

Joint Standing Committee on Marine Resources

LD 425

An Act to Restrict the Use of Gill Nets

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY KILKELLY	ONTP MAJ OTP MIN	

LD 425, which was carried over from the First Regular Session, proposed to place certain restrictions on the use of gill nets in Maine's tidal waters.

LD 1036

An Act to Create a State Program for the Testing of Marine Dredge Spoils and Disposal of Contaminated Spoils

ONTP

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

LD 1036, which was carried over from the First Regular Session, proposed to create a program under the Department of Marine Resources for funding the testing of dredge spoils and the proper disposal of contaminated spoils.

LD 1428

An Act to Amend the Aquaculture Leasing Law

ONTP

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

LD 1428, which was carried over from the First Regular Session, proposed to provide citizens and other interested parties 10 days following the completion of the aquaculture lease hearing to submit further evidence and testimony. The bill also provided that this period could be extended for a period beyond 10 days if agreed to by the parties. The bill also proposed to change the Department of Marine Resources' site review period from the period from April 1st to November 15th to the period from June 15th to September 15th.

LD 1979

Resolve, Directing the Department of Marine Resources to Participate in a Scientific Assessment of the Activities in the Great Salt Bay

ONTP

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

LD 1979 proposed to direct the Department of Marine Resources to participate in a privately funded study of the activities in the Great Salt Bay. It also proposed to require the department to place a 4-year moratorium on new fishing and harvesting activities in the Great Salt Bay pending the outcome of the assessment.

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LD 1996

**An Act to Establish Educational Requirements for Granting
Noncommercial Lobster Licenses**

PUBLIC 581

<u>Sponsor(s)</u> ETNIER EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-935
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LD 1996 proposed to direct the Commissioner of Marine Resources to establish an educational program for training applicants for noncommercial and crab fishing licenses and to require that, beginning in 2003, applicants for noncommercial lobster and crab fishing licenses successfully complete the course and pass a written test. Under this bill, a surcharge would be collected from persons taking the course sufficient to cover the costs to the department in providing the program. Surcharges collected would be deposited in the Lobster Management Fund.

Committee Amendment "A" (H-935) proposed to require that, beginning in 2003, applicants for noncommercial lobster and crab fishing licenses successfully complete a written examination if the applicant has not either previously passed the examination or previously held a commercial lobster license. It also required the Department of Marine Resources to provide to each applicant a pamphlet of all the laws and rules relating to a noncommercial lobster and crab fishing license. Under this amendment, a surcharge would be collected from persons taking the written examination sufficient to cover the costs to the department of producing the pamphlet and producing and grading the examinations. Surcharges collected would be deposited in the Lobster Management Fund. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 581 requires that, beginning in 2003, applicants for noncommercial lobster and crab fishing licenses successfully complete a written examination if the applicant has not either previously passed the examination or previously held a commercial lobster license. It also requires the Department of Marine Resources to provide to each applicant a pamphlet of all the laws and rules relating to a noncommercial lobster and crab fishing license. A surcharge will be collected from persons taking the written examination sufficient to cover the costs to the department of producing the pamphlet and producing and grading the examinations. Surcharges collected will be deposited in the Lobster Management Fund.

LD 2118

**An Act to Implement the Recommendations of the Committee to
Study the Loss of Commercial Fishing Waterfront Access and
Other Economic Development Issues Affecting Commercial Fishing**

PUBLIC 595

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-934
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LD 2118 proposed to implement some of the recommendations of the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing. It proposed to direct the Executive Department, State Planning Office to review the structure and effectiveness of coastal management in Maine; create a working group of state agencies that deal with water-access issues; and direct the Department of Marine Resources to study the value of creating a seafood innovation, marketing and research fund.

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Committee Amendment "A" (H-934) proposed to clarify that the working group of agencies that is established in the bill is charged with tracking coastal water access, rather than water access statewide. It clarified the activities of the working group and changed the annual reporting requirement to biennial reporting. The amendment also proposed to direct the Land and Water Resources Council, instead of the State Planning Office, to conduct a review of coastal management in the State. It also directed the Land and Water Resources Council to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters and the joint standing committee of the Legislature having jurisdiction over natural resources matters.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 595 implements some of the recommendations of the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing. It directs the Land and Water Resources Council to review the structure and effectiveness of coastal management in Maine; it creates a working group of state agencies that deal with coastal water-access issues; and it directs the Department of Marine Resources to study the value of creating a seafood innovation, marketing and research fund.

LD 2152

An Act to Allow Qualified Shellfish Harvesters to Continue to Sample Water Quality

**PUBLIC 587
EMERGENCY**

Sponsor(s)
ETNIER
SMALL

Committee Report
OTP-AM

Amendments Adopted
H-933

LD 2152 proposed to provide that a commercial shellfish license holder who complies with the shellfish sanitation program's quality assurance and quality control training and certification requirements as administered by the Department of Marine Resources may serve as a volunteer water quality sampler for the department.

Committee Amendment "A" (H-933) proposed to add an emergency preamble and an emergency clause to the bill.

Enacted law summary

Public Law 2001, chapter 587 provides that a commercial shellfish license holder who complies with the shellfish sanitation program's quality assurance and quality control training and certification requirements as administered by the Department of Marine Resources may serve as a volunteer water quality sampler for the department.

Chapter 587 was enacted as an emergency measure effective April 1, 2002.

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LD 2172

An Act to Designate the Great Salt Bay Marine Shellfish Preserve

PUBLIC 558

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2172 proposed to designate the Great Salt Bay in Lincoln County as a marine shellfish preserve to gain a better understanding of the structure, function and integrity of marine shellfish ecosystems and to improve educational and study opportunities provided by marine ecosystems that are subject to minimal human disturbance. The bill also proposed to prohibit the harvesting of shellfish and other harvesting activities that involve bottom disturbance. Research activities would have been excluded from the prohibition. The bill also proposed to direct the Department of Marine Resources to participate in a privately funded study of the bay.

Enacted law summary

Public Law 2001, chapter 558 designates the Great Salt Bay in Lincoln County as a marine shellfish preserve. The purpose of the designation is to gain a better understanding of the structure, function and integrity of marine shellfish ecosystems and to improve educational and study opportunities provided by marine ecosystems that are subject to minimal human disturbance. Chapter 558 prohibits the harvesting of shellfish and other harvesting activities that involve bottom disturbance. Research activities are excluded from the prohibition. Chapter 558 also directs the Department of Marine Resources to participate in a privately funded study of the bay.

LD 2213

Resolve, Dealing With One-time License Transfers of Sea Urchin Dragging Licenses

**RESOLVE 112
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2213 proposed to allow new sea urchin dragging licenses to be issued to certain persons who fish for sea urchins who were not able to qualify for license transfers under the one-time license transfer program. The resolve also proposed to set deadlines within which an affected person who fishes must provide documentation to the Commissioner of Marine Resources that the person who fishes meets the requirements.

Enacted law summary

Resolve 2001, chapter 112 allows new sea urchin dragging licenses to be issued to certain persons who fish for sea urchins who were not able to qualify for license transfers under the one-time license transfer program. The resolve sets deadlines within which an affected person who fishes must provide documentation to the Commissioner of Marine Resources that the person who fishes meets the requirements. See Public Law 2001, chapter 710, sections 22 and 23. Chapter 710 is summarized in the Judiciary Committee section.

Resolve 2001, chapter 112 was finally passed as an emergency measure effective April 9, 2002.

Joint Standing Committee on Marine Resources

HP 1570

ORDERED, the Senate Concurring, that the Joint Standing Committee on Marine Resources Report Out, to the House, Legislation to Make Changes to the Laws Governing Aquaculture Leasing

INDEF PP

Sponsor(s)
LEMOINE

Committee Report

Amendments Adopted

Joint Order, HP 1570 authorized the Joint Standing Committee on Marine Resources to report out legislation to make changes to the laws governing aquaculture leasing. The committee considered two proposals but no legislation was reported out of committee.

Proposal “A” proposed to make the following changes to the aquaculture leasing laws:

1. It proposed to provide for criminal and civil penalties for violations of the aquaculture laws. It also amended conflicting penalty provisions.
2. It proposed to authorize the Commissioner of Marine Resources to designate professional staff to sign lease documents for standard leases. It also proposed to authorize the commissioner to designate professional staff to issue final decisions and sign lease documents for limited-purpose leases. Decisions issued by staff would have been final agency actions.
3. It proposed to prohibit the commissioner from leasing any area without municipal approval if the municipality adopted an aquaculture lease siting ordinance and the lease area was within 2,500 feet of the mean high-water mark and the area was inside the boundaries of the municipality. It also proposed to prohibit the commissioner from leasing any area within LURC jurisdiction where LURC had established aquaculture lease siting standards.
4. It proposed to require applicants to submit notification of their intent to file a lease application prior to the filing of an application.
5. It proposed to amend the notice requirements for standard leases. It proposed to require the commissioner to send notice of a public hearing to riparians within 2,500 feet of a proposed standard lease site; to require the applicant to provide the names and addresses of the riparian landowners with the application; to repeal the requirement that the applicant publish notice of public hearing for a standard lease in the newspaper; and to require the commissioner to give 30 days notice of public hearings for standard leases.
6. It proposed to amend the notice requirements for limited-purpose leases. It proposed to require the commissioner to provide notice of an application for a limited-purpose lease to riparian owners within 2,500 feet of the proposed project when the application was complete; to require the applicant to provide the names and addresses of the riparian landowners with the application; to allow comments on the proposed lease for 30 days; to require the commissioner to provide notice of public hearing to riparian owners within 2, 500 feet of the proposed project; to require the commissioner to publish notice of public hearing at least 30 days before the hearing; and to delete the requirement that the holder of a limited-purpose lease publish notice of the lease area.
7. It proposed to delete language regarding Department of Environmental Protection certification.

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8. It proposed to require leaseholders to annually certify to the Department of Marine Resources that the activities in the lease meet the requirements of all necessary federal and state discharge or pollution permits. It proposed to exempt shellfish aquaculture sites from the requirement.
9. It proposed to authorize a dedicated fund derived from the weight of harvested finfish, an alternative production fee schedule based on the amount of feed used, and additional application fee and lease rents.
10. It proposed to rename and amend the composition of the Maine Salmon Aquaculture Advisory Council; to increase membership from 4 members to 7 members; and to make the commissioner a voting member. Other members would include 3 members of the finfish aquaculture industry and 3 members of the shellfish aquaculture industry.
11. It proposed to create 2 positions to be funded from dedicated funds from the Aquaculture Monitoring, Research and Development Fund.

Proposal “B” proposed to make the following changes to the aquaculture leasing laws:

1. It proposed to change the notification requirements for limited-purpose aquaculture leases to require that the Department of Marine Resources, rather than the applicant, notify riparians after an application has been determined complete. It also proposed to remove the requirement for an applicant to publish notice of a public hearing in addition to that provided by the department.
2. It proposed to provide the Commissioner of Marine Resources or deputy commissioner the authority to delegate to staff the authority to sign decision documents on limited-purpose leases and lease documents on all types of leases following approval by either the commissioner or the department delegate.
3. It proposed to remove the requirement for the publication of legal notice on the approval of a limited-purpose lease and the filing of limited-purpose lease documents at the registry of deeds.
4. It proposed to enact language that decriminalizes the Maine Revised Statutes, Title 12, chapter 605, subchapter II except where there is current language making offenses of the aquaculture leasing and special license laws a civil offense.
5. It proposed to clarify that the commissioner has the exclusive authority to regulate moorings used in aquaculture operations located within the boundaries of a lease.
6. It proposed to repeal those sections of law that authorize an existing dedicated fund and advisory council to oversee a dedicated revenue source derived from the weight of harvested salmon at finfish aquaculture farms. New language was proposed that would broaden the purposes of the fund to include all forms of aquaculture, including shellfish, and would authorize additional sources of revenue from lease fees, application fees or other production fees to be determined by the department by rulemaking. New language was proposed to create an advisory council composed of representatives from all aquaculture sectors to oversee the fund.
7. It proposed to create 2 positions to be funded from dedicated funds from the Aquaculture Monitoring, Research and Development Fund.

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