pursuant to the license despite having been issued an allowance but permits only one person, the license holder or the designated individual, to fish under the license at any one time. The temporary terminal condition medical allowance may not exceed one year in duration and may be renewed at the discretion of the Commissioner of Marine Resources.

**Committee Amendment "A" (H-70)**

This amendment replaces the bill and changes the title. It clarifies that a lobster and crab fishing license holder who has a substantial illness or medical condition and has been granted a temporary medical allowance may continue to fish under the license as long as the license holder does not fish concurrently with the individual authorized to fish under the authority of that license holder through the temporary medical allowance. It adds domestic partners to the list of individuals authorized to fish under this provision. It also clarifies that the license holder is liable for the activities of the individual fishing under the temporary medical allowance whether or not the license holder is present on the vessel.

## *Joint Standing Committee on Marine Resources*

### Enacted Law Summary

Public Law 2019, chapter 68 clarifies that a lobster and crab fishing license holder who has a substantial illness or medical condition and has been granted a temporary medical allowance may continue to fish under the license as long as the license holder does not fish concurrently with the individual authorized to fish under the authority of that license holder through the temporary medical allowance. It adds domestic partners to the list of individuals authorized to fish under this provision. It also clarifies that the license holder is liable for the activities of the individual fishing under the temporary medical allowance whether or not the license holder is present on the vessel.

**LD 618      Resolve, To Temporarily Remove Nighttime Restrictions on Lobster  
Fishing in a Certain Area in the Bay of Fundy**

**RESOLVE 23  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUELL W MOORE M	OTP-AM ONTP	H-115

This bill allows a person who holds a lobster and crab fishing license to raise and haul lobster traps during any time of day between Labor Day and Memorial Day in an area in the Bay of Fundy encompassing approximately 210 square miles around Machias Seal Island, as long as that person is authorized to fish in that area.

#### **Committee Amendment "A" (H-115)**

This amendment is the majority report of the committee. This amendment replaces the bill with a resolve. It requires the Commissioner of Marine Resources to allow a person who holds a lobster and crab fishing license to raise and haul lobster traps during any time of the day from September 1, 2019 through October 31, 2019, in an area in the Bay of Fundy referred to as the "gray zone" that encompasses approximately 210 square miles around Machias Seal Island where there are overlapping claims of sovereignty by the United States and Canada, if that person is authorized to fish in that area. It also directs the commissioner to define this area in rule to ensure the boundaries of this area are clearly delineated. Lastly, it requires that the commissioner submit a report to the Joint Standing Committee on Marine Resources by February 1, 2020, and gives the committee the authority to report out a bill based on the report.

### Enacted Law Summary

Resolve 2019, chapter 23 requires the Commissioner of Marine Resources to allow a person who holds a lobster and crab fishing license to raise and haul lobster traps during any time of the day from September 1, 2019, through October 31, 2019, in an area in the Bay of Fundy referred to as the "gray zone" that encompasses approximately 210 square miles around Machias Seal Island where there are overlapping claims of sovereignty by the United States and Canada, if that person is authorized to fish in that area. It also directs the commissioner to define this area in rule to ensure the boundaries of this area are clearly delineated. Lastly, it requires that the commissioner submit a report to the Joint Standing Committee on Marine Resources by February 1, 2020, and gives the committee the authority to report out a bill based on the report.

Resolve 2019, chapter 23 was finally passed as an emergency measure effective May 8, 2019.

**LD 629      An Act To Ensure a Seat on the Shellfish Advisory Council Is Held by a  
Person with a Background and Credentials in a Field of Marine Science**

**ONTP**

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

***Joint Standing Committee on Marine Resources***

This bill directs the Commissioner of Marine Resources to ensure that a seat on the Shellfish Advisory Council is held by a member who has a demonstrated knowledge of a marine science and, at minimum, a bachelor's degree in a field of marine science.

**LD 675      An Act To Provide Equity in the Lobster Promotion License Surcharge      ONTP**

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

This bill amends the provisions regarding surcharges on lobster and crab fishing licenses that fund the Lobster Promotion Fund by replacing the current three-tiered structure for promotion surcharges on the three classes of lobster and crab fishing licenses with a single promotion surcharge of \$310 for all three classes of licenses.

**LD 676      An Act To Allow a Class III Lobster and Crab Fishing License Holder To Engage More Crew Members      PUBLIC 259**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAULKINGHAM B	OTP-AM	H-287

This bill eliminates the Class I, Class II and Class III lobster and crab fishing licenses and replaces them with single and crew lobster and crab fishing licenses. It also specifies that a crew lobster and crab fishing license authorizes a license holder to engage an unlimited number of unlicensed crew members to assist in the licensed activities allowed by the crew lobster and crab fishing license.

**Committee Amendment "A" (H-287)**

This amendment replaces the title and the bill. It increases from two to four the number of unlicensed crew members a Class III lobster and crab fishing license holder may engage to assist in licensed activities.

**Enacted Law Summary**

Public Law 2019, chapter 259 increases from two to four the number of unlicensed crew members a Class III lobster and crab fishing license holder may engage to assist in licensed activities.

**LD 914      An Act To Enhance the Recruitment and Retention of Marine Patrol Sergeants      ONTP**

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

This bill provides funding to increase the salaries of Marine Patrol Sergeants in the Department of Marine Resources by five percent.

**Joint Standing Committee on Marine Resources**

**LD 936      Resolve, Establishing a Commission To Study the Existing and Potential Effects of Freshwater and Marine Debris on Maine's Freshwater and Coastal Habitats and Species      CARRIED OVER**

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

This resolve establishes the Commission To Study the Effects of Freshwater and Marine Debris, which is a 13-member commission tasked with studying freshwater and marine debris and how it has affected or potentially will affect Maine's freshwater and ocean and coastal ecosystems, habitats and species. The commission must submit a report, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than December 4, 2019.

This resolve was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 941      An Act To Further Define the Monhegan Lobster Conservation Area      ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to redefine the status of the Monhegan Lobster Conservation Area.

**LD 956      An Act To Allow Student License Holders in the Monhegan Lobster Conservation Area To Fish for or Take Lobsters during a Closed Season      PUBLIC 210 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M	OTP-AM OTP-AM	H-359

This bill allows a person with a student lobster and crab fishing license to fish for or take lobsters during a closed season on fishing for or taking lobsters if that closed season occurs during an interim between school years.

**Committee Amendment "A" (H-359)**

This amendment is the majority report of the committee. This amendment strikes and replaces the title and bill.

Like the bill, this amendment allows a person with a student lobster and crab fishing license to fish for or take lobster during a closed season on fishing for or taking lobsters if that closed season occurs during an interim between school years, except this amendment limits the permission to a student license holder issued trap tags to fish only in the Monhegan Lobster Conservation Area and that student may fish only during the closed season in the Monhegan Lobster Conservation Area. This amendment changes the number of Monhegan Lobster Conservation Area trap tags that may be issued by the commissioner to a student license holder from 15 to 10 for a student license holder if that person is eight years of age or older and under 11 years of age; 25 for a student license holder if that person is 11 years of age or older and under 14 years of age; and 50 for a student license holder if that person is 14 years of age or older and under 23 years of age.

***Joint Standing Committee on Marine Resources***

This amendment also adds an emergency preamble and emergency clause so that this legislation will take effect in time for a Monhegan Lobster Conservation Area student license holder to fish for lobster during the summer months.

**Committee Amendment "B" (H-360)**

This amendment is the minority report of the committee. This amendment strikes and replaces the title and bill.

Like the bill, this amendment allows a person with a student lobster and crab fishing license to fish for or take lobster during a closed season on fishing for or taking lobsters if that closed season occurs during an interim between school years, except this amendment limits the permission to a student license holder issued trap tags to fish only in the Monhegan Lobster Conservation Area who may fish only during the closed season in the Monhegan Lobster Conservation Area. This amendment retains the number of Monhegan Lobster Conservation Area trap tags that may be issued by the commissioner to a student license holder at 15 for a student license holder eight years of age or older and under 14 years of age and increases from 15 to 25 the number of trap tags issued to a student license holder 14 years of age or older and under 23 years of age.

This amendment also adds an emergency preamble and clause so that it will take effect in time for a Monhegan Lobster Conservation Area student license holder to fish for lobster during the summer months.

This amendment was not adopted.

**Enacted Law Summary**

Public Law 2019, chapter 210 allows a person with a student lobster and crab fishing license to fish for or take lobster during the closed season in the Monhegan Lobster Conservation Area if that closed season occurs during an interim between school years, and the student license holder has been issued trap tags to fish only in the Monhegan Lobster Conservation Area.

This law changes the number of Monhegan Lobster Conservation Area trap tags that may be issued by the commissioner to a student license holder from 15 to 10 for a student license holder if that person is eight years of age or older and under 11 years of age; 25 for a student license holder if that person is 11 years of age or older and under 14 years of age; and 50 for a student license holder if that person is 14 years of age or older and under 23 years of age.

Public Law 2019, chapter 210 was enacted as an emergency measure effective June 6, 2019.

**LD 960      An Act To Allow Municipalities with Municipal Shellfish Conservation      PUBLIC 144**  
**Ordinances To Establish Minimum and Maximum Size Limits for**  
**Shellfish That Are at Least as Strict as Those Limits Established by the**  
**State**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J	OTP-AM	H-177

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to amend the laws governing size requirements for soft-shell clams and to create a spat collection permit for soft-shell clams.

**Committee Amendment "A" (H-177)**

This amendment replaces the bill, which is a concept draft, and the title. It specifies that a municipality with a municipal shellfish conservation ordinance may establish minimum or maximum size limits on shellfish regulated by the ordinance as long as those limits established are no less stringent than any minimum or maximum size limit



## *Joint Standing Committee on Marine Resources*

set in law or rule, except it requires that an ordinance must establish minimum size limits for soft-shell clams that are at least as strict as those limits established in the Maine Revised Statutes, Title 12, section 6681. Lastly, it also clarifies that enforcement of any provision adopted in any ordinance is enforceable only in the municipality in which the harvesting of the shellfish occurs.

### **Enacted Law Summary**

Public Law 2019, chapter 144 specifies that a municipality with a municipal shellfish conservation ordinance may establish minimum or maximum size limits on shellfish regulated by the ordinance as long as those limits established are no less stringent than any minimum or maximum size limit set in law or rule, except it requires that an ordinance must establish minimum size limits for soft-shell clams that are at least as strict as those limits established in the Maine Revised Statutes, Title 12, section 6681. Lastly, it also clarifies that enforcement of any provision adopted in any ordinance is enforceable only in the municipality in which the harvesting of the shellfish occurs.

### **LD 961      An Act To Create the Shellfish Research Fund**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J	OTP-AM	H-376

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to create a research fund for the clam fishing industry in the State.

### **Committee Amendment "A" (H-376)**

This amendment replaces the bill which was a concept draft. It creates the Shellfish Research Fund as a nonlapsing fund administered by the Commissioner of Marine Resources for the purpose of funding shellfish research projects in the State. It provides ongoing funding of \$50,000 per fiscal year from the General Fund. It also allows the commissioner to accept and deposit into the fund any monetary gifts, donations or other contributions from public or private sources. It requires that the commissioner consult with the Shellfish Advisory Council before deciding upon research projects and awarding grants from the fund.

It also increases the membership of the Shellfish Advisory Council from 13 to 14 members. It directs the commissioner to appoint as a member of the Shellfish Advisory Council a person who has a demonstrated knowledge of a marine science and, at minimum, a bachelor's degree in a field of marine science.

This bill was reported out of committee and then carried over to any special or regular session, or both, on the Special Appropriations Table by joint order, H.P. 1322.

### **LD 962      An Act To Protect Shellfish in the Intertidal Zone by Including within the Definition of "Fish" the Taking of Spat and Seed**

**Leave to Withdraw Pursuant to Joint Rule**

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

This bill adds to the definition of the verb "fish" the taking of spat and seed.

*Joint Standing Committee on Marine Resources*

**LD 1059 An Act To Authorize the Establishment of an Apprentice License for the  
Maine Scallop Fishery**

**PUBLIC 107**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCDONALD G DOW D	OTP-AM	H-114

This bill allows the Department of Marine Resources to establish by rule an apprentice program for entry into the scallop fishery that includes an apprentice license allowing an apprentice to engage in dragging for scallops under the supervision of a scallop dragging license holder. It sets the apprentice license fee at \$250 and creates a \$250 license surcharge for a scallop dragger to sponsor an apprentice. It limits participation to residents and makes 18 years of age the minimum age to participate as an apprentice. It also changes rules to implement the scallop license limited entry system from major substantive rules to routine technical rules.

**Committee Amendment "A" (H-114)**

This amendment specifies that license fees collected for an apprentice scallop dragging license are to be deposited into the Scallop Research Fund and it clarifies that the fund may be used for the administrative costs associated with an apprentice program for entry into the scallop fishery.

The amendment also adds an appropriations and allocations section.

**Enacted Law Summary**

Public Law 2019, chapter 107 allows the Department of Marine Resources to establish by rule an apprentice program for entry into the scallop fishery that includes an apprentice license allowing an apprentice to engage in dragging for scallops under the supervision of a scallop dragging license holder. It sets the apprentice license fee at \$250 and creates a \$250 license surcharge for a scallop dragger to sponsor an apprentice. It specifies that license fees collected for an apprentice scallop dragging license are to be deposited into the Scallop Research Fund and allows the fund to be used for the administrative costs associated with an apprentice program for entry into the scallop fishery. It limits participation to residents and makes 18 years of age the minimum age to participate as an apprentice. It also changes rules to implement the scallop license limited entry system from major substantive rules to routine technical rules.

**LD 1130 An Act To Promote Equity in the Elver Aquaculture Quota**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAULKINGHAM B	ONTP OTP-AM	

This bill requires the Commissioner of Marine Resources to establish an elver fishing lottery if the Atlantic States Marine Fisheries Commission allocates an elver quota specifically for use in aquaculture. To be eligible to apply to the aquaculture lottery, a person must hold a valid elver fishing license. The bill requires the commissioner to allocate the quota in five pound increments to each successful lottery applicant and requires that elvers caught as a result of this lottery be sold to an aquaculture facility approved by the commissioner. Twenty-five dollars of the \$35 application fee is required to be deposited in the Eel and Elver Management Fund for a life-cycle study of the elver fishery, and \$10 of the fee may be used by the department to fund the costs of administering the lottery.

**Committee Amendment "A" (H-288)**

This amendment is the minority report of the committee. This amendment replaces the bill. It specifies that a

## *Joint Standing Committee on Marine Resources*

person receiving an elver quota to be allocated specifically for use in aquaculture shall provide to the Commissioner of Marine Resources a list of elver license holders who provided that person with their elver quota. Once an elver license holder is chosen, that license holder is not eligible to provide elvers to a person allocated an elver quota to be used in aquaculture for a period of three years. A person who has any elver fishing violations in the previous six years is not eligible to provide elvers to a person who receives an elver quota to be used in aquaculture.

This amendment was not adopted.

**LD 1148      An Act Regarding the Costs Incurred by Municipalities in the  
Administration of Aquaculture Lease and License Applications**

**PUBLIC 112**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J VITELLI E	OTP-AM ONTP	H-123

This bill allows a municipality to charge a reasonable fee to a person granted a Department of Marine Resources aquaculture lease on or under coastal waters to pay for the municipality's administrative costs associated with the lease.

**Committee Amendment "A" (H-123)**

This amendment is the majority report of the committee. This amendment changes the title and replaces the bill. The amendment specifies that a municipality may not charge a person applying for an aquaculture lease or license a fee of more than \$50 for the municipality's administrative costs associated with the lease or license application.

**Enacted Law Summary**

Public Law 2019, chapter 112 specifies that a municipality may not charge a person applying for an aquaculture lease or license from the Department of Marine Resources a fee of more than \$50 for the municipality's administrative costs associated with the lease or license application.

**LD 1241      An Act To Improve Survival Rates of Salmon and Other Migratory Fish  
Transitioning from Freshwater to Saltwater Environments**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DODGE J GRATWICK G	ONTP	

This bill requires the commissioner, in cooperation with the University of Maine, to establish a smoltification success research program to develop reliable scientific information for use in the management of pollution control efforts and pollution licensing decisions.

It requires that the program include:

1. Investigation of external influences on smoltification success and metamorphosis success of nonsalmonid anadromous species and smolt migration success;
2. Specific attention to evaluating the effects of industrial and sewage treatment plant effluent and other pollutants on the timing of smoltification; and
3. The capacity to systematically analyze the effect of a variety of chemicals found in effluents on the timing of the development of and physical health of smolts and recommendations for conservation and management options.



## *Joint Standing Committee on Marine Resources*

This bill allows a municipality in its municipal shellfish conservation ordinance to establish active municipal shellfish management areas where a person licensed under the ordinance may employ and develop methods that enhance commercial production of shellfish, which include but are not limited to protective netting, traps, cages and boxes. This bill requires that:

1. Active municipal shellfish management areas do not encompass more than 10% of the intertidal zone;
2. Only a person authorized by the municipality to engage in permitted activities in an active municipal shellfish management area may harvest any marine organisms;
3. Each person authorized to engage in permitted activities in an active municipal shellfish management area is limited to engage in those activities on no more than 2 acres of the intertidal zone;
4. An active municipal shellfish management area may not be established in areas closed by the Commissioner of Marine Resources;
5. Any shellfish harvested in an active municipal shellfish management area comply with minimum size requirements;
6. An active municipal shellfish management area be clearly marked with signs that identify that it has been designated as an active municipal shellfish management area and that harvesting of marine organisms is restricted to only those persons that have been authorized by the municipality;
7. Any gear used in an active municipal shellfish management area no more than 18 inches above the sediment; and
8. A person engaged in permitted activities in an active municipal shellfish management area report any findings and landing data to the Department of Marine Resources.

This bill specifies that a person that harvests any marine organisms from an active municipal shellfish management area in a manner that is not in accordance with law or a municipal shellfish conservation ordinance commits a Class D crime and the fines that are to be applied are the same as those imposed on a person that harvested shellfish from an area closed for conservation purposes that is in current law.

**LD 1420      *Resolve, To Establish a Task Force To Study the Current Status and Future Sustainability of Aquaculture in the State***

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J VITELLI E	ONTP OTP-AM	

This resolve establishes the Task Force to Study the Current Status and Future Sustainability of Aquaculture in the State.

The 17 members of the task force includes Legislators, organizations with an interest and experience in aquaculture, entities representing municipal interests, state agencies, entities representing commercial fisheries interests; trade association representatives; aquaculture lease and license holders; and a representative from the University of Maine.

The duties of the task force include the following:

1. A review of the report from the Governor's Task Force on the Planning and Development of Marine Aquaculture

## *Joint Standing Committee on Marine Resources*

in Maine dated January 30, 2004;

2. An assessment of the current status of aquaculture in the State, including: the number, increase and distribution of leases and licenses; current production levels and production capacity; and environmental effects and the carrying capacity of the coastal marine environment;
3. Identifying aquaculture best practices;
4. A review of relationships with other fisheries;
5. The current economic and workforce effects;
6. Identifying future opportunities; and
7. The exploration of current and proposed community outreach and education.

The task force is required to submit an interim report no later than September 1, 2019 and a final report no later than December 11, 2019 to the Joint Standing Committee on Marine Resources and the Joint Standing Committee on Environment and Natural Resources, which may each submit legislation based on the report to the Second Regular Session of the 129th Legislature.

### **Committee Amendment "A" (H-356)**

This amendment specifies that the Legislative Council is required to provide staffing assistance to the task force instead of requiring that the Department of Marine Resources and the Department of Environmental Protection provide the assistance as in the resolve. It also removes the requirement that the Department of Marine Resources and the Department of Environmental Protection post the interim and final reports on their publicly accessible websites.

This amendment was not adopted.

### **LD 1514 An Act To Improve Enforcement in the Elver Fishery**

**PUBLIC 163**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J	OTP-AM	H-221

This bill clarifies the laws governing the use of the elver transaction card system and the seizure of illegal elvers. It makes it explicit that any currency used in violation of a marine resources law may be taken through the libel process. It requires license revocation for an individual who sells or purchases elvers without using the transaction card system. Finally, it establishes that if the Department of Marine Resources requires inspection of elver shipments prior to export, the department may charge a fee of up to \$500 per inspection.

### **Committee Amendment "A" (H-221)**

This amendment adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2019, chapter 163 clarifies the laws governing the use of the elver transaction card system and the seizure of illegal elvers. It makes it explicit that any currency used in violation of a marine resources law may be taken through the libel process. It requires license revocation for an individual who sells or purchases elvers

## *Joint Standing Committee on Marine Resources*

without using the transaction card system. Finally, it establishes that if the Department of Marine Resources requires inspection of elver shipments prior to export, the department may charge a fee of up to \$500 per inspection.

**LD 1552     An Act To Make Technical Changes to Maine's Marine Resources Laws**

**PUBLIC 225**

Sponsor(s)

ALLEY R

Committee Report

OTP-AM

Amendments Adopted

H-289

This bill does the following.

1. It provides that members of the Aquaculture Advisory Council are eligible for reimbursement for travel expenses.
2. It changes from 60 to 30 the number of days in a calendar year that constitute a substantial portion of a vessel's business or trade activities for the purposes of establishing the vessel's base of operations under the commercial fishing laws.
3. It eliminates the Sea Run Fisheries and Habitat Advisory Council.
4. It changes the number of members of the Marine Resources Advisory Council from 16 to 15.
5. It removes obsolete references to the former Atlantic Salmon Commission.
6. It clarifies that an individual who has had that individual's lobster fishing license or right to obtain a lobster fishing license suspended in this State or in another state is not eligible for a nonresident lobster and crab landing permit.

### **Committee Amendment "A" (H-289)**

This amendment clarifies that a person who holds a current lobster and crab fishing license does not need to obtain a commercial green crab only license to fish for or take green crabs or possess, ship, transport or sell green crabs. This amendment also exempts a person from commercial green crab licensing requirements if that person is fishing for, taking, possessing or transporting green crabs for personal use and the green crabs are taken by hand or by speargun, harpoon, minnow trap, hand dip net or hook and line.

### **Enacted Law Summary**

Public Law 2019, chapter 225 does the following.

1. It provides that members of the Aquaculture Advisory Council are eligible for reimbursement for travel expenses.
2. It changes from 60 to 30 the number of days in a calendar year that constitute a substantial portion of a vessel's business or trade activities for the purposes of establishing the vessel's base of operations under the commercial fishing laws.
3. It eliminates the Sea Run Fisheries and Habitat Advisory Council.
4. It changes the number of members of the Marine Resources Advisory Council from 16 to 15.
5. It removes obsolete references to the former Atlantic Salmon Commission.
6. It clarifies that an individual who has had that individual's lobster fishing license or right to obtain a lobster

*Joint Standing Committee on Marine Resources*

fishing license suspended in this State or in another state is not eligible for a nonresident lobster and crab landing permit.

7. It clarifies that a person who holds a current lobster and crab fishing license does not need to obtain a commercial green crab only license to fish for or take green crabs or possess, ship, transport or sell green crabs.

8. It exempts a person from commercial green crab licensing requirements if that person is fishing for, taking, possessing or transporting green crabs for personal use and the green crabs are taken by hand or by speargun, harpoon, minnow trap, hand dip net or hook and line.

**LD 1725 An Act To Create a Minimum Age To Hold a Limited-purpose Aquaculture License**

**PUBLIC 232  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E	OTP-AM	S-163

This bill sets the minimum age to hold a limited-purpose aquaculture license at 12 years of age.

**Committee Amendment "A" (S-163)**

This amendment adds an emergency preamble and emergency clause to the bill in order to avoid an influx of applications for limited-purpose aquaculture licenses by individuals who are under 12 years of age.

**Enacted Law Summary**

Public Law 2019, chapter 232 sets the minimum age to hold a limited-purpose aquaculture license at 12 years of age.

Public Law 2019, chapter 232 was enacted as an emergency measure effective June 7, 2019.

**LD 1729 An Act To Create a Carrier License for Pelagic and Anadromous Fish**

**PUBLIC 332**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAULKINGHAM B	OTP-AM	H-457

This bill creates a new license to allow individuals to possess or transport pelagic or anadromous fish that they did not take.

**Committee Amendment "A" (H-457)**

This amendment specifies that fees collected for a carrier license are a source of revenue for the Pelagic and Anadromous Fisheries Fund. It specifies that Atlantic herring and Atlantic menhaden are the only species that a person may possess or transport under a carrier license without having taken the fish. Lastly, it makes the legislation effective January 1, 2020.

**Enacted Law Summary**

Public Law 2019, chapter 332 creates a carrier license to allow individuals to possess or transport pelagic or anadromous fish that they did not take. It specifies that Atlantic herring and Atlantic menhaden are the only species that a person may possess or transport under a carrier license without having taken the fish. It specifies that that fees collected for a carrier license are a source of revenue for the Pelagic and Anadromous Fisheries Fund. It specifies that Atlantic herring and Atlantic menhaden are the only species that a person may possess or transport under a



*Joint Standing Committee on Marine Resources*

carrier license without having taken the fish.

This legislation becomes effective January 1, 2020.

**LD 1732 An Act To Eliminate the Scallop Drag Size Limitation in Blue Hill Bay**

**PUBLIC 230**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCDONALD G	OTP	

This bill eliminates the drag size limitation of eight feet, six inches that is currently in place for Blue Hill Bay.

**Enacted Law Summary**

Public Law 2019, chapter 230 eliminates the drag size limitation of eight feet, six inches that is currently in place for Blue Hill Bay.

**LD 1745 An Act Regarding the Tagging and Sale of Shellfish**

**PUBLIC 334**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J	OTP-AM	H-456

This bill makes changes to the laws governing shellfish sales and handling to ensure compliance with the National Shellfish Sanitation Program in the protection of public health and to create additional flexibility in shellfish sales.

This bill:

1. Requires a person who holds an aquaculture license to tag that person's shellfish in accordance with Department of Marine Resources rules;
2. Expands the buying station permit to include other species of shellfish besides soft-shelled clams, including mussels, quahogs and oysters;
3. Allows aquaculture license holders to sell shellfish to an enhanced retail certificate holder in addition to a wholesale seafood license holder;
4. Requires a person who holds a land-based aquaculture license to acquire an aquaculture license to sell shellfish from the person's land-based aquaculture facility; and
5. Clarifies that a shellfish sanitation certificate issued by a jurisdiction recognized by the Interstate Shellfish Sanitation Conference allows a person to process, buy, sell, ship, transport or shuck shellfish or whole scallops.

**Committee Amendment "A" (H-456)**

This amendment specifies that a shellfish sanitation certificate includes one issued by the relevant regulatory authority recognized by the United States Department of Health and Human Services, Food and Drug Administration and posted on the administration's interstate certified shellfish shippers list.

**Enacted Law Summary**

Public Law 2019, chapter 334 makes changes to the laws governing shellfish sales and handling to ensure

## *Joint Standing Committee on Marine Resources*

compliance with the National Shellfish Sanitation Program in the protection of public health and to create additional flexibility in shellfish sales. This law:

1. Requires a person who holds an aquaculture license to tag that person's shellfish in accordance with Department of Marine Resources rules;
2. Expands the buying station permit to include other species of shellfish besides soft-shelled clams, including mussels, quahogs and oysters;
3. Allows aquaculture license holders to sell shellfish to an enhanced retail certificate holder in addition to a wholesale seafood license holder;
4. Requires a person who holds a land-based aquaculture license to acquire an aquaculture license to sell shellfish from the person's land-based aquaculture facility; and
5. Clarifies that a shellfish sanitation certificate issued by by the relevant regulatory authority recognized by the United States Department of Health and Human Services, Food and Drug Administration and posted on the administration's interstate certified shellfish shippers list allows a person to process, buy, sell, ship, transport or shuck shellfish or whole scallops.

**LD 1763     An Act To Transfer Responsibility for Licensing of Land-based  
Aquaculture from the Department of Agriculture, Conservation and  
Forestry to the Department of Marine Resources**

**PUBLIC 310  
EMERGENCY**

Sponsor(s)

VITELLI E

Committee Report

OTP

Amendments Adopted

This bill transfers authority for the licensing of land-based aquaculture from the Department of Agriculture, Conservation and Forestry to the Department of Marine Resources.

### **Enacted Law Summary**

Public Law 2019, chapter 310 transfers authority for the licensing of land-based aquaculture from the Department of Agriculture, Conservation and Forestry to the Department of Marine Resources.

Public Law 2019, chapter 310 was enacted as an emergency measure effective June 17, 2019.

*Joint Standing Committee on Marine Resources*

**SUBJECT INDEX**

***Aquaculture***

**Enacted**

<b>LD 1148</b>	<b>An Act Regarding the Costs Incurred by Municipalities in the Administration of Aquaculture Lease and License Applications</b>	<b>PUBLIC 112</b>
<b>LD 1725</b>	<b>An Act To Create a Minimum Age To Hold a Limited-purpose Aquaculture License</b>	<b>PUBLIC 232 EMERGENCY</b>
<b>LD 1763</b>	<b>An Act To Transfer Responsibility for Licensing of Land-based Aquaculture from the Department of Agriculture, Conservation and Forestry to the Department of Marine Resources</b>	<b>PUBLIC 310 EMERGENCY</b>

**Not Enacted**

<b>LD 1420</b>	<b>Resolve, To Establish a Task Force To Study the Current Status and Future Sustainability of Aquaculture in the State</b>	<b>Majority (ONTP) Report</b>
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***Department of Marine Resources***

**Enacted**

<b>LD 1552</b>	<b>An Act To Make Technical Changes to Maine's Marine Resources Laws</b>	<b>PUBLIC 225</b>
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**Not Enacted**

<b>LD 914</b>	<b>An Act To Enhance the Recruitment and Retention of Marine Patrol Sergeants</b>	<b>ONTP</b>
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***Finfish, Elvers and Herring***

**Enacted**

<b>LD 1514</b>	<b>An Act To Improve Enforcement in the Elver Fishery</b>	<b>PUBLIC 163</b>
<b>LD 1729</b>	<b>An Act To Create a Carrier License for Pelagic and Anadromous Fish</b>	<b>PUBLIC 332</b>

**Not Enacted**

<b>LD 1130</b>	<b>An Act To Promote Equity in the Elver Aquaculture Quota</b>	<b>Majority (ONTP) Report</b>
<b>LD 1241</b>	<b>An Act To Improve Survival Rates of Salmon and Other Migratory Fish Transitioning from Freshwater to Saltwater Environments</b>	<b>ONTP</b>

**Intertidal Activities**

**Not Enacted**

<b>LD 290</b>	<b>An Act To Prohibit Motor Vehicle Use in the Intertidal Zone</b>	<b>ONTP</b>
<b>LD 962</b>	<b>An Act To Protect Shellfish in the Intertidal Zone by Including within the Definition of “Fish” the Taking of Spat and Seed</b>	<b>Leave to Withdraw Pursuant to Joint Rule 310</b>
<b>LD 1285</b>	<b>An Act To Establish Criteria for a Permit To Conduct Research in the Intertidal Zone</b>	<b>ONTP</b>

**Lobsters and Crabs**

**Enacted**

<b>LD 340</b>	<b>An Act To Clarify the Temporary Medical Allowance Relating to Lobster and Crab Fishing Licenses</b>	<b>PUBLIC 68</b>
<b>LD 618</b>	<b>Resolve, To Temporarily Remove Nighttime Restrictions on Lobster Fishing in a Certain Area in the Bay of Fundy</b>	<b>RESOLVE 23 EMERGENCY</b>
<b>LD 676</b>	<b>An Act To Allow a Class III Lobster and Crab Fishing License Holder To Engage More Crew Members</b>	<b>PUBLIC 259</b>
<b>LD 956</b>	<b>An Act To Allow Student License Holders in the Monhegan Lobster Conservation Area To Fish for or Take Lobsters during a Closed Season</b>	<b>PUBLIC 210 EMERGENCY</b>

**Not Enacted**

<b>LD 28</b>	<b>An Act Regarding Access to Lobster Licenses</b>	<b>CARRIED OVER</b>
<b>LD 174</b>	<b>An Act To Promote Youth Participation in the Maine Lobster Fishery</b>	<b>ONTP</b>
<b>LD 314</b>	<b>An Act To Simplify Apprenticeship Requirements for Student and Apprentice Lobster and Crab Fishing License Holders</b>	<b>Majority (ONTP) Report</b>

LD 675 An Act To Provide Equity in the Lobster Promotion License Surcharge ONTP

LD 941 An Act To Further Define the Monhegan Lobster Conservation Area ONTP

### **Marine Environment**

#### **Not Enacted**

LD 936 Resolve, Establishing a Commission To Study the Existing and Potential Effects of Freshwater and Marine Debris on Maine's Freshwater and Coastal Habitats and Species CARRIED OVER

LD 1284 An Act To Create the Science and Policy Advisory Council on the Impact of Climate Change on Maine's Marine Species ONTP

LD 1286 An Act To Allow the Deposition of Oyster Shell Cultch To Ameliorate Ocean and Coastal Acidification ONTP

### **Scallops**

#### **Enacted**

LD 1059 An Act To Authorize the Establishment of an Apprentice License for the Maine Scallop Fishery PUBLIC 107

LD 1732 An Act To Eliminate the Scallop Drag Size Limitation in Blue Hill Bay PUBLIC 230

### **Shellfish**

#### **Enacted**

LD 960 An Act To Allow Municipalities with Municipal Shellfish Conservation Ordinances To Establish Minimum and Maximum Size Limits for Shellfish That Are at Least as Strict as Those Limits Established by the State PUBLIC 144

LD 1745 An Act Regarding the Tagging and Sale of Shellfish PUBLIC 334

#### **Not Enacted**

LD 629 An Act To Ensure a Seat on the Shellfish Advisory Council Is Held by a Person with a Background and Credentials in a Field of Marine Science ONTP

LD 1419 An Act To Improve Commercial Production of Shellfish by Allowing Municipalities To Establish Active Municipal Shellfish Management Areas ONTP

**Shellfish Research**

**Enacted**

**LD 4      An Act To Encourage Applied Shellfish Research**

**ONTP**

**LD 961      An Act To Create the Shellfish Research Fund**

**CARRIED OVER**