

*Joint Standing Committee on Marine Resources*

**LD 167**                      **An Act To Provide Flexibility for Sea Urchin Zones**                      **ONTP**

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

LD 167 proposed to authorize the Commissioner of Marine Resources to adopt rules to create sea urchin management areas and rules to place limits on sea urchin license holders who fish in those management areas.

**LD 373**                      **An Act To Achieve Compliance with the Interstate Lobster Fishery Management Plan**                      **PUBLIC 6 EMERGENCY**

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

LD 373 proposed to strike existing language that prevents Maine from enforcing a larger minimum size for lobster than 3 8/32 inches except in the case of contingent action by the Federal Government and other New England states. It proposed to add new language to require an individual who possesses both a Maine lobster and crab fishing license and a federal limited access lobster permit to comply with the most restrictive minimum lobster size for all federal lobster management areas declared on the person’s license wherever the fishing occurs.

***Enacted law summary***

Public Law 2005, chapter 6 strikes existing language that prevents Maine from enforcing a larger minimum size for lobster than 3 8/32 inches except in the case of contingent action by the Federal Government and other New England states. It adds new language that requires an individual who possesses both a Maine lobster and crab fishing license and a federal limited access lobster permit to comply with the most restrictive minimum lobster size for all federal lobster management areas declared on the person’s license wherever the fishing occurs.

Public Law 2005, chapter 6 was enacted as an emergency measure effective March 18, 2005.

**LD 386**                      **An Act To Encourage the Scallop Industry**                      **ONTP**

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

LD 386, a concept draft pursuant to Joint Rule 208, proposed to recognize scallop spat collection as a fishery and to direct the Scallop Advisory Council to develop rules to govern spat collection as a fishery. Rules that would be needed include scale of collection, eligibility of people involved and whether spat can be viable as a fishery. The bill also proposed to direct the Scallop Advisory Council to work with the Department of Marine Resources concerning the sale of whole cultured scallops.

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LD 434

**An Act To Clarify Maine's Authority To Enforce Its Marine Resources Laws**

**PUBLIC 26**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN	OTP A	
EDMONDS	OTP-AM B	
	ONTP C	

LD 434 proposed to create a definition for "established base of operations" in the marine resources statutes and to amend the definition of "registered vessel" to include a vessel that has an established base of operations within the State. It also proposed to amend the definition of "rigged" to allow the Commissioner of Marine Resources to adopt rules to further define what equipment is necessary to have on board for a vessel to be considered "rigged."

**Committee Amendment "A" (H-37)** proposed to make rules regarding the definition of "rigged" major substantive rules. Committee "A" was not adopted.

***Enacted law summary***

Public Law 2005, chapter 26 creates a definition for "established base of operations" in the marine resources statutes and amends the definition of "registered vessel" to include a vessel that has an established base of operations within the State. It also amends the definition of "rigged" to allow the Commissioner of Marine Resources to adopt rules to further define what equipment is necessary to have on board for a vessel to be considered "rigged."

LD 479

**An Act To Amend Laws Governing the Setting of the Sea Urchin Harvesting Season**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EMERY	OTP-AM MAJ	
RAYE	OTP-AM MIN	

LD 479 proposed to establish in law the number of open days for sea urchin harvesting season. It proposed a season length of 94 open days, except that until April 15, 2007, the season length would be 40 open days in Zone 1 and 64 open days in Zone 2.

**Committee Amendment "A" (H-406)** was the majority report of the committee. The amendment proposed to direct the Commissioner of Marine Resources to initiate rulemaking to establish 15 open days in Zone 1 and 55 open days in Zone 2 for the upcoming 2005-2006 sea urchin harvesting season. The amendment also proposed to direct the commissioner to initiate rulemaking, following the 2005-2006 season, to establish the number of open days for the 2006-2007 season based on the recommendations of the Task Force To Study Sea Urchin Fishery Management. The amendment proposed to create the task force to examine the current management structure and strategies of the sea urchin fishery and to make recommendations regarding short-term and long-term management options including the sea urchin harvesting season and the number of open days. The amendment also proposed to require the task force to submit a report to the Joint Standing Committee on Marine Resources and the Legislative Council by February 1, 2006, and to authorize the committee to report out a bill to the Second Regular Session of the 122nd Legislature following its review of the task force's report. This amendment also



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remains of a wild or domestic animal that is not a marine organism, except for animal hide from which the hair has been removed.

### ***Enacted law summary***

Public Law 2005, chapter 203 authorizes the Commissioner of Marine Resources to regulate the use of alternative bait in marine fisheries and defines alternative bait as bait that does not naturally originate from the ocean. Effective January 1, 2006, the law prohibits the use of offal as bait for lobster or crabs. The law defines offal as the carcass, waste parts, renderings or remains of a wild or domestic animal that is not a marine organism, except for animal hide from which the hair has been removed.

Public Law 2005, chapter 203 was enacted as an emergency measure effective May 20, 2005.

### **LD 536                      An Act To Create a Scallop Spat License                      ONTP**

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

LD 536 proposed to create a scallop spat harvesting license that would allow the licensee to harvest, possess, ship, transport or sell scallop spat. The bill also proposed to permit a scallop spat license holder to possess undersize scallops raised from scallop spat harvested pursuant to a scallop spat license.

### **LD 558                      An Act To Protect the Recreational Harvesting of Surf Clams in Saco Bay                      ONTP**

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

LD 558 proposed to prohibit the fishing for or taking of surf clams using mechanical harvesting techniques within 300 yards as measured from the mean high tide mark within the coastal waters in the towns of Saco, Old Orchard Beach and Scarborough.

### **LD 576                      An Act To Reestablish the Ban on Dragging in the Taunton River Area                      PUBLIC 160 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM	S-109 DAMON S-94

LD 576 proposed to extend the ban on dragging in the Taunton River area from March 1, 2005 until March 1, 2010.

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**Committee Amendment "A" (S-94)** proposed to replace the bill. The amendment proposed to reestablish the prohibition on dragging in the Taunton River area that ended on March 1, 2005, and extend the prohibition to July 1, 2008. It proposed to provide an exception to the prohibition on dragging for research activities authorized by the Commissioner of Marine Resources and to require the Department of Marine Resources to submit a science-based comprehensive resource management plan for the Taunton River area to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 12, 2007.

**Senate Amendment "A" to Committee Amendment "A" (S-109)** proposed to shift the border of the prohibition on dragging from the Route 1 bridge that connects the towns of Hancock and Sullivan to Sullivan Falls.

### *Enacted law summary*

Public Law 2005, chapter 160 reestablishes the prohibition on dragging in the Taunton River area that ended on March 1, 2005, and extends the prohibition to July 1, 2008. It provides an exception to the prohibition on dragging for research activities that are authorized by the Commissioner of Marine Resources and requires the Department of Marine Resources to submit a science-based comprehensive resource management plan for the Taunton River area to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 12, 2007.

Public Law 2005, chapter 160 was enacted as an emergency measure effective May 20, 2005.

**LD 595**

**An Act To Allow the Department of Marine Resources To Preserve and Protect Burnt Island and Burnt Island Living Lighthouse and To Regulate Their Use**

**PUBLIC 56  
EMERGENCY**

Sponsor(s)  
BISHOP  
DOW

Committee Report  
OTP-AM

Amendments Adopted  
H-105

LD 595 proposed to provide the Commissioner of Marine Resources with the authority to adopt rules to protect and preserve Burnt Island and the Burnt Island Living Lighthouse, as well as rules necessary to successfully implement the Department of Marine Resources' educational and recreational programs conducted on the island.

**Committee Amendment "A" (H-105)** proposed to add an emergency preamble and an emergency clause to the bill.

### *Enacted law summary*

Public Law 2005, chapter 56 provides the Commissioner of Marine Resources with the authority to adopt rules to protect and preserve Burnt Island and the Burnt Island Living Lighthouse, as well as rules necessary to successfully implement the Department of Marine Resources' educational and recreational programs conducted on the island.

Public Law 2004, chapter 56 was enacted as an emergency measure effective April 21, 2005.

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LD 602

**An Act To Provide for a Limited Sea Cucumber Fishery**

**PUBLIC 27**

<u>Sponsor(s)</u> EDER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-38
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LD 602 proposed to create a sea cucumber drag license. It proposed to require the Commissioner of Marine Resources to establish by rule a fee of no more than 20¢ for every 100 pounds to be paid monthly by wholesale seafood license holders who purchase sea cucumbers. It proposed to require that the fees be deposited in the Sea Cucumber Management Fund and used to research and manage the sea cucumber fishery. The bill proposed to give the commissioner authority to adopt rules to promote the conservation and propagation of sea cucumbers, including, but not limited to, the establishment of management areas, and it proposed to establish a protocol for license holders to change management areas. The bill proposed to establish a limited entry system for the sea cucumber fishery, under which the commissioner could issue a sea cucumber drag license to a person only if that person possessed a license in the previous calendar year or becomes eligible to obtain a sea cucumber drag license through limited entry requirements to be established by rule.

**Committee Amendment "A" (H-38)** proposed to change the rule designation for rules relating to a limited entry system for sea cucumber drag licenses from routine technical to major substantive.

*Enacted law summary*

Public Law 2005, chapter 27 creates a sea cucumber drag license. It requires the Commissioner of Marine Resources to establish by rule a fee of no more than 20¢ for every 100 pounds to be paid monthly by wholesale seafood license holders who purchase sea cucumbers. It requires that the fees be deposited in the Sea Cucumber Management Fund and used to research and manage the sea cucumber fishery. The law gives the commissioner authority to adopt rules to promote the conservation and propagation of sea cucumbers, including, but not limited to, the establishment of management areas, and it establishes a protocol for license holders to change management areas. The law establishes a limited entry system for the sea cucumber fishery, under which the commissioner may issue a sea cucumber drag license to a person only if that person possessed a license in the previous calendar year or becomes eligible to obtain a sea cucumber drag license through limited entry requirements to be established by rule.

LD 629

**An Act To Enhance Community Support for Anadromous Fish Restoration**

**ONTP**

<u>Sponsor(s)</u> FLETCHER	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 629 proposed to require the Commissioner of Marine Resources to grant the right to take alewives to any municipality that met certain requirements. The bill proposed to eliminate the provision in current law that requires that municipal rights to take alewives lapse if those rights are not exercised for 3 years. The bill proposed to clarify that any municipality that has the right to take alewives is authorized to collect fees from the sale or lease of alewife fishing rights. The bill proposed to require the Commissioner of Marine Resources to report on expanding municipal rights to take alewives to include the right to take other migratory fish.

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**Committee Amendment "A" (H-104)** proposed to replace the substance of the bill and was the minority report. The amendment proposed to require the Commissioner of Marine Resources, when granting alewife fishing rights, to give preference to the municipality in which alewives are harvested. Committee Amendment "A" was not adopted.

**LD 691**                      **An Act To Provide Public Health Protection Authority to the Department of Marine Resources**                      **PUBLIC 44**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP      MAJ	S-45    DAMON
	ONTP     MIN	

LD 691 proposed to give the Commissioner of Marine Resources the authority to adopt rules, with the advice and consent of the Marine Resources Advisory Council, as necessary to protect public health.

**Senate Amendment "A" (S-45)** proposed to replace the bill. The amendment proposed to retain the provision of the bill that would give the Commissioner of Marine Resources the authority to adopt rules, with the advice and consent of the Marine Resources Advisory Council, as necessary to protect the public health. The amendment proposed to clarify that rulemaking to close contaminated or polluted flats does not require advice and consent of the advisory council. The amendment proposed updates cross-references to public health rule-making authority.

### *Enacted law summary*

Public Law 2005, chapter 44 gives the Commissioner of Marine Resources the authority to adopt rules, with the advice and consent of the Marine Resources Advisory Council, as necessary to protect public health. The law clarifies that rulemaking to close contaminated or polluted flats does not require the advice and consent of the advisory council.

**LD 728**                      **An Act To Change the Noncommercial Scallop Season**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	ONTP      MAJ	
	OTP-AM    MIN	

LD 728 proposed to lengthen the noncommercial scallop fishing season by changing the beginning of the season from December 1st to November 1st.

**Committee Amendment "A" (H-142)** proposed to replace the bill and was the minority report of the committee. The amendment proposed to retain the provision of the bill that would change the beginning of the noncommercial scallop fishing season from December 1st to November 1st. The amendment further proposed to prohibit a person from holding a noncommercial scallop license and a commercial scallop license at the same time, to limit the noncommercial scallop license to hand harvest only and to set a minimum shell size limit of 5 inches for scallops taken by noncommercial scallop harvesters. The amendment proposed to establish a \$20 license surcharge for noncommercial scallop licenses to go to the Scallop Research Fund. The amendment also

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proposed to require the holder of a noncommercial scallop license to maintain a logbook pursuant to rules to be adopted by the Commissioner of Marine Resources. Committee Amendment "A" was not adopted.

**LD 793**                      **An Act To Reauthorize Funding for the Lobster Promotion Council**                      **PUBLIC 102**

<u>Sponsor(s)</u> DAMON PERCY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-86
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LD 793 proposed to continue to capitalize the Lobster Promotion Fund through surcharges on lobster and crab licenses through the year 2020.

**Committee Amendment "A" (S-86)** proposed to incorporate a fiscal note.

### *Enacted law summary*

Public Law 2005, chapter 102 continues to capitalize the Lobster Promotion Fund through surcharges on lobster and crab licenses through the year 2020.

**LD 836**                      **An Act To Amend the Laws Governing Aquaculture**                      **PUBLIC 92**

<u>Sponsor(s)</u> KAELIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-159
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LD 836 proposed to allow an aquaculture lease to continue beyond its expiration date until the commissioner makes a decision regarding lease renewal if a renewal application has been submitted. It proposed to provide the same restitution provisions for intentionally damaging approved aquaculture gear on standard leases and limited-purpose leases as currently exist for limited-purpose licenses, and it proposed to eliminate the \$500 upper limit of a fine on the civil violation for intentionally damaging approved aquaculture gear on a limited-purpose license. It proposed to exempt an individual who holds a limited-purpose aquaculture license from any requirements regarding time of taking or possessing and minimum or maximum size for organisms cultivated on the individual's lease areas. The bill proposed to eliminate the authority of the Commissioner of Marine Resources to establish by rule a fee schedule for the production of shellfish on a lease site. It proposed to amend the purpose of the Aquaculture Advisory Council to make recommendations on expenditures from the Aquaculture Management Fund, as well as other matters of interest to the aquaculture industry. The bill also proposed to make a violation of the Maine Revised Statutes, Title 12, chapter 605, General Department Activities, a civil violation, unless another penalty is provided.

**Committee Amendment "A" (H-159)** proposed to make several technical corrections to the bill.

### *Enacted law summary*

Public Law 2005, chapter 92 allows an aquaculture lease to continue beyond its expiration date until the commissioner makes a decision regarding lease renewal if a renewal application has been submitted. It provides

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the same restitution provisions for intentionally damaging approved aquaculture gear on standard leases and limited-purpose leases as currently exist for limited-purpose licenses, and it eliminates the \$500 upper limit of a fine on the civil violation for intentionally damaging approved aquaculture gear on a limited-purpose license. It exempts an individual who holds a limited-purpose aquaculture license from any requirements regarding time of taking or possessing and minimum or maximum size for organisms cultivated on the individual's lease areas. The law eliminates the authority of the Commissioner of Marine Resources to establish by rule a fee schedule for the production of shellfish on a lease site. It amends the purpose of the Aquaculture Advisory Council to make recommendations on expenditures from the Aquaculture Management Fund, as well as other matters of interest to the aquaculture industry. The law also makes a violation of the Maine Revised Statutes, Title 12, chapter 605, General Department Activities, a civil violation, unless another penalty is provided.

**LD 895**

**An Act To Expand the Authority of Maine's Lobster Management Policy Councils**

**PUBLIC 202**

Sponsor(s)  
DAMON  
PINGREE

Committee Report  
OTP-AM

Amendments Adopted  
S-153

LD 895 proposed to expand the authority of lobster management policy councils to propose rules, upon approval in a referendum in the management zone in which the rules would apply, to increase the length of time an apprentice must be enrolled in the apprentice program up to a maximum of 5 years; to specify that a sponsor of an apprentice must have held a Class I, Class II or Class III lobster and crab fishing license for at least 5 years; and to require that a person who completed an apprenticeship may enter a particular lobster zone only if the apprentice apprenticed in that zone.

**Committee Amendment "A" (S-153)** proposed to replace the bill. The amendment proposed to grant lobster management policy councils the authority to propose zone-specific rules, upon approval in a referendum in the management zone in which the rules would apply, to increase the enrollment period of the apprenticeship program, to require a sponsor of an apprentice to have held a lobster license for at least 5 years and to limit entry to a zone to persons who have apprenticed in the zone. This amendment proposed to grant this authority retroactively to January 1, 2005. The amendment proposed to clarify the application of new zone-specific rules to apprentices enrolled in the program when a new rule takes effect.

### ***Enacted law summary***

Public Law 2005, chapter 202 grants lobster management policy councils the authority to propose zone-specific rules, upon approval in a referendum in the management zone in which the rules would apply, to increase the enrollment period of the apprenticeship program, to require a sponsor of an apprentice to have held a lobster license for at least 5 years and to limit entry to a zone to persons who have apprenticed in the zone. This authority is granted retroactively to January 1, 2005. The law clarifies the application of new zone-specific rules to apprentices enrolled in the program when a new rule takes effect.

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**LD 938**                      **Resolve, To Restore the Atlantic Salmon Population on the Pleasant River**                      **ONTP**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 938 proposed to direct the Department of Marine Resources to use existing aquaculture technology to accomplish the restoration of Atlantic salmon to the Pleasant River within 5 years.

**LD 1147**                      **An Act To Protect Fishing Families**                      **ONTP**

<u>Sponsor(s)</u> CURLEY DAVIS P		<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN		<u>Amendments Adopted</u>
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LD 1147 proposed to authorize the transfer of a Class I, Class II or Class III lobster and crab fishing license by a license holder to that person's child, grandchild, spouse, domestic partner or sibling. The bill proposed to require the relative receiving the license by transfer to have completed the Department of Marine Resources' apprentice program for entry into the lobster fishery. It also proposed to require the license holder and the transferee to notify the department in writing of the transfer.

**Committee Amendment "A" (H-275)** was the minority report of the committee. It proposed to amend the provision of the bill regarding the transfer of licenses to limit the persons eligible to receive a license by transfer to a child, grandchild or spouse of the license holder. It proposed to add a provision to the bill to limit a recipient of a license by transfer to 300 trap tags in the initial year and an increase of 100 trap tags each subsequent year up to the trap limit for the zone in which the person fishes a majority of that person's traps. Committee Amendment "A" was not adopted.

**LD 1184**                      **An Act To Adopt Recommendations of the Soft-shell Clam Advisory Council**                      **PUBLIC 171**

<u>Sponsor(s)</u> DAMON SMITH N		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-147
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LD 1184 proposed to grant certified municipal shellfish conservation wardens the authority to enforce the state law that prohibits taking shellfish from areas closed by state regulation. It proposed to clarify that the penalties for harvesting from a closed area provided under Title 12, section 6671 are for harvesting from an area that has been closed by a municipality for conservation purposes. The bill proposed to establish different fine schedules for recreational harvesters and commercial harvesters for harvesting from an area closed by a municipality for conservation purposes, for harvesting without a municipal shellfish license and for harvesting shellfish in violation of a license restriction. The bill also proposed to specify that a court may not suspend a fine that has been imposed and may not impose a penalty other than monetary payment of the fine imposed for a violation of a

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municipal shellfish conservation ordinance, for harvesting without a license or for harvesting in violation of a license restriction.

**Committee Amendment "A" (S-147)** proposed to retain the substance of the bill. The amendment proposed to make no change to the provision of the bill that would authorize municipal shellfish wardens to enforce the state law that prohibits the taking of shellfish from areas closed to harvesting by state regulation. The amendment proposed to make technical changes to clarify the provisions of the bill regarding criminal and civil penalties for municipal shellfish ordinance violations, for harvesting without a license and for license violations. The amendment proposed to clarify the meaning of "commercial license holders" and "recreational license holders" in the bill for the application of different penalties to these 2 groups.

### *Enacted law summary*

Public Law 2005, chapter 171 grants certified municipal shellfish conservation wardens the authority to enforce the state law that prohibits taking shellfish from areas closed by state regulation. It clarifies that the penalties for harvesting from a closed area provided under Title 12, section 6671 are for harvesting from an area that has been closed by a municipality for conservation purposes. The law establishes different fine schedules for recreational harvesters and commercial harvesters for harvesting from an area closed by a municipality for conservation purposes, for harvesting without a municipal shellfish license and for harvesting shellfish in violation of a license restriction. The law also specifies that a court may not suspend a fine that has been imposed and may not impose a penalty other than monetary payment of the fine imposed for a violation of a municipal shellfish conservation ordinance, for harvesting without a license or for harvesting in violation of a license restriction.

**LD 1209**                      **Resolve, To Create the Task Force To Study Commercial Lobster Fishing in Offshore Waters**                      **ONTP**

<u>Sponsor(s)</u> BARTLETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1209 proposed to establish the Task Force to Study Commercial Lobster Fishing in Offshore Waters to identify, investigate and make recommendations to address problems facing persons who hold Maine lobster and crab fishing licenses who fish for lobster in federal waters, with particular attention to issues related to fishing in federal Offshore Lobster Management Area 3. The bill proposed to require the task force to submit a report by January 1, 2006 and to authorize the task force to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature.

**LD 1213**                      **An Act To Exempt Fisheries with Fewer than 20 Employees from the Department of Marine Resources Statistics-gathering Requirements**                      **ONTP**

<u>Sponsor(s)</u> SCHATZ		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1213 proposed to exempt fisheries with fewer than 20 employees from all data collection requirements imposed by the Department of Marine Resources. Under current law, the department is authorized to collect

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statistical data with respect to fisheries from any source regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight and areas in which fishing was conducted and to refuse the renewal of a license until a license holder complies with data collection requirements.

**LD 1231**                      **An Act To Require Noncommercial Lobster Fishing License Holders To Participate in the Conservation Efforts of the Commercial Lobster Industry**                      **ONTP**

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

LD 1231 proposed to require a noncommercial lobster or crab fishing license holder or applicant to meet the limited-entry requirements currently in place for commercial lobster or crab fishing license holders and applicants.

**Committee Amendment "A" (H-405)** proposed to replace the bill and was the minority report of the committee. The amendment proposed to establish limited-entry provisions for noncommercial lobster fishing. For each lobster management zone for which an exit ratio has been established to limit new entrants to the commercial lobster fishery, the amendment proposed to require the Commissioner of Marine Resources to adopt an equal exit ratio to apply to entry into a zone for noncommercial license holders. The amendment also proposed to establish procedures for application, waiting lists and authorization of new entry of noncommercial lobster license holders into a limited-entry zone parallel to the existing limited-entry procedures for commercial lobster fishing. Committee Amendment "A" was not adopted.

**LD 1250**                      **An Act Regarding Shellfish Harvesting**                      **PUBLIC 233**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-170

LD 1250 proposed to increase from 50¢ to \$1 the amount a person holding a shellfish depuration certificate must pay for each bushel of soft-shell clams.

**Committee Amendment "A" (S-170)** proposed to replace the bill. The amendment proposed to establish a reduced shellfish license fee for persons 70 years of age or older. The amendment proposed to set the reduced fee at \$57.50, which is 50% of the standard shellfish license fee.

### *Enacted law summary*

Public Law 2005, chapter 233 establishes a reduced shellfish license fee for persons 70 years of age or older. The reduced fee is \$57.50, which is 50% of the standard shellfish license fee. This is modeled on the Class I lobster license fee law, which provides a similar discount for persons 70 years of age or older.

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LD 1449

**An Act To Amend Maine's Shellfish Laws To Maintain  
Compliance with Federal Law and Protect Maine's Shellfish  
Industry**

**PUBLIC 434**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	OTP-AM MAJ	H-351
MAYO	ONTP MIN	H-436 PERCY S-190 DAMON

LD 1449 proposed to make changes to the shellfish harvesting statutes to bring Maine law into compliance with the U.S. Food and Drug Administration, National Shellfish Sanitation Program regulations.

1. It proposed to change the activities permitted under commercial shellfish licenses, mahogany quahog licenses, quahog licenses, hand-raking mussel licenses and mussel boat licenses to limit those license holders to selling only to wholesale seafood license holders certified under the Maine Revised Statutes, Title 12, section 6856.
2. It proposed to eliminate the ability of a commercial shellfish license holder to shuck shellfish in the license holder's home and to sell those shucked shellfish from the home in the retail trade. It also proposed to eliminate the ability of a commercial shellfish license holder to send shellfish by common carrier.
3. It proposed to require retail seafood license holders, including restaurants, to purchase shellstock and shucked shellfish only from wholesale seafood license holders certified under Title 12, section 6856.
4. It proposed to authorize the Commissioner of Marine Resources to adopt rules to establish requirements for retail seafood license holders concerning sanitation and quality control standards, methods for handling, shipping and transporting shellfish, records and reports, labeling of shipments and protecting public health.
5. It proposed to correct an inaccurate reference to the annual date on which shellfish sanitation certificates expire.
6. It proposed to add mahogany quahogs, other quahogs, hand-raked mussels and dragged mussels to the licenses under which the holder must tag shellstock with a harvester's tag. It proposed to eliminate the exemption of shellfish license holders certified under Title 12, section 6856 from having to tag their shellfish at the time of harvest.
7. It proposed to allow the Department of Marine Resources to make the summary description of municipal shellfish ordinances available to the public in ways other than publication in a trade or industry journal.
8. It proposed to repeal the seafood products inspection program.

**Committee Amendment "A" (H-351)** was the majority report. The amendment proposed to add an appropriations and allocations section to the bill.

**House Amendment "A" (H-436)** proposed to require the Department of Marine Resources to develop a tiered wholesale seafood dealer's license based on the amount of seafood that a wholesale seafood dealer handles and to report back to the Joint Standing Committee on Marine Resources with its recommendations, including any proposed legislation, no later than January 13, 2006.

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**Senate Amendment "A" (S-190)** proposed to allow a holder of a commercial shellfish license to sell shellstock from that license holder's home in the retail trade.

### ***Enacted law summary***

Public Law 2005, chapter 434 makes changes to the shellfish harvesting statutes to bring Maine law into compliance with the U.S. Food and Drug Administration, National Shellfish Sanitation Program regulations.

1. It changes the activities permitted under commercial shellfish licenses, mahogany quahog licenses, quahog licenses, hand-raking mussel licenses and mussel boat licenses to limit those license holders to selling only to wholesale seafood license holders certified under the Maine Revised Statutes, Title 12, section 6856.
2. It eliminates the ability of a commercial shellfish license holder to shuck shellfish in the license holder's home and to sell those shucked shellfish from the home in the retail trade but allows a commercial shellfish license holder to sell shellstock from that license holder's home in the retail trade. It also eliminates the ability of a commercial shellfish license holder to send shellfish by common carrier.
3. It requires retail seafood license holders, including restaurants, to purchase shellstock and shucked shellfish only from wholesale seafood license holders certified under Title 12, section 6856.
4. It authorizes the Commissioner of Marine Resources to adopt rules to establish requirements for retail seafood license holders concerning sanitation and quality control standards, methods for handling, shipping and transporting shellfish, records and reports, labeling of shipments and protecting public health.
5. It corrects an inaccurate reference to the annual date on which shellfish sanitation certificates expire.
6. It adds mahogany quahogs, other quahogs, hand-raked mussels and dragged mussels to the licenses under which the holder must tag shellstock with a harvester's tag. It eliminates the exemption of shellfish license holders certified under Title 12, section 6856 from having to tag their shellfish at the time of harvest.
7. It allows the Department of Marine Resources to make the summary description of municipal shellfish ordinances available to the public in ways other than publication in a trade or industry journal.
8. It repeals the seafood products inspection program.
9. It requires the Department of Marine Resources to develop a tiered wholesale seafood dealer's license based on the amount of seafood that a wholesale seafood dealer handles and to report back to the Joint Standing Committee on Marine Resources with its recommendations, including any proposed legislation, no later than January 13, 2006.

**LD 1510**

**An Act To Amend the Lobster Fishing Laws of Maine**

**PUBLIC 239**

<u>Sponsor(s)</u> DAMON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-183
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LD 1510 proposed to amend the law governing lobster and crab fishing in the following ways.

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1. It proposed to amend the definition of "full-time student" to be used to determine eligibility for obtaining a student lobster and crab fishing license.
2. It proposed to amend the trap tag laws to remove the December 31, 2005 repeal on the build-up provisions and to strike outdated language regarding initial trap tag allocations.
3. It proposed to require that all zones that a person declares on a license application be identified on that person's license and to clarify that a person may not place any traps in a zone that is not identified on that person's license. It proposed to specify that the majority of a person's traps must be determined by the number of trap tags issued, rather than the number of traps fished.
4. It proposed to remove the exemption from an exit ratio for an individual who became eligible for but who had not been issued a Class I, Class II or Class III license prior to January 1, 2000. It also proposed to provide that when a lobster management policy council proposes to the commissioner a change in an established exit ratio, the lobster management policy council may also propose to the commissioner a provision to allow certain individuals to enter the zone in accordance with the previously existing exit ratio.
5. It proposed to provide that the members of the lobster research, education and development board may be reimbursed for travel expenses for board meetings.
6. It proposed to create an exception to allow persons registered for Monhegan Lobster Conservation Area trap tags to work as crew members outside the Monhegan Lobster Conservation Area.
7. It proposed to amend the wholesale seafood license with lobster permit law to prevent individuals from possessing or transporting lobster they have taken unless they possess a Class I, II or III or student lobster and crab fishing license. It proposed to clarify that lobster and crab fishing license holders may transport lobsters they have not taken if they are using the vessel declared on their license.
8. It proposed to amend the lobster tail permit law to prohibit the processing of portions of lobster tails.

**Committee Amendment "A" (S-183)** proposed to do the following.

1. It proposed to clarify the provision of the bill regarding eligibility for a student license.
2. It proposed to amend the language in the bill regarding trap tag limits to clarify that a license holder is limited to the number of traps allowed under the lowest trap limit for the zones identified on the person's license.
3. It proposed to clarify the language in the bill regarding the lobster management zones that must be identified on a lobster license.
4. It proposed to amend the provision of the bill regarding changes in exit ratios in lobster management zones to provide that for any zone that proposes a change in an existing exit ratio, the commissioner must allow a person who has completed the apprentice program and is on the waiting list by the date the commissioner is notified of the proposed change to enter the zone. The amendment proposed to make this provision apply retroactively to April 1, 2005.
5. It proposed to add a provision to the bill to provide that when a zone proposes an exit ratio for the first time, the zone may propose a provision to exempt from the ratio, upon completion of the apprentice program, a person who has completed at least 92% of the requirements of the program by the date the commissioner is

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notified of the proposed ratio. The amendment proposed to make this provision apply retroactively to October 1, 2004.

6. It proposed to add a provision to the bill to require that 1 of the 3 lobster and crab fishing license holders on the Lobster Advisory Council be a noncommercial license holder.

### ***Enacted law summary***

Public Law 2005, chapter 239 amends the laws governing lobster and crab fishing in the following ways:

1. It amends the definition of "full-time student" for determining eligibility for a student lobster and crab fishing license.
2. It removes the December 31, 2005 repeal on the trap tag laws, strikes outdated language regarding initial trap tag allocations and clarifies that the maximum number of trap tags allowed is the number of traps allowed under the lowest trap limit for the zones identified on the person's license.
3. It requires that a lobster and crab fishing license identify the declared lobster zone in which the license holder is authorized to fish a majority of that person's traps and identify all other zones in which the person is authorized to fish. It specifies that a majority of a person's traps must be determined by the number of trap tags issued. It clarifies that a person may not place any traps in a zone that is not identified on that person's license.
4. It provides that, effective April 1, 2005, when a lobster management policy council proposes to the commissioner a change in an established exit ratio, the commissioner shall allow a person to enter the zone if that person has completed the apprentice program and is on the waiting list by the date the commissioner is notified of the proposed change. It provides that, effective October 1, 2004, when a zone proposes an exit ratio for the first time, the zone may propose a provision to exempt from the ratio, upon completion of the apprentice program, a person who has completed at least 92% of the requirements of the program by the date the commissioner is notified of the proposed ratio.
5. It requires that 1 of the 3 lobster and crab fishing license holders on the Lobster Advisory Council be a noncommercial license holder.
6. It provides that the members of the lobster research, education and development board may be reimbursed for travel expenses for board meetings.
7. It creates an exception to allow persons registered for Monhegan Lobster Conservation Area trap tags to work as crew members outside the Monhegan Lobster Conservation Area.
8. It amends the wholesale seafood license with lobster permit law to prevent individuals from possessing or transporting lobster they have taken unless they possess a Class I, II or III or student lobster and crab fishing license. It clarifies that lobster and crab fishing license holders may transport lobsters they have not taken if they are using the vessel declared on their license.
9. It amends the lobster tail permit law to prohibit the processing of portions of lobster tails.

*Joint Standing Committee on Marine Resources*

**LD 1603**                      **An Act To Establish Harbor Master Standards and Training Requirements**                      **DIED BETWEEN HOUSES**

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

LD 1603 proposed to require a municipality to conduct a background check on a person prior to appointing the person as a harbor master. This bill also proposed to require harbor masters to complete basic, advanced and refresher courses offered by the Maine Harbor Masters Association or its successor organization.

**Committee Amendment "A" (S-207)** proposed to replace the bill. The amendment proposed to remove the provision of the bill that would require municipal officers to conduct a background check prior to appointing a harbor master. It proposed to amend the provision of the bill regarding training to require a basic harbor master course within one year of appointment but not require any advanced or refresher courses. The amendment proposed to clarify the definition of harbor master and deputy harbor master for the purpose of training requirements. Committee Amendment "A" was not adopted.

**Senate Amendment "A" to Committee Amendment "A" (S-234)** proposed to add an emergency preamble and clause to the bill. Senate Amendment "A" to Committee Amendment "A" was not adopted.

**Senate Amendment "B" to Committee Amendment "A" (S-346)** proposed to provide that the training required of a harbor master and deputy harbor master under the bill must be paid for by the harbor master or deputy harbor master, not the municipality. The amendment also proposed make the training requirement applicable to harbor masters or deputy harbor masters that are appointed after the effective date of the Act. Senate Amendment "B" to Committee Amendment "A" was not adopted.

**LD 1619**                      **Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise and Visual Impact Standards, a Major Substantive Rule of the Department of Marine Resources**                      **RESOLVE 58 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-408

LD 1619 proposed to provide for legislative review of portions of Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise Standards, a major substantive rule of the Department of Marine Resources.

**Committee Amendment "A" (H-408)** proposed to correct the title of the rules for which final adoption is authorized.

***Enacted law summary***

Resolve 2005, chapter 58 approves Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise Standards, a major substantive rule of the Department of Marine Resources.

*Joint Standing Committee on Marine Resources*

Resolve 2005, chapter 58 was passed as an emergency measure effective May 26, 2005.

**LD 1635**                      **An Act To Authorize the Assessment and Collection of Harbor Fees**                      **DIED BETWEEN HOUSES**

<u>Sponsor(s)</u> DUPLESSIE BRENNAN		<u>Committee Report</u> RE-REF		<u>Amendments Adopted</u>
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LD 1635 proposed to authorize harbor commissions and other entities that regulate harbors to establish and collect a fee of no more than 3¢ per ton per vessel calculated on the gross tonnage of an oceangoing vessel or no more than 25¢ per passenger for a passenger ship on a domestic or international voyage. The bill proposed to exempt from the fee vessels weighing less than 500 gross tons, vessels providing daily service to islands that are part of the State and whose service is funded in whole or in part by the State, military vessels, historic vessels owned or operated by tax-exempt organizations, public vessels, certain coastal or international ferries and vessels seeking harbors of refuge. The bill proposed to restrict the use of revenue from the fees to pay for the administration and services provided by the harbor regulatory body and harbor master, the purchase or maintenance of harbor safety equipment, harbor emergency response capability and harbor security.

The Joint Standing Committee on Marine Resources voted to re-refer this bill to the Joint Standing Committee on Taxation.