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Date: (Filing No. H-)

MARINE RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1422, L.D. 1916, “An Act To Create a Legal Defense Fund for the Maine Lobster Industry”

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 12 MRSA §6455-A, sub-§11, as enacted by PL 2021, c. 491, §2, is amended by amending the 3rd blocked paragraph to read:

The Except as provided in chapter 619, subchapter 7, the Treasurer of State shall hold all surcharges assessed by this subsection in the fund and invest all money in the fund until disbursed to the collaborative upon request of the collaborative. Interest from investments accrues to the fund.

Sec. 2. 12 MRSA c. 619, sub-c. 7 is enacted to read:

SUBCHAPTER 7

LOBSTER LEGAL DEFENSE FUND

§6491. Lobster Legal Defense Fund established

The Lobster Legal Defense Fund, referred to in this subchapter as "the fund," is established as a nonlapsing account within the department to support the State's lobster industry in accordance with this subchapter. The fund includes amounts appropriated by the Legislature for purposes of this subchapter and 20% of the license surcharges assessed by the department pursuant to section 6455-A, subsection 11, deposited into the fund by the department.

§6492. Use of fund

Until June 30, 2024, the fund must be distributed on an annual basis as follows:

COMMITTEE AMENDMENT

1 1. Department. To the department, an amount sufficient to reimburse the department
2 for costs incurred in administering the fund during the preceding 12-month period;

3 2. Association. To a designated statewide association representing individuals
4 engaged in commercial lobster fishing, up to 1/2 of the balance remaining after allocation
5 to the department under subsection 1 to reimburse the association for legal costs incurred
6 in legal proceedings involving the regulations of the United States Department of
7 Commerce, National Oceanic and Atmospheric Administration implementing the Atlantic
8 Large Whale Take Reduction Plan for which the association submits invoices to the
9 department detailing legal costs incurred and paid; and

10 3. Labor union. To a labor union representing individuals engaged in commercial
11 lobster fishing in the State, up to 1/2 of the balance remaining after allocation to the
12 department under subsection 1 to reimburse the union for legal costs incurred in legal
13 proceedings involving the regulations as set out in subsection 2 for which the union submits
14 invoices to the department detailing legal costs incurred and paid.

15 The department shall distribute money from the fund according to this section. The
16 department may adopt policies governing the distribution of money from the fund.

17 **§6493. Distribution of funds after June 30, 2024**

18 The department shall distribute money in the fund on June 30, 2024 as set out in this
19 section.

20 1. Lobster Promotion Fund. An amount up to the amount of the license surcharges
21 placed in the fund pursuant to section 6491 must be deposited into the Lobster Promotion
22 Fund established in section 6455-A, subsection 10.

23 2. Department. Any balance remaining after the deposit under subsection 1 must be
24 credited to the department.

25 **§6494. Repeal**

26 This subchapter is repealed October 1, 2024.

27 **Sec. 3. Report.** The Department of Marine Resources shall report to the joint
28 standing committee of the Legislature having jurisdiction over marine resources matters by
29 February 15, 2024. The report must provide details on disbursements made from the
30 Lobster Legal Defense Fund established in the Maine Revised Statutes, Title 12, section
31 6491. The committee may report out a bill relating to the contents of the report during the
32 Second Regular Session of the 131st Legislature.

33 **Sec. 4. Appropriations and allocations.** The following appropriations and
34 allocations are made.

35 **MAINE LOBSTER MARKETING COLLABORATIVE**

36 **Lobster Promotion Fund 0701**

37 Initiative: Deallocates funding because of a reduction in revenue from the license
38 surcharge.

39	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
40	All Other	\$0	(\$380,000)
41		_____	_____

1	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$380,000)
2			
3	MAINE LOBSTER MARKETING		
4	COLLABORATIVE		
5	DEPARTMENT TOTALS	2021-22	2022-23
6			
7	OTHER SPECIAL REVENUE FUNDS	\$0	(\$380,000)
8			
9	DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$380,000)
10	MARINE RESOURCES, DEPARTMENT OF		
11	Lobster Legal Defense Fund N946		
12	Initiative: Provides ongoing allocations to support the State's lobster industry by		
13	reimbursing a statewide association of individuals engaged in commercial lobster fishing		
14	and the labor union representing individuals engaged in commercial lobster fishing in the		
15	State for legal costs incurred and paid in legal proceedings involving the regulations of the		
16	United States Department of Commerce, National Oceanic and Atmospheric		
17	Administration implementing the Atlantic Large Whale Take Reduction Plan.		
18	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
19	All Other	\$0	\$380,000
20			
21	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$380,000
22	Lobster Legal Defense Fund N946		
23	Initiative: Provides ongoing appropriations to support the State's lobster industry by		
24	reimbursing a statewide association of individuals engaged in commercial lobster fishing		
25	and the labor union representing individuals engaged in commercial lobster fishing in the		
26	State for legal costs incurred and paid in legal proceedings involving the regulations of the		
27	United States Department of Commerce, National Oceanic and Atmospheric		
28	Administration implementing the Atlantic Large Whale Take Reduction Plan.		
29	GENERAL FUND	2021-22	2022-23
30	All Other	\$0	\$500,000
31			
32	GENERAL FUND TOTAL	\$0	\$500,000
33			
34	MARINE RESOURCES, DEPARTMENT OF		
35	DEPARTMENT TOTALS	2021-22	2022-23
36			
37	GENERAL FUND	\$0	\$500,000
38	OTHER SPECIAL REVENUE FUNDS	\$0	\$380,000
39			
40	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$880,000
41			
42	SECTION TOTALS	2021-22	2022-23

1			
2	GENERAL FUND	\$0	\$500,000
3	OTHER SPECIAL REVENUE FUNDS	\$0	\$0
4			
5	SECTION TOTAL - ALL FUNDS	\$0	\$500,000

6 '
 7 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 8 number to read consecutively.

9 **SUMMARY**

10 This amendment replaces the bill, which is a concept draft. It creates the Lobster Legal
 11 Defense Fund in the Department of Marine Resources to provide money for legal actions
 12 involving the regulations of the United States Department of Commerce, National Oceanic
 13 and Atmospheric Administration implementing the Atlantic Large Whale Take Reduction
 14 Plan. In addition to a general fund appropriation by the Legislature into this nonlapsing
 15 fund, the department shall deposit 20% of the license surcharges assessed by the department
 16 pursuant to the Maine Revised Statutes, Title 12, section 6455-A, subsection 11.

17 Until June 30, 2024, the department is to distribute money from the fund to itself in an
 18 amount sufficient to reimburse the department for costs incurred in administering the fund
 19 during the preceding 12-month period. Of the remaining balance, 1/2 must be distributed
 20 to a statewide association of individuals engaged in commercial lobster fishing and 1/2 to
 21 the labor union representing individuals engaged in commercial lobster fishing in the State
 22 for legal costs incurred and paid in legal proceedings involving the regulations of the United
 23 States Department of Commerce, National Oceanic and Atmospheric Administration
 24 implementing the Atlantic Large Whale Take Reduction Plan.

25 Any money remaining in the fund on June 30, 2024 is required to be deposited by the
 26 department into the Lobster Promotion Fund up to an amount equal to the license
 27 surcharges placed in the Lobster Legal Defense Fund. Any money remaining in the fund
 28 is then retained by the department.

29 The department is required to submit a report to the joint standing committee of the
 30 Legislature having jurisdiction over marine resources matters by February 15, 2024 and the
 31 committee has the authority to report out a bill in response to the contents of the report
 32 during the Second Regular Session of the 131st Legislature.

33 The provisions establishing and governing the Lobster Legal Defense Fund are
 34 repealed October 1, 2024.

35 The amendment also adds an appropriations and allocations section.

36 **FISCAL NOTE REQUIRED**
 37 **(See attached)**