

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



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

**JOINT STANDING COMMITTEE ON MARINE RESOURCES**

July 2013

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*Joint Standing Committee on Marine Resources*

**LD 72      An Act To Open the St. Croix River to River Herring**

**PUBLIC 47  
EMERGENCY**

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

This bill provides that, by May 1, 2013, the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife must ensure the fishways on the Woodland Dam and the Grand Falls Dam located on the St. Croix River are configured or operated in a manner that allows the unconstrained passage of river herring.

**Enacted Law Summary**

Public Law 2013, chapter 47 provides that, by May 1, 2013, the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife must ensure the fishways on the Woodland Dam and the Grand Falls Dam located on the St. Croix River are configured or operated in a manner that allows the unconstrained passage of river herring.

Public Law 2013, chapter 47 was enacted as an emergency measure effective April 23, 2013.

**LD 182      An Act To Support the Maine Lobster Industry**

**CARRIED OVER**

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

This bill makes a General Fund appropriation in fiscal year 2013-14 to the Lobster Promotion Council to increase its work to promote and market Maine lobsters in state, regional, national and international markets.

**Committee Amendment "A" (H-29)**

This amendment makes a General Fund appropriation in fiscal year 2013-14 to the Lobster Promotion Fund for the Lobster Promotion Council or its successor organization to increase its work to promote and market Maine lobsters in state, regional, national and international markets.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 451      An Act Relating to Certain Marine Resources Licenses**

**PUBLIC 8  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA	OTP-AM	H-8

This bill limits the Passamaquoddy Tribe's issuance of scallop licenses to 20 licenses and the issuance of elver licenses to 8 licenses, which provides parity with the Penobscot Nation. The bill also creates parity between all tribal or nation licenses issued pursuant to the Maine Revised Statutes, Title 12, section 6302-A and those issued by the Department of Marine Resources by restricting the renewal of licenses for noncompliance with reporting requirements.

## *Joint Standing Committee on Marine Resources*

### **Committee Amendment "A" (H-8)**

This amendment makes the following changes to the bill.

1. It provides that the Passamaquoddy Tribe may not issue to members of the tribe commercial licenses for the taking of elvers in any calendar year that exceed the following limits:
  - A. One hundred twenty-four licenses that allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net;
  - B. An additional 26 licenses that allow the taking of elvers with two pieces of gear, consisting of an elver fyke net and a dip net; and
  - C. An additional 50 limited licenses that allow the taking of elvers only in the St. Croix River and only with a dip net.
2. It provides that the Houlton Band of Maliseet Indians may issue to members of the band commercial licenses for the taking of elvers, as long as in any calendar year the number of licenses issued does not exceed 8 licenses that allow the taking of elvers with an elver fyke net only and eight licenses that allow the taking of elvers with a dip net only, except as otherwise permitted by the Commissioner of Marine Resources by rule.
3. It provides that an additional 25 dip nets must be made available through an additional Department of Marine Resources state elver gear lottery for the 2013 elver fishing season.
4. It directs the commissioner to examine the elver fishery, including harvesting levels and fishery management plans affecting the elver fishery proposed or adopted by the Atlantic States Marine Fisheries Commission, and, consistent with the commissioner's findings from the examination, to develop recommendations for modifications of the State's regulation of elver fishing, including licensing and gear use. The commissioner is also directed to discuss with representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians the findings from the commissioner's examination and to seek through such discussions to develop a mutually agreeable structure for elver fishing licensing by those tribes. No later than January 1, 2014, the commissioner is directed to provide to the Joint Standing Committee on Marine Resources a report of the commissioner's findings and recommendations, including any draft legislation necessary to implement the commissioner's recommendations. The Joint Standing Committee on Marine Resources is authorized to report out a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the commissioner's report.
5. It adds an emergency preamble and emergency clause to the bill.

For clarity, the amendment reallocates, but retains the substance of, the provision of the bill that provides that the Passamaquoddy Tribe may not issue to members of the tribe more than 20 commercial licenses for the taking of scallops in any calendar year, except as otherwise permitted by the commissioner by rule.

The amendment also retains the provision of the bill that provides that if a holder of a tribal commercial fishing license fails to provide information required under Title 12, section 6173, the license may not be renewed until the holder complies with the requirements of that section.

### **Enacted Law Summary**

Public Law 2013, chapter 8 does the following.

1. It provides that the Passamaquoddy Tribe may not issue to members of the tribe commercial licenses for the taking of elvers in any calendar year that exceed the following limits:

*Joint Standing Committee on Marine Resources*

- A. One hundred twenty-four licenses that allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net;
  - B. An additional 26 licenses that allow the taking of elvers with two pieces of gear, consisting of an elver fyke net and a dip net; and
  - C. An additional 50 limited licenses that allow the taking of elvers only in the St. Croix River and only with a dip net.
2. It provides that the Houlton Band of Maliseet Indians may issue to members of the band commercial licenses for the taking of elvers, as long as in any calendar year the number of licenses issued does not exceed 8 licenses that allow the taking of elvers with an elver fyke net only and eight licenses that allow the taking of elvers with a dip net only, except as otherwise permitted by the Commissioner of Marine Resources by rule.
3. It also provides that if a holder of a tribal commercial fishing license fails to provide information required under Title 12, section 6173, the license may not be renewed until the holder complies with the requirements of that section.
4. It provides that an additional 25 dip nets must be made available through an additional Department of Marine Resources state elver gear lottery for the 2013 elver fishing season.
5. It directs the commissioner to examine the elver fishery, including harvesting levels and fishery management plans affecting the elver fishery proposed or adopted by the Atlantic States Marine Fisheries Commission, and, consistent with the commissioner's findings from the examination, to develop recommendations for modifications of the State's regulation of elver fishing, including licensing and gear use. The commissioner is also directed to discuss with representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians the findings from the commissioner's examination and to seek through such discussions to develop a mutually agreeable structure for elver fishing licensing by those tribes. No later than January 1, 2014, the commissioner is directed to provide to the Joint Standing Committee on Marine Resources a report of the commissioner's findings and recommendations, including any draft legislation necessary to implement the commissioner's recommendations. The Joint Standing Committee on Marine Resources is authorized to report out a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the commissioner's report.

Public Law 2013, chapter 8 was enacted as an emergency measure effective March 21, 2013.

**LD 469      An Act To Allow the Commissioner of Marine Resources To Investigate      ONTP**  
**Price Fixing of Lobster**

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

This bill authorizes the Commissioner of Marine Resources to investigate lobster price fixing and requires the Attorney General, at the request of the commissioner, to provide investigatory assistance in determining whether lobster price fixing has occurred or is occurring.

*Joint Standing Committee on Marine Resources*

**LD 482      An Act To Improve the Quality of the Data Used in the Management of  
Maine's Fisheries**

**PUBLIC 282**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDONALD W	OTP-AM	H-335

This bill makes a number of changes to various aspects of the Department of Marine Resources landings program with regard to reporting requirements. It allows the Commissioner of Marine Resources to share confidential landings data with the Department of Marine Resources, Bureau of Marine Patrol when necessary for reporting enforcement purposes. It requires majority shareholders in corporate entities to identify themselves so that noncompliant wholesale and retail license holders would not be able to incorporate under a new business name and continue operating without remedying their noncompliance. It authorizes the commissioner to suspend licenses for noncompliance with reporting requirements in order to ensure effective catch monitoring and assess an administrative fee if licenses are suspended. It prevents unlicensed crew members on lobster or crab fishing boats and scallop and sea urchin diving tenders from selling any catch and limits selling to certain licensed harvesters. It expands the seaweed buyer's license to include anyone buying seaweed for resale and removes the ability of marine worm and wholesale seafood dealers to harvest seaweed without a license. Finally, it expands the requirement to hold a retail license for the sale of all marine organisms instead of just lobster, crayfish and shellstock.

**Committee Amendment "A" (H-335)**

This amendment strikes the section of the bill allowing the Commissioner of Marine Resources to share confidential landings data with the Bureau of Marine Patrol within the Department of Marine Resources because that provision duplicates another bill that has already been passed. This amendment provides, in the section authorizing the Commissioner of Marine Resources to suspend licenses for noncompliance with reporting requirements, the person whose license is being suspended with an opportunity to request a hearing. This amendment allows unlicensed crew members to sell lobsters and crabs and licensed scallop and sea urchin diving tenders and holders of handfishing sea urchin licenses to sell scallops and sea urchins as long as they report to the dealer the license under which it was harvested. This amendment strikes the provision that requires a seaweed buyer's license to purchase 10 wet tons or an equivalent number of dry tons of seaweed from harvesters for resale. This amendment clarifies that beginning April 1, 2014 the expansion of retail licenses for the sale of all marine organisms excludes ornamental marine organisms used for exhibition in marine aquaria.

**Enacted Law Summary**

Public Law 2103, chapter 282 does the following.

1. It provides, in the section authorizing the Commissioner of Marine Resources to suspend licenses for noncompliance with reporting requirements, the person whose license is being suspended with an opportunity to request a hearing.
2. It allows unlicensed crew members to sell lobsters and crabs and licensed scallop and sea urchin diving tenders and holders of handfishing sea urchin licenses to sell scallops and sea urchins as long as they report to the dealer the license under which it was harvested.
3. It clarifies that beginning April 1, 2014 the expansion of retail licenses to the sale of all marine organisms excludes ornamental marine organisms used for exhibition in marine aquaria.

See also enacted law summary for LD 632, which includes the provision from LD 482 that allows the Commissioner of Marine Resources to share confidential landings data with the Bureau of Marine Patrol within the Department of Marine Resources.

*Joint Standing Committee on Marine Resources*

**LD 486      An Act To Provide for the Effective Marketing and Promotion of Maine  
Lobster**

**PUBLIC 309**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KRUGER	OTP-AM OTP-AM	H-491

This bill amends provisions of the law establishing the Lobster Promotion Council as follows.

1. It increases the surcharge assessed on harvester and dealer licenses and creates a surcharge on the processor license to fund the council.
2. It changes the criteria for membership and the selection process.
3. It requires that the council report annually to the joint standing committee of the Legislature having jurisdiction over marine resource matters, the Lobster Advisory Council and the lobster industry.

**Committee Amendment "A" (H-491)**

This amendment, which is the majority report, replaces the bill and changes the provisions of the law establishing the Lobster Promotion Council as follows.

1. It renames the council the Maine Lobster Marketing Collaborative.
2. It increases, beginning in 2014, the surcharge assessed on lobster harvester and dealer licenses and creates a tiered surcharge on the lobster processor license to fund the marketing collaborative. It also creates tiered surcharges on the supplemental wholesale seafood licenses and supplemental lobster transportation licenses to fund the marketing collaborative. It requires the Commissioner of Marine Resources to review the surcharges annually and report to the joint standing committee of the Legislature having jurisdiction over marine resources matters, which may report out a bill to adjust the surcharges.
3. It changes the number of members, the criteria for membership and the selection process.
4. It requires that the collaborative present to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2014 a 3-year marketing plan with a detailed work plan and proposed budget for programs and activities for 2014 and 2015. It retains the provisions of the bill that require a report by January 15, 2018 to the Lobster Advisory Council and the joint standing committee of the Legislature having jurisdiction over marine resources matters with respect to the results of a third-party audit of programs and activities and that allow the committee to report out a bill based on the report.
5. It requires that the collaborative report annually to the joint standing committee of the Legislature having jurisdiction over marine resources matters, the Lobster Advisory Council and the lobster industry.
6. It provides that the provisions of law establishing the collaborative and the surcharges are repealed October 1, 2018.
7. It adds an appropriations and allocations section.

**Committee Amendment "B" (H-492)**

This amendment, which is the minority report, replaces the bill and changes the provisions of the law establishing the Lobster Promotion Council as follows.

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1. It renames the council the Maine Lobster Marketing Collaborative.
2. It increases, beginning in 2014, the surcharge assessed on lobster harvester and dealer licenses and creates a surcharge on the lobster processor license to fund the marketing collaborative. Under this amendment the lobster dealer and transportation licenses are assessed a surcharge of \$1,300 in 2014 rising to \$3,900 for years 2016 to 2018. The lobster processing license is assessed a surcharge of \$2,000 in 2014 rising to \$6,000 for years 2016 to 2018. It requires the Commissioner of Marine Resources to review the surcharges annually and report to the joint standing committee of the Legislature having jurisdiction over marine resources matters, which may report out a bill to adjust the surcharges.
3. It changes the number of members, the criteria for membership and the selection process.
4. It requires that the collaborative present to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2014 a 3-year marketing plan with a detailed work plan and proposed budget for programs and activities for 2014 and 2015. It retains the provisions of the bill that require a report by January 15, 2018 to the Lobster Advisory Council and the joint standing committee of the Legislature having jurisdiction over marine resources matters with respect to the results of a third-party audit of programs and activities and that allow the committee to report out a bill based on the report.
5. It requires that the collaborative report annually to the joint standing committee of the Legislature having jurisdiction over marine resources matters, the Lobster Advisory Council and the lobster industry.
6. It provides that the provisions of law establishing the collaborative and the surcharges are repealed October 1, 2018.
7. It adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2013, chapter 309 changes the provisions of the law establishing the Lobster Promotion Council as follows.

1. It renames the council the Maine Lobster Marketing Collaborative.
2. It increases, beginning in 2014, the surcharge assessed on lobster harvester and dealer licenses and creates a tiered surcharge on the lobster processor license to fund the marketing collaborative. It also creates tiered surcharges on the supplemental wholesale seafood licenses and supplemental lobster transportation licenses to fund the marketing collaborative. It requires the Commissioner of Marine Resources to review the surcharges annually and report to the joint standing committee of the Legislature having jurisdiction over marine resources matters, which may report out a bill to adjust the surcharges.
3. It changes the number of members, the criteria for membership and the selection process.
4. It requires that the collaborative present to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2014 a 3-year marketing plan with a detailed work plan and proposed budget for programs and activities for 2014 and 2015. It require the collaborative to report by January 15, 2018 to the Lobster Advisory Council and the joint standing committee of the Legislature having jurisdiction over marine resources matters the results of a third-party audit of programs and activities and allows the committee to report out a bill based on the report.
5. It requires that the collaborative report annually to the joint standing committee of the Legislature having jurisdiction over marine resources matters, the Lobster Advisory Council and the lobster industry.

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6. It repeals the provisions of law establishing the collaborative and the surcharges effective October 1, 2018.

**LD 497      An Act To Move Maine's Elver Fishery towards Sustainability      ONTP**

<u>Sponsor(s)</u> GERZOFSKY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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This bill provides that elvers may be harvested only by residents using dip nets. Licenses for elver fishing are required to be issued to applicants who are residents who have previously been issued an elver license in any two consecutive years since and including 1994. Fifty dollars of each elver license fee and dip net fee is deposited in the Eel and Elver Management Fund, which is used for research and management of eels and elvers; the fund is modified to remove authority for the Commissioner of Marine Resources to use the fund to cover the costs associated with determining eligibility for elver fishing licenses.

**LD 557      An Act To Change the Age at Which a Person Qualifies for a Fee Reduction for a Lobster and Crab Fishing License      ONTP**

<u>Sponsor(s)</u> RYKERSON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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This bill changes the age at which an applicant qualifies for a fee reduction for a lobster and crab fishing license from 70 years of age to 65 years of age.

**LD 583      An Act To Allow the Exchange of Scallop Licenses      ONTP**

<u>Sponsor(s)</u> CHAPMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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This bill allows a holder of a hand fishing scallop license and a holder of a scallop dragging license to exchange licenses.

**LD 584      An Act To Provide for Passage of River Herring on the St. Croix River in Accordance with an Adaptive Management Plan      ONTP**

<u>Sponsor(s)</u> WEAVER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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This bill requires that the fishway on the Grand Falls Dam allow passage of river herring in accordance with the provisions of the Adaptive Management Plan dated April 23, 2010 developed at the request of an international joint commission involving the United States and Canada.

See enacted law summary for LD 72 and bill summary for LD 748.

*Joint Standing Committee on Marine Resources*

**LD 585      An Act To Require the Development of a Statewide Approach to Seaweed Management**

**PUBLIC 169**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINCHENBACH JOHNSON C	OTP-AM	H-126

This bill repeals the laws establishing the Cobscook Bay Rockweed Management Area 90 days after the adjournment of the Second Regular Session of the 126th Legislature. The bill also directs the Commissioner of Marine Resources to develop a fisheries management plan for a consistent approach to the management of seaweed harvesting throughout the State and to report to the Joint Standing Committee on Marine Resources no later than January 31, 2014.

**Committee Amendment "A" (H-126)**

This amendment removes the section of the bill that repeals the laws establishing the Cobscook Bay Rockweed Management Area 90 days after the adjournment of the Second Regular Session of the 126th Legislature. This amendment retains the provision of the bill that requires that the statewide fisheries management plan for a consistent statewide approach to seaweed harvesting be presented to the Joint Standing Committee on Marine Resources no later than January 31, 2014, but it clarifies that the plan must be provided to the committee for review and comment and gives the committee the authority to report out a bill related to the plan.

**Enacted Law Summary**

Public Law 2013, chapter 169 requires the Commissioner of Marine Resources to develop and present to the Joint Standing Committee on Marine Resources for review and comment no later than January 31, 2014, a statewide fisheries management plan for a consistent statewide approach to seaweed harvesting. It also gives the committee authority to report out a bill related to the plan.

**LD 604      An Act Regarding Commercial Elver Fishing Licenses Issued by the Penobscot Nation**

**PUBLIC 9  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL CAIN	OTP-AM	H-9

This bill increases the number of commercial licenses for the taking of elvers that the Penobscot Nation may issue in any calendar year from 8 to 48. It also specifies that if the Commissioner of Marine Resources and the Penobscot Nation determine elver resources are sufficient to permit the issuance of more licenses, the commissioner by rule may increase the number.

**Committee Amendment "A" (H-9)**

This amendment, like the bill, increases the number of commercial licenses for the taking of elvers that the Penobscot Nation may issue in any calendar year from eight licenses to 48 licenses. The amendment specifies that eight of the licenses allow the taking of elvers with two pieces of gear consisting of an elver fyke net and a dip net and 40 allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net. The amendment retains the provision of the bill that provides that if the Commissioner of Marine Resources and the Penobscot Nation determine elver resources are sufficient to permit the issuance of more licenses, the commissioner by rule may increase the number.

**Enacted Law Summary**

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Public Law 2013, chapter 9 increases the number of commercial licenses for the taking of elvers that the Penobscot Nation may issue in any calendar year from eight licenses to 48 licenses. Eight of the licenses allow the taking of elvers with two pieces of gear consisting of an elver fyke net and a dip net and 40 licenses allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net. If the Commissioner of Marine Resources and the Penobscot Nation determine elver resources are sufficient to permit the issuance of more licenses, the commissioner shall increase the number by rule.

Public Law 2013, chapter 9 was enacted as an emergency measure effective March 21, 2013.

**LD 632      An Act To Enact Measures To Improve Enforcement Mechanisms in the Elver Industry**

**PUBLIC 49  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C KUMIEGA	OTP-AM	S-23

This bill makes technical changes in laws regarding marine resources to improve enforcement mechanisms for the elver industry. Among the changes are authorizing the seizure of a bulk pile that contains illegally harvested elvers and prohibiting the possession of elvers outside of the open season. The bill also changes the law to restrict courts from suspending all or a portion of fines for elver violations. It reduces the daily number of marine worms harvestable for personal use, and it restricts the allowable landings of northern shrimp for personal use to one tote.

The bill also specifies size limits on scallop spat collected and sold for placement on a lease site, it expands the sources of funds available to an aquaculture fund and it clarifies that Atlantic salmon raised for restoration purposes are not exempt from certain fishing prohibitions.

**Committee Amendment "A" (S-23)**

This amendment replaces the bill and adds an emergency preamble and an emergency clause. The amendment requires an elver harvester to provide, upon request of a law enforcement officer or elver dealer, a government-issued identification with the harvester's photograph and birth date. The amendment restricts the form of payment with respect to the sale and purchase of elvers to a check. The amendment converts many elver fishing violations that are currently civil violations to Class D crimes and requires courts to impose the maximum fine for those Class D crimes.

**Enacted Law Summary**

Public Law 2013, chapter 49 requires an elver harvester to provide, upon request of a law enforcement officer or elver dealer, a government-issued identification with the harvester's photograph and birth date and restricts the form of payment with respect to the sale and purchase of elvers to a check. It also converts many elver fishing violations that are currently civil violations to Class D crimes and requires courts to impose the maximum fine for those Class D crimes.

Public Law 2013, chapter 49 was enacted as an emergency measure effective April 24, 2013.

See enacted bill summary for LD 1545, which repeals the provision requiring licensed elver dealers and dealer's representatives to purchase elvers with a check.

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

**LD 643      An Act To Create a Tax Incentive Program To Improve the Maine Lobster Industry**

**ONTP**

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

This bill provides a sales tax refund and exemption, beginning July 1, 2013, to encourage capital investment in commercial lobster processing companies in the State and creates a working group that will examine broader issues and make recommendations by January 15, 2014 for improving the competitiveness of commercial lobster processing companies in the State.

Part A of the bill creates a sales tax refund and exemption for the purchase of depreciable machinery and equipment for use in commercial lobster processing beginning July 1, 2013. It requires commercial lobster processing companies receiving the exemption and refund to, beginning January 1, 2014, report annually to the State Tax Assessor on their market share, number of employees, average salary or wages, employee benefits and the number of pounds of lobster processed. It gives the State Tax Assessor auditing authority and the authority to recapture ineligible refunds and exemptions of sales tax within 3 years after the date of the refund or purchase. Beginning March 1, 2014, the bill requires the State Tax Assessor to submit a report annually to the joint standing committee of the Legislature having jurisdiction over taxation matters. The report must include, from the commercial lobster processing companies reporting, aggregate data on market share, employment, wages, benefits and the number of pounds of lobster processed as well as the amount of tax expenditure attributable to the commercial lobster processing companies' receiving the refund and exemption. It requires the joint standing committee of the Legislature having jurisdiction over taxation matters to annually review the report provided by the State Tax Assessor and authorizes the joint standing committee of the Legislature having jurisdiction over taxation matters to issue a report of its findings and recommendations. It gives the joint standing committee of the Legislature having jurisdiction over taxation matters authority to submit a bill to the Legislature to implement recommendations resulting from the review. The sales tax refund and exemption available to commercial lobster processing companies expires June 30, 2018.

Part B of the bill creates a working group convened jointly by the Commissioner of Economic and Community Development and the Commissioner of Marine Resources to examine factors that undermine the competitiveness of Maine commercial lobster processing companies, the extent to which the Canadian lobster industry is subsidized and data on employment, wages, benefits, pounds of lobster processed and market share. It requires the working group to identify benchmarks that may be used to determine eligibility for the sales tax refund and exemption. It requires the working group to make recommendations for increasing commercial lobster processing in the State and identify strategies for strengthening the Maine lobster brand and the relationships within the industry to better promote Maine lobster and increase sales. It requires the working group to report, no later than January 15, 2014, findings and recommendations to the Joint Standing Committee on Taxation and the Joint Standing Committee on Marine Resources. It authorizes the Joint Standing Committee on Taxation and the Joint Standing Committee on Marine Resources to introduce a bill related to the subject matter of the report to the Second Regular Session of the 126th Legislature upon receipt of the report.

**LD 731      An Act To Increase the Number of Elver Harvesting Licenses and Preserve the Fishery through Conservation**

**ONTP**

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

## *Joint Standing Committee on Marine Resources*

This bill establishes special elver fishing license lotteries in 2014 and 2015 under which a person who possessed an elver fishing license in 1996, 1997 or 1998 or a person who has never held an elver fishing license and is not otherwise eligible may obtain that license. Persons issued a license under these special lotteries may use one elver fyke net or one dip net to fish for or take elvers. The bill increases the overall number of pieces of gear that may be used for fishing for or taking elvers. The bill prohibits harvesting yearling elvers, as defined by the Commissioner of Marine Resources by rule and increases from two days to three days per week the closed period for elver fishing. The bill establishes the Eel and Elver Advisory Council to make recommendations to the commissioner and the Legislature regarding matters of interest to the State's eel and elver fishing industry. The bill requires the Department of Marine Resources to work with the Department of Inland Fisheries and Wildlife to establish an elver restocking program. See enacted law summary for LD 451.

**LD 748      An Act Regarding the Passage of River Herring on the St. Croix River      ONTP**

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

This bill requires the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to ensure by May 1, 2013 that fishways on the Woodland Dam and the Grand Falls Dam are configured in a manner that allows the unlimited passage of river herring. See enacted law summary for LD 72 and bill summary for LD 584.

**LD 778      An Act To Develop Principles To Guide Fisheries Management      ONTP**  
**Decisions**

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

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

This bill proposes to establish a means of determining the long-term goal of fisheries management in the State, including developing a method of outcome testing proposed legislation and rules. The joint standing committee of the Legislature having jurisdiction over marine resources matters would use the outcome testing to evaluate the effect of the proposed legislation or rules on fisheries management and include the Department of Marine Resources advisory committees and lobster management policy councils in the decision-making process.

The bill would require the periodic review of the fisheries management laws and goals in order to ensure that they remain pertinent and applicable. See enacted law summary for LD 811.

**LD 810      Resolve, To Amend the Lobster Trap Tag System Rules for Certain      ONTP**  
**Zones**

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

This resolve directs the Commissioner of Marine Resources to amend Department of Marine Resources rule Chapter 25.08, A (3) concerning lobster fishing Zones F and G to reduce the number of lobster traps that a person may fish in the limited entry zone other than the person's declared lobster zone from 49% of the person's traps to

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25%.

**LD 811      An Act To Provide Guidance for the Development of Marine Fisheries  
Management Plans**

**PUBLIC 287**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN WOODBURY	OTP-AM	H-259

This bill establishes general requirements for the development of fisheries management plans by the Commissioner of Marine Resources, including objectives plans must seek to address and the management and scientific content for the plans. The bill also provides that the commissioner may adopt a management plan or other policy on the conservation or regulation of marine organisms only after prior notice and public hearing and with the advice and consent of the Marine Resources Advisory Council. The bill requires that a management plan be developed with advice and input from the advisory council for the species for which the plan is developed, if such an advisory council exists.

**Committee Amendment "A" (H-259)**

This amendment adds to the bill the requirement that the fishery management plan for each species must include an ecosystem-based characterization of the species under consideration.

**Enacted Law Summary**

Public Law, chapter 287 establishes general requirements for the development of fisheries management plans by the Commissioner of Marine Resources, including objectives plans must seek to address and the management and scientific content for the plans. The bill also provides that the commissioner may adopt a management plan or other policy on the conservation or regulation of marine organisms only after prior notice and public hearing and with the advice and consent of the Marine Resources Advisory Council. The bill requires that a management plan be developed with advice and input from the advisory council for the species for which the plan is developed, if such an advisory council exists. Public Law, chapter 287 also requires that the fishery management plan for each species must include an ecosystem-based characterization of the species under consideration.

**LD 832      An Act To Enable Small-scale Cooperative Management of Sea Urchin  
Resources**

**CARRIED OVER**

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

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

The purpose of the bill is to enable persons involved in the sea urchin fishery to increase economic return of sea urchin resources through resource enhancement and harvest control in designated areas.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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**LD 898      An Act To Require Labeling of Genetically Engineered Marine Organisms**

**DIED BETWEEN HOUSES**

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

This bill requires clear and conspicuous labeling of marine organisms offered for sale that are produced using genetic engineering. Failure to provide the required labeling is a civil violation subject to enforcement by the Commissioner of Marine Resources.

**Committee Amendment "A" (H-443)**

This amendment, which is the minority report of the committee, clarifies the definition of "genetically engineered" as applied to marine organisms.

**House Amendment "A" To Committee Amendment "A" (H-466)**

This amendment provides that a marine organism that has been genetically engineered may not be offered for sale for human consumption if labeled with the same name as its nongenetically engineered counterpart unless the words "genetically engineered" appear immediately before the name in the same size, color and font type.

**LD 899      An Act Providing for a Noncommercial, Nondomiciled Resident Lobster and Crab Fishing License**

**ONTP**

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

This bill creates a noncommercial, nondomiciled resident lobster and crab fishing license. The holders of these licenses are charged \$250 for a license and an annual surcharge of \$1,000 designated to the Lobster Promotion Fund.

**LD 935      An Act To Permit the Harvest of Sea Cucumbers as Bycatch of Sea Urchin Dragging and To Allow Areas To Be Closed to Sea Cucumber Dragging**

**ONTP**

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

This bill allows those authorized to engage in sea urchin dragging to possess, ship, transport and sell up to 2 fish totes per day of sea cucumbers caught as bycatch if the retained sea cucumbers are 2 inches longer than any minimum size established by the Commissioner of Marine Resources and the person retaining the sea cucumbers is also in possession of sea urchins. The bill also grants authority to the commissioner to close an area to sea cucumber dragging in order to protect lobster populations or to reduce conflicts between mobile and fixed fishing gear.

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**LD 939 An Act To Authorize a General Fund Bond Issue To Restore Maine's Groundfishing Industry**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ALFOND MOONEN	OTP-AM	

This bill includes ongoing General Fund appropriations of \$3,500,000 annually to the Department of Marine Resources beginning in fiscal year 2013-14 for the purchase of federal groundfishing permits.

**Committee Amendment "A" (S-152)**

This amendment replaces the bill with a bond issue in the amount of \$3,500,000 for the purchase of federal groundfishing permits to enable Maine fishing vessels to land their catch in Maine.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 946 An Act To Allow Municipalities To Petition the Department of Marine Resources To Establish Dive-only Areas for Scallops in Mooring Fields**

**PUBLIC 230**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANGLEY	OTP-AM	S-110

This bill gives the Commissioner of Marine Resources authority to establish by rule at the written request of a municipality dive-only areas in harbors where there are moorings within that municipality in which a person may not fish for or take scallops by any means other than by hand. This bill provides that dragging for scallops in a dive-only area is prohibited, and that a violation of this prohibition is a civil violation with mandatory fines.

**Committee Amendment "A" (S-110)**

This amendment gives the Commissioner of Marine Resources authority to establish by rule at the written request of a municipality in harbors where there are five or more moorings within that municipality dive-only areas in which a person may not fish for or take scallops by any means other than by hand. The bill does not specify a minimum number of moorings.

**Enacted Law Summary**

Public Law 2013, chapter 230 gives the Commissioner of Marine Resources authority to establish by rule at the written request of a municipality in harbors where there are five or more moorings within that municipality dive-only areas in which a person may not fish for or take scallops by any means other than by hand. It provides that dragging for scallops in a dive-only area is prohibited, and that a violation of this prohibition is a civil violation with mandatory fines.

**LD 953 An Act To Provide for and Recognize the Right of the Houlton Band of Maliseet Indians To Fish for Marine Organisms**

**PUBLIC 254**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BEAR	OTP-AM	H-225

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This bill provides the Houlton Band of Maliseet Indians the same rights regarding the taking of marine organisms as are provided to the other federally recognized Indian tribes in this State, including the right to issue certain commercial licenses and permits for the taking of marine organisms and the right of members of the band to take, possess, transport and distribute marine organisms for sustenance and ceremonial uses. The bill limits the number of lobster and crab fishing licenses issued by the band to 25, the number of sea urchin licenses to 24, the number of scallop licenses to 10 and the number of elver licenses to 25. The bill also increases the number of elver licenses that may be issued by the Penobscot Nation to 50 and the number that may be issued by the Aroostook Band of Micmacs to 25.

### **Committee Amendment "A" (H-225)**

This amendment replaces the bill and provides the Houlton Band of Maliseet Indians the same rights regarding the taking of marine organisms as are provided to the other, federally recognized, Indian tribes in this State, including the right to issue certain commercial licenses and permits for the taking of marine organisms and the right of members of the band to take, possess, transport and distribute marine organisms for sustenance and ceremonial uses. The amendment limits the number of lobster and crab fishing licenses issued by the band to 10, the number of sea urchin licenses to 24 and the number of scallop licenses to 10.

### **Enacted Law Summary**

Public Law 2013, chapter 254 provides the Houlton Band of Maliseet Indians the same rights regarding the taking of marine organisms as are provided to the other, federally recognized, Indian tribes in this State, including the right to issue certain commercial licenses and permits for the taking of marine organisms and the right of members of the band to take, possess, transport and distribute marine organisms for sustenance and ceremonial uses. The amendment limits the number of lobster and crab fishing licenses issued by the band to 10, the number of sea urchin licenses to 24 and the number of scallop licenses to 10.

### **LD 1020      An Act Regarding the Swans Island Lobster Fishing Zone**

**PUBLIC 342  
EMERGENCY**

Sponsor(s)

KUMIEGA

Committee Report

OTP-AM

Amendments Adopted

H-408

This bill establishes in statute the Swans Island Lobster Conservation Area. Under this bill, the maximum allowable number of lobster traps and tags per individual registered to obtain Swans Island Lobster Conservation Area trap tags is 550.

### **Committee Amendment "A" (H-408)**

This amendment clarifies the eligibility requirements for Swans Island Conservation Area lobster trap tags. It ensures that a person eligible to take lobsters in the limited-entry zone in which Swans Island is located pursuant to the Department of Marine Resources Rule Chapter 25.90: Swans Island Area Lobster Trap Regulation is eligible to obtain the tags. It also provides that a person who declared the lobster management zone that includes the Swans Island Lobster Conservation Area in the prior calendar year is eligible to obtain Swans Island Lobster Conservation Area trap tags.

### **Enacted Law Summary**

Public Law 2013, chapter 342 does the following.

1. It establishes in statute the Swans Island Lobster Conservation Area. Under this law, the maximum allowable number of lobster traps and tags per individual registered to obtain Swans Island Lobster Conservation Area trap tags is 550.

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2. It clarifies the eligibility requirements for Swans Island Conservation Area lobster trap tags. It ensures that a person eligible to take lobsters in the limited-entry zone in which Swans Island is located pursuant to the Department of Marine Resources Rule Chapter 25.90: Swans Island Area Lobster Trap Regulation is eligible to obtain the tags. It also provides that a person who declared the lobster management zone that includes the Swans Island Lobster Conservation Area in the prior calendar year is eligible to obtain Swans Island Lobster Conservation Area trap tags.

Public Law 2013, chapter 342 was enacted as an emergency measure effective June 24, 2013.

**LD 1097      An Act To Allow the Sale of Incidentally Caught Lobsters      ONTP**

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

This bill allows commercial fishing operators who take lobsters as bycatch from federal Lobster Management Area 3 to land the lobsters at a commercial exchange that auctions fish in the City of Portland with landing limits regulated by the Commissioner of Marine Resources based on the fishery's maintaining the lobster population at optimal levels. This bill directs the Commissioner of Marine Resources to monitor and review the effect of this regulation on the State's ground fishing fleet and report the findings of the review to the joint standing committee of the Legislature having jurisdiction over marine resources matters, which may report out a bill to the Second Regular Session of the 126th Legislature based upon the subject matter of the report.

**LD 1171      Resolve, To Allow Certain Holders of Lobster and Crab Fishing      ONTP  
Licenses To Harvest River Herring for Personal Use as Bait**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL MACDONALD W	ONTP	

This resolve requires the Department of Marine Resources to adopt rules to allow a person holding a lobster and crab fishing license to take river herring on property that the licensee owns or rents for use as bait by the licensee.

**LD 1224      An Act Regarding Advertising of Maine Shellfish      ONTP**

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

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

The purpose of this bill is to ensure that, in any advertisement for the sale of clams, wild clams that are fresh out of the flats and clams that have gone through the depuration process are differentiated.

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**LD 1397     An Act To Create Equity and Fairness in the Elver Industry**

**CARRIED OVER**

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

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

This bill proposes to improve the fairness of the elver licensing process by making the process more comparable to the licensing processes for other similar industries within the Department of Marine Resources.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1448     An Act To Preserve Marine Resources Licenses for Active Duty Service  
Members**

**PUBLIC 319  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERZOFSKY DEVIN	OTP-AM	S-267

This bill makes a valid license issued by the Department of Marine Resources inactive with no fee due for a holder who is a member of the United States Armed Forces, including the National Guard and the Reserves of the United States Armed Forces and the United States Coast Guard, who is under orders for active duty. The license may be reactivated within 30 days of the holder's release from active duty and remains valid until the end of the licensing period in which the holder is released from active duty.

**Committee Amendment "A" (S-267)**

This amendment strikes the bill and replaces it with amendments to existing statutes that provide exceptions for certain requirements for licenses issued by the Department of Marine Resources to persons serving or who have recently served in the United States Armed Forces or United States Coast Guard or the National Guard or the Reserves of the United States Armed Forces.

1. The amendment changes the exception that allows individuals who are ineligible for a commercial fishing license in a limited entry fishery due to service in the United States Armed Forces or United States Coast Guard to be awarded a license, in the following ways:

- A. It expands the exception to all limited entry fisheries;
- B. It increases the eligibility period from 6 to 10 consecutive years of service, with no license fee being assessed during that time;
- C. For consecutive years of service beyond 10 years, it provides that the exception is available as long as a license fee is paid; and
- D. Instead of requiring an honorable discharge from service, it disqualifies an individual who has received a dishonorable discharge.

2. The amendment also changes the current waiver provision regarding license eligibility requirements for

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individuals who are called to active duty in the National Guard or the Reserves of the United States Armed Forces and who hold a license or have held a license in the preceding calendar year, in the following ways:

- A. It expands the exception to all limited entry fisheries;
- B. It adds an eligibility period of 10 consecutive years of service, with no license fee being assessed during that time;
- C. For consecutive years of service beyond 10 years, it provides that the exception is available as long as a license fee is paid; and
- D. It includes instances when the individual enters the service pursuant to a draft or enlistment during a period of an active draft.

The amendment extends an individual's eligibility for a student lobster and crab fishing license by allowing the individual, upon the individual's return from active duty in the United States Armed Forces or United States Coast Guard or the National Guard or the Reserves of the United States Armed Forces, to have the individual's eligibility regarding age extended by the number of years that individual was not able to purchase a student license due to this military service for a period of up to 10 years. In order to take advantage of this extended eligibility, the individual must initiate the license application within one year of the individual's return from active duty.

This amendment adds an emergency preamble and emergency clause to the bill.

### **Enacted Law Summary**

Public Law 2013, chapter 319 amends existing statutes that provide exceptions for certain requirements for licenses issued by the Department of Marine Resources to persons serving or who have recently served in the United States Armed Forces or United States Coast Guard or the National Guard or the Reserves of the United States Armed Forces.

1. It changes the exception that allows individuals who are ineligible for a commercial fishing license in a limited entry fishery due to service in the United States Armed Forces or United States Coast Guard to be awarded a license, in the following ways:
  - A. It expands the exception to all limited entry fisheries;
  - B. It increases the eligibility period from 6 to 10 consecutive years of service, with no license fee being assessed during that time;
  - C. For consecutive years of service beyond 10 years, it provides that the exception is available as long as a license fee is paid; and
  - D. Instead of requiring an honorable discharge from service, it disqualifies an individual who has received a dishonorable discharge.
2. This law also changes the current waiver provision regarding license eligibility requirements for individuals who are called to active duty in the National Guard or the Reserves of the United States Armed Forces and who hold a license or have held a license in the preceding calendar year, in the following ways:
  - A. It expands the exception to all limited entry fisheries;
  - B. It adds an eligibility period of 10 consecutive years of service, with no license fee being assessed during that time;

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C. For consecutive years of service beyond 10 years, it provides that the exception is available as long as a license fee is paid; and

D. It includes instances when the individual enters the service pursuant to a draft or enlistment during a period of an active draft.

This law also extends an individual's eligibility for a student lobster and crab fishing license by allowing the individual, upon the individual's return from active duty in the United States Armed Forces or United States Coast Guard or the National Guard or the Reserves of the United States Armed Forces, to have the individual's eligibility regarding age extended by the number of years that individual was not able to purchase a student license due to this military service for a period of up to 10 years. In order to take advantage of this extended eligibility, the individual must initiate the license application within one year of the individual's return from active duty.

Public Law 2013, chapter 319 was enacted as an emergency measure effective June 21, 2013.

**LD 1452      An Act To Allow Municipalities with Shellfish Conservation Ordinances      CARRIED OVER  
To Request Permission To Prohibit Marine Worm Harvesting**

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

This bill allows a municipality with a shellfish conservation ordinance to apply to the Department of Marine Resources to request a prohibition on marine worm harvesting. It also makes it a civil violation to harvest marine worms from areas closed to the harvest and possession of marine worms.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

**LD 1544      An Act To Expand the Authority of Lobster Management Policy      PUBLIC 239  
Councils To Address Entry into Lobster Management Zones and To      EMERGENCY  
Create a Temporary Medical Allowance**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA	OTP-AM	H-334

This bill expands the authority of lobster management policy councils to allow them to make a recommendation to the Commissioner of Marine Resources regarding the methodology used to calculate the number of new entrants into a lobster management zone. Under existing law, the calculation is based on the number of trap tags retired; this bill would allow a council to recommend using the number of licenses retired instead. The bill also creates a temporary medical allowance so that when a parent or spouse holding a lobster and crab fishing license is unable to fish due to a medical condition, a child or spouse of the license holder who has completed the apprentice program may operate under the license for a limited duration of up to one year.

**Committee Amendment "A" (H-334)**

This amendment provides that in order to be eligible for the temporary medical allowance provided in the bill, the holder of a lobster and crab fishing license must have harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for a temporary medical allowance. This amendment also gives the Joint Standing Committee on Marine Resources the authority to report out a bill regarding lobster licenses and methods for

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expanding opportunity in the limited-entry lobster fishery.

### **Enacted Law Summary**

Public Law 2013, chapter 239 expands the authority of lobster management policy councils to allow them to make a recommendation to the Commissioner of Marine Resources regarding the methodology used to calculate the number of new entrants into a lobster management zone. Under previous law, the calculation was based on the number of trap tags retired; this law allows a council to recommend using the number of licenses retired instead.

Public Law 2013, chapter 239 also creates a temporary medical allowance so that when a parent or spouse holding a lobster and crab fishing license is unable to fish due to a medical condition, a child or spouse of the license holder who has completed the apprentice program may operate under the license for a limited duration of up to one year. The law requires that in order to be eligible for the temporary medical allowance provided in the bill, the holder of a lobster and crab fishing license must have harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for a temporary medical allowance.

Public Law 2013, chapter 239 gives the Joint Standing Committee on Marine Resources the authority to report out a bill regarding lobster licenses and methods for expanding opportunity in the limited-entry lobster fishery.

Public Law 2013 chapter 239 was enacted as an emergency measure effective June 12, 2013.

### **LD 1545     An Act To Make Technical Changes to Maine's Marine Resources Laws and Elver Enforcement Mechanisms**

**PUBLIC 301**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON C	OTP-AM	S-247 H-473    DEVIN

This bill makes changes in the laws governing marine resources, including changes designed to improve enforcement mechanisms for the elver industry. This bill:

1. Specifically authorizes the Commissioner of Marine Resources to adopt or amend rules to add or delete authorization for the holders of aquaculture leases to use specific gear on the lease site and provides that the commissioner may grant authorization for a gear or species amendment only upon a determination that the change is consistent with the findings made by the commissioner when the lease was approved;
2. Specifies size limits on scallop spat collected under the authority of a special license and sold for placement on a lease site;
3. Provides that approval by the applicable advisory council is not required for a special license issued by the commissioner to a teacher who is providing a postsecondary school program;
4. Authorizes the commissioner to receive on behalf of the Aquaculture Monitoring, Research and Development Fund funds from any source;
5. Specifies that Atlantic salmon raised in a hatchery for purposes of restoration are not exempt from the possession prohibitions;
6. Eliminates language that would have repealed the exception allowing lobster processing by a person who holds both a wholesale seafood license with a lobster permit and a lobster processor license;
7. Specifies that the holder of an elver fishing license may possess elvers only during the open season and for up to

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6 hours after the end of open season;

8. Eliminates language that allows the taking of eels by hoop net;
9. Repeals a provision that prohibits a person from selling elvers for any form of payment other than a check that identifies both the seller and the buyer;
10. Eliminates language that prohibits an elver license holder or authorized representative from purchasing elvers in any manner other than by a check that identifies both the seller and buyer;
11. Enacts a provision that prohibits a person from assisting another person to illegally harvest elvers;
12. Specifically provides that elvers that are purchased or possessed that were illegally taken are subject to seizure;
13. Removes language requiring that shellfish conservation training programs include training in sampling techniques for the detection of pollutants and contaminants in shellfish areas;
14. Increases from 2 quarts to one gallon the amount of shucked scallops a person may take for personal use in any one day without possessing a scallop dragging license;
15. Increases from 2 quarts to one gallon the amount of shucked scallops a holder of a noncommercial scallop license may take for personal use in any one day;
16. Amends the description of the zone that is closed to sea urchin fishing that is designated "Zone 1";
17. Decreases from 125 to 50 the number of marine worms a person may take for personal use in any one day without possessing a marine worm digger's license or a marine worm dealer's license;
18. Restricts the allowable landings of northern shrimp for personal use to one standard fish tote;
19. Prohibits the issuance of an elver dealer's license after February 1st for the following licensing year;
20. Clarifies that an elver dealer's license authorizes licensed activities at only one permanent facility, which cannot be a dwelling, that is owned or legally leased by the license holder; and
21. Removes language prohibiting a licensed elver dealer or dealer's representative from purchasing or attempting to purchase elvers with a nonnegotiable check.

### **Committee Amendment "A" (S-247)**

This amendment:

1. Modifies the provision of the bill that authorizes the Commissioner of Marine Resources to authorize gear or species changes under aquaculture leases; it provides that before any such changes are made, the public and interested parties must be notified and allowed to comment on the change;
2. Modifies the size limits on scallop spat collected under the authority of a special license and sold for placement on a lease site. Until September 1, 2015, the scallop spat must be less than 40 millimeters in the longest diameter and, beginning September 1, 2015, the scallop spat must be less than 25 millimeters in the longest diameter;
3. Clarifies that approval by the applicable advisory council is not required for a special license issued by the commissioner to a teacher who is providing a school program for educational purposes;

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4. Retains a recently enacted provision, repealed in the bill, that prohibits a person from buying or selling elvers with any form of payment other than a check, but modifies the provision to allow other forms of payment if the purchaser provides a written or electronic receipt that identifies both the buyer and seller; and
5. Suspends the elver gear lottery until action is taken to reauthorize the lottery.

### **House Amendment "A" To Committee Amendment "A" (H-473)**

This amendment changes provisions in Committee Amendment "A" governing regulations that the Commissioner of Marine Resources may adopt or amend governing research and aquaculture leases. The committee amendment conditions authorization for a species or gear amendment on the provision of notice of the proposed amendment to the public, the owners of riparian land within 1,000 feet of the lease site and the municipal officers of the municipality within which the lease is located and specifies that the notice must provide an opportunity for submission of written comments on the proposed amendment within 14 days. This amendment instead requires that these regulations provide for notice of proposed changes in only gear authorization to the lessee, the public, riparian landowners and the municipality in which the lease is located, and provide an opportunity for submission of written comments. The amendment provides that a change in authorization is not an adjudicatory proceeding.

This amendment also allows the commissioner to adopt similar rules for limited-purpose leases for commercial or scientific research.

### **Enacted Law Summary**

Public Law 2013, chapter 301 makes the following changes in the laws governing marine resources, including changes designed to improve enforcement mechanisms for the elver industry. It:

1. Specifically authorizes the Commissioner of Marine Resources to adopt or amend rules to add or delete authorization for the holders of aquaculture leases to use specific gear on the lease site and provides that the commissioner may grant authorization for a gear or species amendment only upon a determination that the change is consistent with the findings made by the commissioner when the lease was approved. The rules must provide for notice of proposed changes in gear authorization only to the lessee, the public, riparian landowners and the municipality in which the lease is located, and provide an opportunity for submission of written comments. The law provides that a change in authorization is not an adjudicatory proceeding and also allows the commissioner to adopt similar rules for limited-purpose leases for commercial or scientific research;
2. Specifies size limits on scallop spat collected under the authority of a special license and sold for placement on a lease site. The new size limits on scallop spat collected under the authority of a special license and sold for placement on a lease site are as follows: Until September 1, 2015, the scallop spat must be less than 40 millimeters in the longest diameter and, beginning September 1, 2015, the scallop spat must be less than 25 millimeters in the longest diameter;
3. Provides that approval by the applicable advisory council is not required for a special license issued by the commissioner to a teacher who is providing a postsecondary school program for educational purposes;
4. Authorizes the commissioner to receive on behalf of the Aquaculture Monitoring, Research and Development Fund funds from any source;
5. Specifies that Atlantic salmon raised in a hatchery for purposes of restoration are not exempt from the possession prohibitions;
6. Eliminates language that would have repealed the exception allowing lobster processing by a person who holds both a wholesale seafood license with a lobster permit and a lobster processor license;
7. Specifies that the holder of an elver fishing license may possess elvers only during the open season and for up to

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6 hours after the end of open season;

- 8. Eliminates language that allows the taking of eels by hoop net;
- 9. Repeals a provision that prohibits a person from selling elvers for any form of payment other than a check that identifies both the seller and the buyer;
- 10. Eliminates language that prohibits an elver license holder or authorized representative from purchasing elvers in any manner other than by a check that identifies both the seller and buyer;
- 11. Enacts a provision that prohibits a person from assisting another person to illegally harvest elvers;
- 12. Specifically provides that elvers that are purchased or possessed that were illegally taken are subject to seizure;
- 13. Removes language requiring that shellfish conservation training programs include training in sampling techniques for the detection of pollutants and contaminants in shellfish areas;
- 14. Increases from 2 quarts to one gallon the amount of shucked scallops a person may take for personal use in any one day without possessing a scallop dragging license;
- 15. Increases from 2 quarts to one gallon the amount of shucked scallops a holder of a noncommercial scallop license may take for personal use in any one day;
- 16. Amends the description of the zone that is closed to sea urchin fishing that is designated "Zone 1";
- 17. Decreases from 125 to 50 the number of marine worms a person may take for personal use in any one day without possessing a marine worm digger's license or a marine worm dealer's license;
- 18. Restricts the allowable landings of northern shrimp for personal use to one standard fish tote;
- 19. Prohibits the issuance of an elver dealer's license after February 1st for the following licensing year;
- 20. Clarifies that an elver dealer's license authorizes licensed activities at only one permanent facility, which cannot be a dwelling, that is owned or legally leased by the license holder;
- 21. Prohibits a person from buying or selling elvers with any form of payment other than a check unless the purchaser provides a written or electronic receipt that identifies both the buyer and seller; and
- 22. Suspends the elver gear lottery until action is taken to reauthorize the lottery.

**LD 1549     An Act To Provide an Exemption for Incidentally Caught Lobsters**

**ACCEPTED  
MINORITY  
(ONTP) REPORT**

Sponsor(s)  
HASKELL

Committee Report  
OTP-AM  
ONTP

Amendments Adopted

This bill allows the holder of a commercial fishing license while on a boat participating in the federal northeast multispecies fishery fishing exclusively in specific lobster management areas delineated under federal regulation to take, possess or sell lobsters but prohibits the first sale of those lobsters in Maine.

## *Joint Standing Committee on Marine Resources*

### **Committee Amendment "A" (S-229)**

The majority report repeals after three years the exception provided in the bill that allows the holder of a commercial fishing license fishing exclusively in specific lobster management areas under federal jurisdiction to take, possess or sell lobsters. It also clarifies that the lobsters permitted to be taken under the bill may not be first landed in Maine.

# *Joint Standing Committee on Marine Resources*

## SUBJECT INDEX

### *Alewives*

#### Enacted

LD 72 An Act To Open the St. Croix River to River Herring PUBLIC 47  
EMERGENCY

#### Not Enacted

LD 584 An Act To Provide for Passage of River Herring on the St. Croix River in ONTP  
Accordance with an Adaptive Management Plan

LD 748 An Act Regarding the Passage of River Herring on the St. Croix River ONTP

### *Bait*

#### Not Enacted

LD 1171 Resolve, To Allow Certain Holders of Lobster and Crab Fishing Licenses To ONTP  
Harvest River Herring for Personal Use as Bait

### *Clams, Quahogs, Oysters, and Mussels*

#### Not Enacted

LD 1224 An Act Regarding Advertising of Maine Shellfish ONTP

LD 1452 An Act To Allow Municipalities with Shellfish Conservation Ordinances To CARRIED OVER  
Request Permission To Prohibit Marine Worm Harvesting

### *Department of Marine Resources*

#### Enacted

LD 482 An Act To Improve the Quality of the Data Used in the Management of PUBLIC 282  
Maine's Fisheries

### *Elvers*

#### Enacted

LD 451 An Act Relating to Certain Marine Resources Licenses PUBLIC 8  
EMERGENCY

LD 604 An Act Regarding Commercial Elver Fishing Licenses Issued by the PUBLIC 9  
Penobscot Nation EMERGENCY

LD 632 An Act To Enact Measures To Improve Enforcement Mechanisms in the PUBLIC 49  
Elver Industry EMERGENCY

#### Not Enacted

LD 497 An Act To Move Maine's Elver Fishery towards Sustainability ONTP

LD 731 An Act To Increase the Number of Elver Harvesting Licenses and Preserve ONTP  
the Fishery through Conservation

LD 1397 An Act To Create Equity and Fairness in the Elver Industry CARRIED OVER

### *Fisheries Management Planning*

#### Enacted

LD 811 An Act To Provide Guidance for the Development of Marine Fisheries PUBLIC 287  
Management Plans

**Fisheries Management Planning**

**Not Enacted**

LD 778      An Act To Develop Principles To Guide Fisheries Management Decisions      ONTP

**Genetically Engineered Marine Organisms**

**Not Enacted**

LD 898      An Act To Require Labeling of Genetically Engineered Marine Organisms      DIED BETWEEN HOUSES

**Groundfish**

**Not Enacted**

LD 939      An Act To Authorize a General Fund Bond Issue To Restore Maine's Groundfishing Industry      CARRIED OVER

**Licenses**

**Enacted**

LD 1448      An Act To Preserve Marine Resources Licenses for Active Duty Service Members      PUBLIC 319 EMERGENCY

**Lobsters and Crabs**

**Enacted**

LD 486      An Act To Provide for the Effective Marketing and Promotion of Maine Lobster      PUBLIC 309

LD 1020      An Act Regarding the Swans Island Lobster Fishing Zone      PUBLIC 342 EMERGENCY

LD 1544      An Act To Expand the Authority of Lobster Management Policy Councils To Address Entry into Lobster Management Zones and To Create a Temporary Medical Allowance      PUBLIC 239 EMERGENCY

**Not Enacted**

LD 182      An Act To Support the Maine Lobster Industry      CARRIED OVER

LD 469      An Act To Allow the Commissioner of Marine Resources To Investigate Price Fixing of Lobster      ONTP

LD 557      An Act To Change the Age at Which a Person Qualifies for a Fee Reduction for a Lobster and Crab Fishing License      ONTP

LD 643      An Act To Create a Tax Incentive Program To Improve the Maine Lobster Industry      ONTP

LD 810      Resolve, To Amend the Lobster Trap Tag System Rules for Certain Zones      ONTP

LD 899      An Act Providing for a Noncommercial, Nondomiciled Resident Lobster and Crab Fishing License      ONTP

LD 1097      An Act To Allow the Sale of Incidentally Caught Lobsters      ONTP

LD 1549      An Act To Provide an Exemption for Incidentally Caught Lobsters      MINORITY (ONTP) REPORT

**Rockweed, Bait Fish and the Intertidal Zone**

**Enacted**

LD 585      An Act To Require the Development of a Statewide Approach to Seaweed Management      PUBLIC 169

**Scallops**

**Enacted**

LD 946	An Act To Allow Municipalities To Petition the Department of Marine Resources To Establish Dive-only Areas for Scallops in Mooring Fields	PUBLIC 230
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**Not Enacted**

LD 583	An Act To Allow the Exchange of Scallop Licenses	ONTP
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**Sea Urchins and Sea Cucumbers**

**Not Enacted**

LD 832	An Act To Enable Small-scale Cooperative Management of Sea Urchin Resources	CARRIED OVER
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LD 935	An Act To Permit the Harvest of Sea Cucumbers as Bycatch of Sea Urchin Dragging and To Allow Areas To Be Closed to Sea Cucumber Dragging	ONTP
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**Technical Changes**

**Enacted**

LD 1545	An Act To Make Technical Changes to Maine's Marine Resources Laws and Elver Enforcement Mechanisms	PUBLIC 301
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**Tribal Fishing**

**Enacted**

LD 953	An Act To Provide for and Recognize the Right of the Houlton Band of Maliseet Indians To Fish for Marine Organisms	PUBLIC 254
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