

STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

October 2018

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Joint Standing Committee on Marine Resources

LD 703 An Act To Address Marine Debris Resulting from Commercial Activities

**Accepted Majority
(ONTP) Report**

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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

This bill proposes to address the problem of marine debris resulting from commercial activities such as commercial fishing and aquaculture.

The bill uses current knowledge, information and data generated by previous meetings and conferences and scientific publications along with accepted fishing and aquaculture practices to advance an approach to address marine debris while recognizing that healthy commercial fishing and aquaculture industries are paramount for the economic health of this State.

Committee Amendment "A" (H-617)

This amendment is the minority report of the committee. The amendment replaces the bill, which is a concept draft, with a resolve that establishes the Commission To Study the Effects of Marine Debris, which is a 13-member commission tasked with studying marine debris and how it has affected or potentially will affect Maine's ocean and coastal ecosystem, habitats and species. The commission is required to meet at least four times and must submit a report, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than November 7, 2018.

**LD 922 An Act Directing the Commissioner of Marine Resources To Investigate
the Conditions of Sheepscot Pond Related to a Management Plan for
Anadromous Fish Species**

INDEF PP

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill directs the Commissioner of Marine Resources to open and keep operational from April 15th to June 30th annually the fishway on the Sheepscot River located at the outlet of Sheepscot Pond in the Town of Palermo and to investigate the conditions of the pond for the purpose of developing a management plan for anadromous fish species.

Committee Amendment "A" (H-631)

This amendment, which is the majority report of the committee, removes the provisions of the bill that direct the Commissioner of Marine Resources to develop a management plan for anadromous fish in Sheepscot Pond and that direct the Commissioner of Inland Fisheries and Wildlife to cooperate in that effort. The amendment delays until 2020 the requirement in the bill that the Commissioner of Inland Fisheries and Wildlife open and keep operational

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the fishway at the outlet of Sheepscot Pond from April 15th to June 30th annually to allow the passage of anadromous fish. The amendment also requires the Commissioner of Inland Fisheries and Wildlife to provide, no later than January 15, 2020, a report to the joint standing committees of the Legislature having jurisdiction over inland fisheries and wildlife and marine resources matters detailing how the Department of Inland Fisheries and Wildlife, with the cooperation of the Department of Marine Resources, as necessary, will address concerns related to opening the fishway regarding managing any biosecurity concerns at the Palermo Rearing Station on Sheepscot Pond, allowing lamprey eels to exit Sheepscot Pond and managing the migration of alewives out of Sheepscot Pond. The amendment allows each joint standing committee to report out legislation based on the report to the Second Regular Session of the 129th Legislature.

LD 1519 An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances

PUBLIC 350

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M VITELLI E	ONTP OTP-AM	H-611

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill amends the law regarding municipal shellfish conservation programs to clarify that the intertidal zone extends from the high-water mark to the extreme low-water mark and that the shellfish conservation ordinances apply only within the intertidal zones of municipalities.

Committee Amendment "A" (H-611)

This amendment is the minority report of the committee. The amendment provides that, for the purposes of municipal shellfish conservation programs, the intertidal zone is the area below the high-water mark and above subtidal lands, instead of the area between the high-water mark and the extreme low-water mark, as the bill provided.

Enacted Law Summary

Public Law 2017, chapter 350 provides that, for the purposes of municipal shellfish conservation programs, the intertidal zone is the area below the high-water mark and above subtidal lands.

LD 1652 An Act To Authorize the Commissioner of Marine Resources To Limit the Number of Shrimp Licenses That May Be Used in Certain Seasons

PUBLIC 346

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY B	OTP-AM	S-376

This bill authorizes the Commissioner of Marine Resources to adopt rules to establish a system by which the use of commercial northern shrimp licenses may be limited in a season when the total allowable catch is less than 2,000 metric tons.

Committee Amendment "A" (S-376)

This amendment, like the bill, authorizes the Commissioner of Marine Resources to adopt rules to establish a system by which the number of commercial northern shrimp licenses issued may be limited in a season when the total allowable catch for Maine is less than 2,000 metric tons. The amendment requires the commissioner to consult with members of the northern shrimp industry prior to initiating rulemaking to limit the number of commercial northern shrimp licenses. The amendment also requires the commissioner, if the commissioner limits the number of commercial northern shrimp licenses, to provide a report to the joint standing committee of the Legislature having

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jurisdiction over marine resources matters regarding management of the northern shrimp resource and the northern shrimp fishing industry. The joint standing committee may report out legislation based upon that report.

Enacted Law Summary

Public Law 2017, chapter 346 authorizes the Commissioner of Marine Resources to adopt rules to establish a system by which the number of commercial northern shrimp licenses issued may be limited in a season when the total allowable catch for Maine is less than 2,000 metric tons. Public Law 2017, chapter 346 requires the commissioner to consult with members of the northern shrimp industry prior to initiating rulemaking to limit the number of commercial northern shrimp licenses. Public Law 2017, chapter 346 also requires the commissioner, if the commissioner limits the number of commercial northern shrimp licenses, to provide a report to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding management of the northern shrimp resource and the northern shrimp fishing industry. The joint standing committee may report out legislation based upon that report.

LD 1659	An Act To Amend Maine's Marine Resources Laws Regarding Certain License Fees and Surcharges That Were Amended by Recently Enacted Legislation	PUBLIC 320
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W	OTP	

This bill reduces the Class I lobster and crab fishing license fee for applicants under 18 years of age from \$65 to \$60; clarifies lobster license surcharge fees to avoid conflicts; fixes an error regarding resident apprentice licenses for applicants 18 years of age or older; and repeals conflicting language regarding sea urchin and scallop diving tender license surcharges to reflect current practice.

Enacted Law Summary

Public Law 2017, chapter 320 reduces the Class I lobster and crab fishing license fee for applicants under 18 years of age from \$65 to \$60; clarifies lobster license surcharge fees to avoid conflicts; fixes an error regarding resident apprentice licenses for applicants 18 years of age or older; and repeals conflicting language regarding sea urchin and scallop diving tender license surcharges to reflect current practice.

LD 1720	An Act To Increase Flexibility in the Temporary Medical Allowance for Lobster and Crab Fishing License Holders	PUBLIC 352
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J VITELLI E	OTP-AM	H-616

This bill extends the maximum duration of a temporary medical allowance for lobster and crab fishing license holders from one year to two years.

The bill also creates a temporary terminal illness 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 a spouse or child of the license holder and has completed the lobster apprentice program and the license holder has been diagnosed with a terminal illness and harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for the temporary terminal illness medical allowance. The bill requires the license holder to be present on the vessel for at least half of the hours during which the individual is fishing under the authority of the license on which the temporary terminal illness medical allowance is based. The temporary terminal illness medical allowance may not exceed one year in duration and may be renewed up to two times.

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Committee Amendment "A" (H-616)

This amendment, which is the unanimous report of the committee, replaces the bill. The amendment removes the provision of the bill that extends the maximum duration of a temporary medical allowance for lobster and crab fishing license holders from one year to two years and instead provides that the Commissioner of Marine Resources may renew an existing temporary medical allowance for up to one year upon application of the holder of the license upon which the allowance is based. As with current law, the amendment provides that a temporary medical allowance may not exceed one year, but the amendment provides that, upon renewal, the temporary medical allowance may not exceed a total of two consecutive years.

The amendment removes the provisions of the bill that create a temporary terminal illness medical allowance for lobster and crab fishing license holders diagnosed with a terminal illness.

Enacted Law Summary

Public Law 2017, chapter 352 provides that the Commissioner of Marine Resources may renew an existing temporary medical allowance for lobster and crab fishing license holders for up to one year upon application of the holder of the license upon which the allowance is based. Upon renewal, the temporary medical allowance may not exceed a total of two consecutive years.

**LD 1767 **Resolve, Regarding Legislative Review of Portions of Chapter 11.14:
Atlantic Sea Scallop Limited Entry Program, a Major Substantive Rule
of the Department of Marine Resources****

**RESOLVE 43
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-632

This resolve provides for legislative review of portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a major substantive rule of the Department of Marine Resources.

Committee Amendment "A" (H-632)

This amendment authorizes final adoption of portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a provisionally adopted major substantive rule of the Department of Marine Resources, only if the rule is amended to remove the provisions providing additional draws in the scallop limited entry program lotteries for previous work in the scallop industry and for previously holding a scallop fishing license. Instead, the amendment directs the department to amend the rule to recognize an applicant's prior unsuccessful attempts in the lotteries.

Enacted Law Summary

Resolve 2017, chapter 43 authorizes final adoption of portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a provisionally adopted major substantive rule of the Department of Marine Resources, only if the rule is amended to remove the provisions providing additional draws in the scallop limited entry program lotteries for previous work in the scallop industry and for previously holding a scallop fishing license. Instead, Resolve 2017, chapter 43 directs the department to amend the rule to recognize an applicant's prior unsuccessful attempts in the lotteries.

Resolve 2017, chapter 43 was finally passed as an emergency measure effective April 8, 2018.

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LD 1791 An Act To Continue the Maine Lobster Marketing Collaborative

PUBLIC 368

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM OTP-AM	H-640

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 12, section 6455, subsection 8. The bill removes the October 1, 2018, repeal of the section of law that establishes the Maine Lobster Marketing Collaborative and that sets the surcharges on various types of licenses to fund the collaborative. The bill continues through 2020 the surcharges that have been in place since 2016.

Committee Amendment "A" (H-640)

This amendment, which is the majority report of the committee, establishes an executive committee of the Maine Lobster Marketing Collaborative to take certain actions on behalf of the collaborative and specifies which actions are prohibited. The amendment retains the provision in the bill that removes the October 1, 2018, repeal of the section of law that establishes the collaborative and instead changes the repeal date to October 1, 2021. The amendment continues through 2021 the surcharge amounts on various types of licenses to fund the collaborative that have been in place since 2016. The amendment directs the Commissioner of Marine Resources to investigate whether the surcharges assessed on a wholesale seafood license with lobster permits or a supplemental lobster transportation license may be amended to reflect the amount of lobster bought, sold, shipped or transported by the license holder or a class of license holders and to provide a report of recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2019.

Committee Amendment "B" (H-641)

This amendment, which is the minority report of the committee, establishes an executive committee of the Maine Lobster Marketing Collaborative to take certain actions on behalf of the collaborative and specifies which actions are prohibited. The amendment retains the provision in the bill that removes the October 1, 2018, repeal of the section of law that establishes the collaborative and instead changes the repeal date to October 1, 2021. The amendment continues through 2021 the surcharge amounts on various types of licenses to fund the collaborative that have been in place since 2016, except that this amendment makes those surcharges voluntary for years 2019 to 2021. The amendment directs the Commissioner of Marine Resources to investigate whether the surcharges assessed on a wholesale seafood license with lobster permits or a supplemental lobster transportation license may be amended to reflect the amount of lobster bought, sold, shipped or transported by the license holder or a class of license holders and to provide a report of recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2019.

Enacted Law Summary

Public Law 2017, chapter 368 removes the October 1, 2018, repeal of the section of law that establishes the Maine Lobster Marketing Collaborative and instead changes the repeal date to October 1, 2021. Public Law 2017, chapter 368 continues through 2021 the surcharge amounts on various types of licenses to fund the collaborative that have been in place since 2016. Public Law 2017, chapter 368 establishes an executive committee of the Maine Lobster Marketing Collaborative to take certain actions on behalf of the collaborative and specifies which actions are prohibited. Public Law 2017, chapter 368 directs the Commissioner of Marine Resources to investigate whether the surcharges assessed on a wholesale seafood license with lobster permits or a supplemental lobster transportation license may be amended to reflect the amount of lobster bought, sold, shipped or transported by the license holder or a class of license holders and to provide a report of recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2019.

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SUBJECT INDEX

Aquaculture, Shellfish, Scallops and Marine Worms

Enacted

LD 1767	Resolve, Regarding Legislative Review of Portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a Major Substantive Rule of the Department of Marine Resources	RESOLVE 43 EMERGENCY
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Commercial Fisheries Management

Enacted

LD 1519	An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances	PUBLIC 350
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LD 1652	An Act To Authorize the Commissioner of Marine Resources To Limit the Number of Shrimp Licenses That May Be Used in Certain Seasons	PUBLIC 346
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Fisheries Management

Not Enacted

LD 922	An Act Directing the Commissioner of Marine Resources To Investigate the Conditions of Sheepscot Pond Related to a Management Plan for Anadromous Fish Species	INDEF PP
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Lobsters and Crabs

Enacted

LD 1720	An Act To Increase Flexibility in the Temporary Medical Allowance for Lobster and Crab Fishing License Holders	PUBLIC 352
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LD 1791	An Act To Continue the Maine Lobster Marketing Collaborative	PUBLIC 368
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Marine Environment

Not Enacted

LD 703	An Act To Address Marine Debris Resulting from Commercial Activities	Majority (ONTP) Report
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Technical Changes

Enacted

LD 1659	An Act To Amend Maine's Marine Resources Laws Regarding Certain License Fees and Surcharges That Were Amended by Recently Enacted Legislation	PUBLIC 320
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