

STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON MARINE RESOURCES

May 2016

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REP. WILLIAM R. TUELL

STAFF:

CRAIG NALE, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla>

Joint Standing Committee on Marine Resources

LD 405 An Act To Support Expanded Capacity for Breeding Wild Atlantic Salmon in Downeast Rivers

Accepted Majority (ONTP) Report

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

This bill was carried over from the First Regular Session of the 127th Legislature.

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

This bill proposes to explore funding competitive grants to establish hatcheries supporting wild Atlantic salmon based on the success of and knowledge gained by the East Machias Aquatic Research Center.

Committee Amendment "A" (H-561)

This amendment is the minority report of the committee.

This amendment replaces the bill, which is a concept draft, with a resolve directing the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, in consultation with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, to inventory existing dams or other artificial obstructions within waters frequented by alewives, shad, salmon, sturgeon or other anadromous or migratory fish species and determine whether a fishway exists at each inventoried dam or artificial obstruction. The resolve directs the departments conducting the inventory study to jointly report their findings to the joint standing committees of the Legislature having jurisdiction over environment and natural resources, inland fisheries and wildlife and marine resources matters by March 15, 2017.

This amendment was not adopted.

LD 427 Resolve, Directing Certain State Agencies To Consider the Effects of Marine Debris

RESOLVE 76

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M GERZOFKY S	OTP-AM ONTP	H-531

This bill was carried over from the First Regular Session of the 127th Legislature.

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

This bill proposes to enact measures to address and mitigate plastic pollution in the marine environment, including but not limited to microdebris pollution. For the purpose of this resolve, "microdebris" means particles of plastic approximately 5 to 10 microns in length that may be ingested by filter-feeding organisms in the marine environment.

Committee Amendment "A" (H-531)

This amendment is the majority report of the committee. This amendment replaces the bill, which was a concept draft, with a resolve that directs the Department of Marine Resources, Department of Environmental Protection, Department of Inland Fisheries and Wildlife and Department of Agriculture, Conservation and Forestry to consider the potential for the generation, management, mitigation and effects of marine debris related to actions of those

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agencies.

Enacted Law Summary

Resolve 2016, chapter 76 directs the Department of Marine Resources, Department of Environmental Protection, Department of Inland Fisheries and Wildlife and Department of Agriculture, Conservation and Forestry to consider the potential for the generation, management, mitigation and effects of marine debris related to actions of those agencies.

LD 493 An Act To Create the Ocean Acidification Council

ONTP

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes the Ocean Acidification Council to identify, study, prevent, remediate and mitigate the direct and indirect effects of coastal and ocean acidification on species that are commercially harvested and grown in the State's coastal and ocean environments.

It provides for sixteen council members, including two members of the Senate, three members of the House of Representatives, two representatives of an environmental or community group, three persons who fish commercially, including at least one aquaculturist, three scientists and the Commissioner of Marine Resources, the Commissioner of Environmental Protection and the Commissioner of Agriculture, Conservation and Forestry or those commissioners' designees.

The powers and duties of the council include, but are not limited to, the following:

1. Reviewing, analyzing and studying the existing scientific literature and data on coastal and ocean acidification and how it has directly or indirectly affected or may potentially affect commercially harvested and grown species along the coast of the State;
2. Identifying and monitoring the factors contributing to coastal and ocean acidification and identifying methods to mitigate acidification;
3. Working to implement the recommendations contained in the December 2014 report of the Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown Along the Maine Coast established by Resolve 2013, chapter 110;
4. Advising state agencies, the Legislature, Maine's congressional delegation, the Governor and federal entities on matters of coastal and ocean acidification;
5. Assisting the Legislature and the Governor with pending legislation related to coastal and ocean acidification including giving testimony at a public hearing on legislation before a joint standing committee of the Legislature;
6. Identifying and promoting economic development opportunities afforded by ocean acidification through development and commercialization of new technologies and businesses;
7. Recommending or submitting legislation to the Legislature relating to coastal and ocean acidification matters; and

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8. Holding public hearings to receive testimony and recommendations from members of the public and qualified experts on matters related to coastal and ocean acidification.

This bill also requires the council to submit an annual report to the Legislature and authorizes the council to accept funding from outside sources and contains a provision repealing the laws establishing the council December 31, 2018.

LD 1502 An Act To Provide Flexibility in the Administration of the Elver Fishery

**PUBLIC 391
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W LANGLEY B	OTP-AM	H-530

This bill requires the Commissioner of Marine Resources to set by rule prior to the start of the elver fishing season the weekly 48-hour closed period for elver harvesting to increase fishing opportunities. It eliminates the provision of current law that provides a weekly closed period from noon Friday to noon Sunday.

Committee Amendment "A" (H-530)

This amendment is the majority report of the committee.

This amendment replaces the bill and changes the title.

This amendment allows a license holder in the elver fishery to choose which type of elver fishing gear the license holder employs.

This amendment allows the Commissioner of Marine Resources to enter into an agreement with a federally recognized Indian tribe that does not require allocation of individual quota, as long as all elvers caught by the tribe, nation or band with whom the commissioner has entered into the agreement are tracked using elver transaction cards and reporting requirements are met.

This amendment provides that, in the absence of an agreement between the commissioner and a federally recognized Indian tribe, individual allocations of elver fishing quota are required. This amendment provides that the commissioner may adopt emergency rules to close the elver fishery to a federally recognized Indian tribe if the commissioner finds that the tribe, nation or band has authorized fishing under a license issued under the Maine Revised Statutes, Title 12 that will cause the tribe, nation or band to exceed its overall annual elver fishing quota. This amendment extends the end of the elver fishing season from May 31st to June 7th. This amendment removes the provision of law that prohibits the taking of elvers from noon Friday to noon Sunday. It also removes the prohibition on the use of an elver fyke net to take elvers from the St. Croix River and its tributaries.

Enacted Law Summary

Public Law 2016, chapter 391 allows a license holder in the elver fishery to choose which type of elver fishing gear the license holder employs. Public Law 2016, chapter 391 permits the Commissioner of Marine Resources to enter into an agreement with a federally recognized Indian tribe that does not require allocation of individual quota, as long as all elvers caught by the tribe, nation or band with whom the commissioner has entered into the agreement are tracked using elver transaction cards and existing reporting requirements are met. In the absence of an agreement between the commissioner and a federally recognized Indian tribe, individual allocations of elver fishing quota are required within the tribe, nation or land. The commissioner may adopt emergency rules to close the elver fishery to a federally recognized Indian tribe if the commissioner finds that the tribe, nation or band has authorized fishing under a license issued under the Maine Revised Statutes, Title 12 that will cause the tribe, nation or band to exceed its overall annual elver fishing quota.

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The end of the elver fishing season is extended from May 31st to June 7th.

Public Law 2016, chapter 391 removes the provision of law that prohibits the taking of elvers from noon Friday to noon Sunday and removes the prohibition on the use of an elver fyke net to take elvers from the St. Croix River and its tributaries.

LD 1503 An Act To Amend Lobster and Crab Fishing License Laws

**PUBLIC 428
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W LANGLEY B	OTP-AM	H-588 S-435 BAKER L H-610 KUMIEGA W

This bill creates a new Class II limited lobster and crab fishing license, which provides the same benefits as a Class II lobster and crab fishing license except that the holder may fish up to 300 traps instead of the 800 traps allowed under a Class II license. The fee for the new Class II limited lobster and crab fishing license is \$136 for residents and \$793 for nonresidents, which is less than the fee for a resident or nonresident Class II license. Beginning January 1, 2017, this bill requires that the Commissioner of Marine Resources adopt rules establishing that the exit ratio in limited-entry lobster and crab fishing zones be based upon retired licenses only, instead of upon either retired licenses or retired trap tags.

This bill provides that a participant in the apprentice program under 23 years of age may receive a Class I, Class II, Class II limited or Class III lobster and crab fishing license and enter a limited-entry zone if the participant has received a high school diploma or high school equivalency diploma prior to attaining 23 years of age.

This bill prohibits the adoption of rules that would require a participant in the apprentice program who has registered to enter an island limited-entry zone program to apprentice in the zone in which the island limited-entry zone program is located. This bill also reduces the support required in a referendum of island residents to establish an island limited-entry zone program from 2/3 of lobster and crab fishing license holders to a majority of license holders.

This bill removes the special licensing fees for applicants who are 70 years of age or older.

Committee Amendment "A" (H-588)

This amendment is the majority report of the committee.

This amendment replaces the bill.

This amendment provides that a person who is under 23 years of age is eligible for a student lobster and crab fishing license if the person is attending school in accordance with compulsory attendance requirements or is enrolled in and meeting the requirements of at least a half-time course of study at an accredited postsecondary institution.

This amendment provides that a person who is under 20 years of age, has completed the apprentice program and has received a high school diploma or general equivalency diploma may be issued a lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone. This amendment provides that a person who is under 23 years of age, has completed the apprentice program, is enrolled in and meeting the requirements of at least a half-time course of study at an accredited postsecondary institution and has been eligible for a student lobster and crab fishing license continuously since before the person attained 18 years of age may be issued a lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone.

This amendment, like the bill, provides that an apprentice program may not require a person registered to enter an

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established island limited-entry zone program to apprentice in the zone in which the island limited-entry zone program is located. This amendment, like the bill, reduces the support required in a referendum of island residents to establish an island limited-entry zone program from 2/3 of lobster and crab fishing license holders to a majority of license holders.

This amendment requires that, when calculating the number of trap tags retired for purposes of applying an exit ratio, the number of trap tags retired is considered to be the total of the greatest number of trap tags purchased in any prior year under each license that is not renewed, up to the zone maximum. This amendment allows a lobster management policy council to recommend that an exit ratio be based upon licenses that are not renewed or upon retired trap tags and, if the ratio is based upon retired trap tags, whether the exit ratio should be applied retroactively to a specific date.

This amendment provides that a lobster management policy council must post an agenda publicly at least seven days prior to the council meeting if the agenda includes items that would affect the ability of people who do not hold lobster and crab fishing licenses to participate in the lobster and crab fishing industry.

This amendment requires the Commissioner of Marine Resources to maintain, for persons who have requested to declare a limited-entry zone as their declared lobster zone, a waiting list of persons who did not hold a lobster and crab fishing license in the prior year and a separate waiting list of persons who did hold a lobster and crab fishing license in the prior year. The commissioner must adopt rules to administer entry of persons who held a license in the prior year into limited-entry zones.

This amendment requires the Commissioner of Marine Resources to verify at least every three years the waiting lists of persons wishing to enter a limited-entry zone. A person who does not respond to a verification request within 90 days is removed from the waiting list. This amendment provides the commissioner with the authority to place a person who does not respond back on a waiting list in the position where the person would have otherwise been when the person shows that the lack of response was due to being on active duty with the Armed Forces of the United States or the National Guard.

This amendment changes the date by which the Commissioner of Marine Resources must determine the number of new zone entrants in each limited-entry zone from February 1st to April 1st.

Senate Amendment "A" To Committee Amendment "A" (S-435)

This amendment adds an emergency preamble and emergency clause.

House Amendment "A" To Committee Amendment "A" (H-610)

This amendment amends Committee Amendment "A" by adding a provision to the requirement that a person under 23 years of age has logged time fishing in the apprentice program, in addition to other requirements, to be eligible to declare a limited-entry zone as that person's declared lobster zone to also require that the person log time prior to attaining 18 years of age.

Enacted Law Summary

Public Law 2016, chapter 428 provides that a person who is under 23 years of age is eligible for a student lobster and crab fishing license if the person is attending school in accordance with compulsory attendance requirements or is enrolled in and meeting the requirements of at least a half-time course of study at an accredited postsecondary institution.

Public Law 2016, chapter 428 provides that a person who is under 20 years of age, has completed the apprentice program and has received a high school diploma or general equivalency diploma may be issued a lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone. A person who is under 23 years of age, has logged time fishing in the apprentice program prior to attaining 18 years of age and has completed the apprentice program, in addition to other requirements, is eligible to declare a limited-entry zone as that person's

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declared lobster zone.

Public Law 2016, chapter 428, like the bill, provides that an apprentice program may not require a person registered to enter an established island limited-entry zone program to apprentice in the zone in which the island limited-entry zone program is located. Public Law 2016, chapter 428, like the bill, reduces the support required in a referendum of island residents to establish an island limited-entry zone program from 2/3 of lobster and crab fishing license holders to a majority of license holders.

Public Law 2016, chapter 428 requires that, when calculating the number of trap tags retired for purposes of applying an exit ratio, the number of trap tags retired is considered to be the total of the greatest number of trap tags purchased in any prior year under each license that is not renewed, up to the zone maximum. Public Law 2016, chapter 428 allows a lobster management policy council to recommend that an exit ratio be based upon licenses that are not renewed or upon retired trap tags and, if the ratio is based upon retired trap tags, whether the exit ratio should be applied retroactively to a specific date.

Public Law 2016, chapter 428 provides that a lobster management policy council must post an agenda publicly at least seven days prior to the council meeting if the agenda includes items that would affect the ability of people who do not hold lobster and crab fishing licenses to participate in the lobster and crab fishing industry.

Public Law 2016, chapter 428 requires the Commissioner of Marine Resources to maintain, for persons who have requested to declare a limited-entry zone as their declared lobster zone, a waiting list of persons who did not hold a lobster and crab fishing license in the prior year and a separate waiting list of persons who did hold a lobster and crab fishing license in the prior year. The commissioner must adopt rules to administer entry of persons who held a license in the prior year into limited-entry zones.

Public Law 2016, chapter 428 requires the Commissioner of Marine Resources to verify at least every three years the waiting lists of persons wishing to enter a limited-entry zone. A person who does not respond to a verification request within 90 days is removed from the waiting list. The commissioner may place a person who does not respond back on a waiting list in the position where the person would have otherwise been when the person shows that the lack of response was due to being on active duty with the Armed Forces of the United States or the National Guard.

Public Law 2016, chapter 428 changes the date by which the Commissioner of Marine Resources must determine the number of new zone entrants in each limited-entry zone from February 1st to April 1st.

LD 1550 An Act To Protect Shellfish Conservation Areas

INDEF PP

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

This bill was not referred to committee.

This bill specifies that a person with a recreational or commercial shellfish or marine worm license may not harvest shellfish or marine worms within a buffer zone of 10 feet around protective netting placed as part of a municipal shellfish conservation program.

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SUBJECT INDEX

Aquaculture, Shellfish and Marine Worms

Not Enacted

LD 1550 An Act To Protect Shellfish Conservation Areas INDEF PP

Commercial Fisheries Management

Enacted

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EMERGENCY

LD 1503 An Act To Amend Lobster and Crab Fishing License Laws PUBLIC 428
EMERGENCY

Marine Environment and Ocean Acidification

Enacted

LD 427 Resolve, Directing Certain State Agencies To Consider the Effects of
Marine Debris RESOLVE 76

Not Enacted

LD 493 An Act To Create the Ocean Acidification Council ONTP

Threatened and Endangered Species

Not Enacted

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