

STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

JOINT STANDING COMMITTEE ON
MARINE RESOURCES

December 2021

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Joint Standing Committee on Marine Resources

SUBJECT INDEX

Aquaculture

Enacted

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| LD 106 | An Act To Amend Maine's Aquaculture Leasing and Licensing Statutes | PUBLIC 52 |
| LD 263 | An Act To Make Technical Changes to Maine's Marine Resources Laws | PUBLIC 168 |

Not Enacted

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| LD 1146 | An Act To Protect Maine's Ocean Waters and Support Regulatory Oversight and the Long-term Health of the Aquaculture Industry | ONTP |
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Commercial Fisheries Management

Enacted

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| LD 332 | An Act To Reevaluate the Frenchboro Area Dragging Exclusion Zone | PUBLIC 249 |
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Commercial License

Enacted

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| LD 77 | An Act To Authorize the Department of Marine Resources To Charge an Application Fee for Entering a Lottery for a Scallop License | PUBLIC 27 |
| LD 1182 | An Act To Allow Commercial Lobster License Holders To Possess a Marine Harvesting Demonstration License | PUBLIC 129 |

Fisheries Management

Enacted

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| LD 454 | An Act To Ensure Equity in the Shellfish Depuration Compensation Process for Municipalities by Increasing the Rate of Reimbursement Paid to Municipalities | PUBLIC 59 |
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Harbor Master

Enacted

LD 152 An Act To Address Training Requirements for Harbor Masters PUBLIC 53

Intertidal Activities

Not Enacted

LD 1211 Resolve, To Create the Study Group To Research Balancing
Development and Conservation in Maine's Coastal Waters and
Submerged Lands ONTP

Lobsters and Crabs

Enacted

LD 338 An Act To Amend the Law Governing the Maine Lobster Marketing
Collaborative PUBLIC 58

LD 1182 An Act To Allow Commercial Lobster License Holders To Possess a
Marine Harvesting Demonstration License PUBLIC 129

Marine Environment

Enacted

LD 342 An Act To Establish a Permanent Appointment of a Member of a
Federally Recognized Indian Nation, Tribe or Band in the State to the
Marine Resources Advisory Council PUBLIC 71

Not Enacted

LD 391 An Act To Amend the Laws Regarding Marine Resources CARRIED OVER

LD 1211 Resolve, To Create the Study Group To Research Balancing
Development and Conservation in Maine's Coastal Waters and
Submerged Lands ONTP

Marketing

Enacted

LD 338 An Act To Amend the Law Governing the Maine Lobster Marketing
Collaborative PUBLIC 58

Safety

Not Enacted

LD 364	An Act To Ensure the Safety of Maine's Scallop Fleet	Leave to Withdraw Pursuant to Joint Rule 310
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Scallops

Enacted

LD 77	An Act To Authorize the Department of Marine Resources To Charge an Application Fee for Entering a Lottery for a Scallop License	PUBLIC 27
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LD 332	An Act To Reevaluate the Frenchboro Area Dragging Exclusion Zone	PUBLIC 249
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Not Enacted

LD 364	An Act To Ensure the Safety of Maine's Scallop Fleet	Leave to Withdraw Pursuant to Joint Rule 310
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Shellfish

Enacted

LD 454	An Act To Ensure Equity in the Shellfish Depuration Compensation Process for Municipalities by Increasing the Rate of Reimbursement Paid to Municipalities	PUBLIC 59
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Tribal Fishing

Enacted

LD 342	An Act To Establish a Permanent Appointment of a Member of a Federally Recognized Indian Nation, Tribe or Band in the State to the Marine Resources Advisory Council	PUBLIC 71
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DIGEST OF BILLS AND SUMMARIES OF ENACTED LAWS
130th Legislature, First Regular and First Special Sessions - 2021

DIGEST OF BILLS

PL = Public Law; P&SL = Private and Special Law;
 RESLV = Resolve; CON RES = Constitutional Resolution;
 IB = Initiated Bill

Bills Referred to

Marine Resources (MAR)

Comm	LD	Title	Comm Action	Carried over?	Final Disposition	Enacted Laws		Sess
						Law	Ch	
MAR	77	An Act To Authorize the Department of Marine Resources To Charge an Application Fee for Entering a Lottery for a Scallop License	Reported Out	OTP-AM		<u>Enacted</u>	PL 27	R1
MAR	106	An Act To Amend Maine's Aquaculture Leasing and Licensing Statutes	Reported Out	OTP-AM		<u>Enacted</u>	PL 52	S1
MAR	152	An Act To Address Training Requirements for Harbor Masters	Reported Out	OTP-AM		<u>Enacted</u>	PL 53	S1
MAR	263	An Act To Make Technical Changes to Maine's Marine Resources Laws	Reported Out	OTP-AM		<u>Enacted</u>	PL 168	S1
MAR	332	An Act To Reevaluate the Frenchboro Area Dragging Exclusion Zone	Reported Out	OTP-AM		<u>Enacted</u>	PL 249	S1
MAR	338	An Act To Amend the Law Governing the Maine Lobster Marketing Collaborative	Reported Out	OTP-AM		<u>Enacted</u>	PL 58	S1
MAR	342	An Act To Establish a Permanent Appointment of a Member of a Federally Recognized Indian Nation, Tribe or Band in the State to the Marine Resources Advisory Council	Reported Out	OTP-AM		<u>Enacted</u>	PL 71	S1
MAR	364	An Act To Ensure the Safety of Maine's Scallop Fleet	Reported Out	LTW		Leave to Withdraw Pursuant to Joint Rule 310		R1
MAR	391	An Act To Amend the Laws Regarding Marine Resources	Carry Over Approved		Carried Over In Comm			S1
MAR	454	An Act To Ensure Equity in the Shellfish Depuration Compensation Process for Municipalities by Increasing the Rate of Reimbursement Paid to Municipalities	Reported Out	OTP-AM		<u>Enacted</u>	PL 59	S1
MAR	1146	An Act To Protect Maine's Ocean Waters and Support Regulatory Oversight and the Long-term Health of the Aquaculture Industry	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310		S1
MAR	1182	An Act To Allow Commercial Lobster License Holders To Possess a Marine Harvesting Demonstration License	Reported Out	OTP-AM		<u>Enacted</u>	PL 129	S1

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Bills Referred to
Marine Resources (MAR)

Comm	LD	Title	Comm Action		Carried over?	Final Dipoition	Enacted Laws		Sess
							Law	Ch	
MAR	1211	Resolve, To Create the Study Group To Research Balancing Development and Conservation in Maine's Coastal Waters and Submerged Lands	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310			SI

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LD 77

An Act To Authorize the Department of Marine Resources To Charge an Application Fee for Entering a Lottery for a Scallop License

ENACTED LAW SUMMARY

Public Law 2021, chapter 27 authorizes the Commissioner of Marine Resources to charge an application fee of up to \$50 to enter a lottery for a scallop license. All application fees collected must be deposited in the Scallop Research Fund established in the Maine Revised Statutes, Title 12, section 6729-A.

LD 106 An Act To Amend Maine's Aquaculture Leasing and Licensing Statutes

ENACTED LAW SUMMARY

Public Law 2021, chapter 52 amends the aquaculture leasing and licensing statutes to:

1. Authorize the Commissioner of Marine Resources to require an applicant for a lease issued under the Maine Revised Statutes, Title 12, section 6072 or 6072-A to reimburse the Department of Marine Resources for costs incurred in providing general notice of and public hearing on the lease application;
2. Provide that the Department of Environmental Protection only receives notices of an aquaculture lease application that involves a discharge into the waters of the State;
3. Move the responsibility for notifying riparian landowners of an application for a lease expansion from the applicant to the Department of Marine Resources;
4. Move the responsibility for providing public notice of an application for a lease expansion from the department to the applicant;
5. Clarify notice requirements when a standard lease is proposed for renewal;
6. Expand the reasons under which the Commissioner of Marine Resources may initiate lease revocation proceedings to include operating in a manner substantially injurious to public health or violating minimum lease maintenance standards that have been adopted by rule pursuant to the Maine Revised Statutes, Title 12, section 6072, subsection 13, paragraph A;
7. Reduce the number of days in advance of which an individual must apply for the renewal of a lease from 90 days prior to the expiration to 30 days prior to the expiration;
8. Require the fee for a lease transfer be paid upon application for the transfer instead of at the execution of the lease transfer;
9. Require the commissioner to establish a fee for making changes to a lease;

ENACTED LAW SUMMARIES

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10. Raise the fee for a limited-purpose aquaculture license from \$50 to \$100 for a resident and from \$300 to \$400 for a nonresident, effective January 1, 2022;
11. Specify that a person may not apply for an expansion of a lease until the person has held that lease for a minimum of two years from the date the lease was originally executed;
12. Establish the Commissioner's rule-making authority to:
 - A. Set fees for services provided by the department to lease holders for testing or studies requested to ensure their products are safe for human consumption. The fees collected must be deposited in the Shellfish Fund established in Title 12, Maine Revised Statutes, section 6651;
 - B. Adopt and amend rules to implement the issuance, renewal and amendment of marine organism aquaculture licenses; and
 - C. Adopt rules to limit the period of the year during which an applicant may submit an application for a limited-purpose aquaculture license;
13. Remove the commissioner's rule-making authority regarding changes to limited-purpose leases;
14. Broaden the language allowing changes to leases, including to allow modifications in operations as a result of changes in species and gear authorizations;
15. Effective January 1, 2024, require the holder of a limited-purpose aquaculture license to directly supervise any unlicensed individuals participating in the licensed activities;
16. Permit the commissioner to grant an exception to the direct supervision requirement to a limited-purpose aquaculture license holder that also has an ownership interest in an entity, including as a shareholder of a corporation, that also holds an aquaculture lease; and
17. Allow a license holder of a limited-purpose aquaculture license to designate one unlicensed individual as a primary assistant who may conduct the licensed activities without the direct supervision of the license holder.

LD 152 An Act To Address Training Requirements for Harbor Masters

ENACTED LAW SUMMARY

Public Law 2021, chapter 53 requires newly appointed or reappointed harbor masters or deputy harbor masters who have not held the position within the last five years to complete the basic harbor master training course. It requires harbor masters and deputy harbor masters to complete eight hours of continuing education every three years. It permits, but does not require,

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municipalities to pay for required training. It requires a statewide harbor masters association to offer both in-person and remote training options.

LD 263 An Act To Make Technical Changes to Maine's Marine Resources Laws

ENACTED LAW SUMMARY

Public Law 2021, chapter 168:

1. Changes the expiration date of shellfish sanitation certificates from May 31st to March 31st;
2. Clarifies that an aquaculture license is not needed for holders of aquaculture leases or limited-purpose aquaculture licenses who are using the lease or license only for personal use or for research purposes;
3. Clarifies that a lobster trap tag issued by the Department of Marine Resources must be securely attached to the frame of the trap and provides that the specific penalty for violation of a rule adopted by the department may be specified in that rule;
4. Adds into statute a penalty for lobster traps not tagged in accordance with rules adopted by the Department of Marine Resources;
5. Permits the Commissioner of Marine Resources to adopt rules to add or delete authorization for the holder of an aquaculture lease held only for scientific research purposes; and
6. Expands the exemption from requirements to hold a separate license to remove, possess or transport scallops to all scallops and not just when the final product form is the adductor muscle only.

LD 332 An Act To Reevaluate the Frenchboro Area Dragging Exclusion Zone

ENACTED LAW SUMMARY

Public Law 2021, chapter 249 directs the Commissioner of Marine Resources to evaluate the size and boundaries of the Frenchboro area dragging exclusion zone established in Title 12, Maine Revised Statutes, section 6954-A, to determine whether the area boundaries should be modified. If the commissioner determines that modification is required to better achieve the purposes of the zone, the commission may modify the boundaries through rulemaking. The Commissioner is required to report the findings of the evaluation of the Frenchboro area dragging exclusion zone to the Joint Standing Committee on Marine Resources by February 1, 2022.

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LD 338 An Act To Amend the Law Governing the Maine Lobster Marketing Collaborative

ENACTED LAW SUMMARY

Public Law 2021, chapter 58 extends the provision repealing the laws governing the Maine Lobster Marketing Collaborative to October 1, 2026. It makes the collaborative's license surcharges ongoing at current amounts and repeals provisions setting forth the surcharges for prior years.

LD 342 An Act To Establish a Permanent Appointment of a Member of a Federally Recognized Indian Nation, Tribe or Band in the State to the Marine Resources Advisory Council

ENACTED LAW SUMMARY

Public Law 2021, chapter 71 adds a member to the Marine Resources Advisory Council who is a member of a federally recognized Indian nation, tribe or band in the State. The Governor selects the member based on the joint recommendation of the tribal governments, or if a unanimous joint recommendation is not made, the Governor shall appoint a member and rotate the appointment among members of each federally recognized Indian nation, tribe or band in the State.

LD 454 An Act To Ensure Equity in the Shellfish Depuration Compensation Process for Municipalities by Increasing the Rate of Reimbursement Paid to Municipalities

ENACTED LAW SUMMARY

Public Law 2021, chapter 59 increases the rate of reimbursement paid a shellfish depuration certificate holder to a municipality from 50 cents to one dollar for each bushel of soft-shelled clams taken in the municipality under the certificate.

LD 1182 An Act To Allow Commercial Lobster License Holders To Possess a Marine Harvesting Demonstration License

ENACTED LAW SUMMARY

Public Law 2021, chapter 129 allows holders of commercial lobster and crab fishing licenses to also hold a marine harvesting demonstration license. The marine harvesting demonstration license holder who also holds a Class I, Class II or Class III lobster and crab fishing license may not exceed the trap limit of the commercial license and is required to use a buoy that is different in color and pattern from the buoy the individual uses for commercial harvesting. The Commissioner of Marine Resources is permitted to suspend the lobster and crab fishing license of a person who violates the provisions of this law.