

STATE OF MAINE
131ST 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**

October 2023

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Joint Standing Committee on Marine Resources

SUBJECT INDEX

Aquaculture

Enacted	LD 1951	An Act Regarding Marine Finfish Aquaculture	PUBLIC 268
Not Enacted	LD 352	An Act to Establish the Maine Mariculture Development Collaborative	ONTP
	LD 487	An Act to Establish Coastal Waters and Submerged Lands Regional Planning Commissions	ONTP
	LD 586	An Act to Protect Maine Fisheries from the Effects of Industrial Recirculating Aquaculture Operations	ONTP

Commercial Fisheries Management

Enacted	LD 920	An Act Regarding Temporary Transfers of Elver Fishing Quotas for Medical Reasons	PUBLIC 180
	LD 1444	An Act to Amend the Laws Governing Eligibility Restrictions for Commercial Menhaden Fishing Licenses	PUBLIC 169

Commercial License

Enacted	LD 1444	An Act to Amend the Laws Governing Eligibility Restrictions for Commercial Menhaden Fishing Licenses	PUBLIC 169
Not Enacted	LD 811	An Act to Create a Restricted Senior Lobster and Crab Fishing License	ONTP

Department of Marine Resources

Enacted	LD 16	An Act to Make Technical Changes to Maine's Marine Resources Laws	PUBLIC 207
	LD 1552	An Act to Create the Lobster Innovation Fund	PUBLIC 466

Not Enacted	LD 1179	An Act to Reestablish the Marine Recreational Fishery Advisory Council at the Department of Marine Resources	Majority (ONTP) Report
	LD 1776	An Act to Allow Citizen Oversight of Department of Environmental Protection and Department of Marine Resources Actions and Rulemaking	ONTP

Finfish, Elvers and Herring

Enacted	LD 817	An Act to Allow the Crew Member of a Holder of an Elver Fishing License to Empty an Elver Fyke Net	PUBLIC 81
	LD 920	An Act Regarding Temporary Transfers of Elver Fishing Quotas for Medical Reasons	PUBLIC 180
Not Enacted	LD 593	An Act to Increase the Bag Limit for Smelts for Personal Use from 2 Quarts to 4 Quarts	Majority (ONTP) Report

Intertidal Activities

Not Enacted	LD 851	An Act to Clarify That Maine Holds Title to Its Intertidal Lands	Leave to Withdraw Pursuant to Joint Rule 310
	LD 2003	An Act to Protect Access to Maine's Intertidal Zone	CARRIED OVER

Lobsters and Crabs

Enacted	LD 1552	An Act to Create the Lobster Innovation Fund	PUBLIC 466
Not Enacted	LD 710	An Act to Fund the Lobster Legal Defense Fund	CARRIED OVER
	LD 811	An Act to Create a Restricted Senior Lobster and Crab Fishing License	ONTP
	LD 1618	Resolve, to Convene a Lobster Industry Working Group	Leave to Withdraw Pursuant to Joint Rule 310

Marine Environment

Not Enacted	LD 61	An Act to Conserve Coastal Habitat by Restricting Rockweed Harvesting on Private Property	Leave to Withdraw Pursuant to Joint Rule 310
	LD 586	An Act to Protect Maine Fisheries from the Effects of Industrial Recirculating Aquaculture Operations	ONTP

Marine Resources - Other

Not Enacted	LD 370	An Act to Protect Marine Resources in Maine	CARRIED OVER
	LD 563	An Act to Assert State Sovereignty over Ocean Waters up to 12 Nautical Miles off the State's Coast	ONTP
	LD 1145	An Act to Create the Southern Maine Coastal Waters Commission	CARRIED OVER

Seaweed

Not Enacted	LD 61	An Act to Conserve Coastal Habitat by Restricting Rockweed Harvesting on Private Property	Leave to Withdraw Pursuant to Joint Rule 310
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Shellfish

Enacted	LD 581	An Act to Assist Municipal Shellfish Conservation Programs	PUBLIC 98
Not Enacted	LD 711	An Act to Regulate Oyster Seed	ONTP
	LD 1915	Resolve, to Establish a Grant Program to Issue Shellfish Licenses to Qualified Disabled Veterans	CARRIED OVER

DIGEST OF BILLS
131ST LEGISLATURE FIRST REGULAR AND FIRST SPECIAL SESSIONS – 2023

Joint Standing Committee on Marine Resources

Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
MAR	16	An Act to Make Technical Changes to Maine's Marine Resources Laws	Reported Out	OTP-AM		6/1/23	Enacted	PL	207		S1
MAR	61	An Act to Conserve Coastal Habitat by Restricting Rockweed Harvesting on Private Property	Reported Out	LTW		2/15/23	Leave to Withdraw Pursuant to Joint Rule 310				R1
MAR	352	An Act to Establish the Maine Mariculture Development Collaborative	Reported Out	ONTP		4/25/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
MAR	370	An Act to Protect Marine Resources in Maine	Carry Over Approved		Carried in Comm	7/25/23					S1
MAR	487	An Act to Establish Coastal Waters and Submerged Lands Regional Planning Commissions	Reported Out	ONTP		3/24/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
MAR	563	An Act to Assert State Sovereignty over Ocean Waters up to 12 Nautical Miles off the State's Coast	Reported Out	ONTP		5/18/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
MAR	581	An Act to Assist Municipal Shellfish Conservation Programs	Reported Out	OTP-AM		5/3/23	Enacted	PL	98		S1
MAR	586	An Act to Protect Maine Fisheries from the Effects of Industrial Recirculating Aquaculture Operations	Reported Out	ONTP		3/24/23	Ought Not to Pass Pursuant to Joint Rule 310				S1

DIGEST OF BILLS
131ST LEGISLATURE FIRST REGULAR AND FIRST SPECIAL SESSIONS – 2023

Joint Standing Committee on Marine Resources

Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
MAR	593	An Act to Increase the Bag Limit for Smelts for Personal Use from 2 Quarts to 4 Quarts	Reported Out	ONTP/OTP		5/16/23	Accepted Majority (ONTP) Report				S1
MAR	710	An Act to Fund the Lobster Legal Defense Fund	Carry Over Approved		Carried in Comm	7/25/23					S1
MAR	711	An Act to Regulate Oyster Seed	Reported Out	ONTP		4/12/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
MAR	811	An Act to Create a Restricted Senior Lobster and Crab Fishing License	Reported Out	ONTP		4/12/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
MAR	817	An Act to Allow the Crew Member of a Holder of an Elver Fishing License to Empty an Elver Fyke Net	Reported Out	OTP-AM		4/28/23	Emergency Enacted	PL	81		S1
MAR	851	An Act to Clarify That Maine Holds Title to Its Intertidal Lands	Reported Out	LTW		3/9/23	Leave to Withdraw Pursuant to Joint Rule 310				R1
MAR	920	An Act Regarding Temporary Transfers of Elver Fishing Quotas for Medical Reasons	Reported Out	OTP-AM		6/1/23	Enacted	PL	180		S1
MAR	1145	An Act to Create the Southern Maine Coastal Waters Commission	Carry Over Approved		Carried in Comm	7/25/23					S1
MAR	1179	An Act to Reestablish the Marine Recreational Fishery Advisory Council at the Department of Marine Resources	Reported Out	ONTP/OTP- AM		5/23/23	Accepted Majority (ONTP) Report				S1
MAR	1444	An Act to Amend the Laws Governing Eligibility Restrictions for Commercial Menhaden Fishing Licenses	Reported Out	OTP-AM		6/6/23	Emergency Enacted	PL	169		S1

DIGEST OF BILLS
131ST LEGISLATURE FIRST REGULAR AND FIRST SPECIAL SESSIONS – 2023

Joint Standing Committee on Marine Resources

Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
MAR	1552	An Act to Create the Lobster Innovation Fund	Reported Out	OTP-AM		6/1/23	Enacted	PL	466		S1
MAR	1618	Resolve, to Convene a Lobster Industry Working Group	Reported Out	LTW		5/30/23	Leave to Withdraw Pursuant to Joint Rule 310				S1
MAR	1776	An Act to Allow Citizen Oversight of Department of Environmental Protection and Department of Marine Resources Actions and Rulemaking	Reported Out	ONTP		5/18/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
MAR	1915	Resolve, to Establish a Grant Program to Issue Shellfish Licenses to Qualified Disabled Veterans	Carry Over Approved		Carried in Comm	7/25/23					S1
MAR	1951	An Act Regarding Marine Finfish Aquaculture	Reported Out	OTP-AM		6/8/23	Enacted	PL	268		S1
MAR	2003	An Act to Protect Access to Maine's Intertidal Zone	Carry Over Approved		Carried in Comm	7/25/23					S1

JOINT STANDING COMMITTEE ON MARINE RESOURCES

LD 16 An Act to Make Technical Changes to Maine's Marine Resources Laws

ENACTED LAW SUMMARY

Public Law 2023, chapter 207 does the following.

1. It amends the definition of “scallop” to include bay scallops.
2. It amends a definition of “shellfish” to include scallops.
3. It amends the definition of “whole scallop” to exclude the adductor muscle on the shell.
4. It clarifies that a license-holding member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians is not required to complete the lobster fishery apprentice program if the license applicant has completed an apprentice program that satisfies the tribe, nation or band.
5. It replaces a license exemption for personal use to the commercial halibut fishing license, adds a violation for fishing for halibut without a commercial halibut fishing license and requires the Commissioner of Marine Resources to adopt rules for commercial halibut fishing licenses.
6. It allows the holder of an enhanced retail certificate to purchase shellfish from the holder of an aquaculture license.
7. It corrects cross-references in the administrative suspension process for licenses and certificates issued under marine resources laws.
8. It adds one member who is listed on the saltwater recreational fishing registry and who does not hold any state marine harvesting license to the Marine Resources Advisory Council.
9. It eliminates the secretary position within the Shellfish Advisory Council.
10. Beginning October 1, 2023, it removes the requirement of a limited-purpose aquaculture lessee to submit to the department a report on the lessee's seeding and harvesting for the prior year and a seeding and harvesting plan for the upcoming year. It also allows the commissioner to distribute a copy of the lessee's report on the results of the lessee's scientific research to the municipality or municipalities in which or adjacent to which the lease is located after the municipality submits a written request. The amendment also provides that, beginning October 1, 2023, a limited-purpose aquaculture lessee is no longer required to submit a report on commercial research and development.
11. It provides for a license or certificate suspension hearing to be held if the person requesting the hearing does not hold a license or certificate.
12. It amends the effective dates for changes to activities and exceptions allowed for a limited-purpose aquaculture license.

JOINT STANDING COMMITTEE ON MARINE RESOURCES

LD 581 An Act to Assist Municipal Shellfish Conservation Programs

ENACTED LAW SUMMARY

Public Law 2023, chapter 98 waives the application fee for limited-purpose aquaculture licenses issued to municipal shellfish management committees. It also waives the application fee for those licenses issued to municipal officers for municipal projects and provides that those fees are waived only if the organisms cultured are not used for commercial purposes. It also provides that the applicants who are exempt from those fees are also exempt from certain requirements to complete an educational course.

LD 817 An Act to Allow the Crew Member of a Holder of an Elver Fishing License to Empty an Elver Fyke Net

ENACTED LAW SUMMARY

Public Law 2023, chapter 81 permits an unlicensed crew member of a holder of an elver fishing license to empty an elver fyke net.

Public Law 2023, chapter 81 was enacted as an emergency measure effective May 15, 2023.

LD 920 An Act Regarding Temporary Transfers of Elver Fishing Quotas for Medical Reasons

ENACTED LAW SUMMARY

Public Law 2023, chapter 180 allows for an elver fishing license holder to request a temporary medical transfer of that license holder's quota at any point during the year and that the license holder receiving the transferred quota receives the amount of the transferor's quota that remains at the time the request is made. It also provides that the Commissioner of Marine Resources may adopt rules that allow for a transferor to choose whether the transferor retains the income and tax burden from the transferor's transferred quota or whether it is transferred to the license holder receiving the quota.

LD 1444 An Act to Amend the Laws Governing Eligibility Restrictions for Commercial Menhaden Fishing Licenses

ENACTED LAW SUMMARY

Public Law 2023, chapter 169 provides that an individual who is otherwise eligible for a commercial menhaden fishing license in 2023 is not eligible for a 2nd commercial menhaden fishing license in 2023 if the individual previously held a 2nd license in 2022. It also allows the Commissioner of Marine Resources to establish by rule a limited entry system under which an

JOINT STANDING COMMITTEE ON MARINE RESOURCES

individual who did not hold a commercial menhaden fishing license in the previous calendar year may become eligible to obtain a license.

Public Law 2023, chapter 169 was enacted as an emergency measure effective June 15, 2023.

LD 1552 An Act to Create the Lobster Innovation Fund

ENACTED LAW SUMMARY

Public Law 2023, chapter 466 establishes the Lobster Innovation Fund to provide stipends to holders of Class I, Class II or Class III lobster fishing licenses to participate in the testing of new lobster fishing technologies. It provides a one-time appropriation of \$50,000 in fiscal year 2024-25 and a base allocation for outside funding.

LD 1951 An Act Regarding Marine Finfish Aquaculture

ENACTED LAW SUMMARY

Public Law 2023, chapter 268 provides that a lease may not be issued for aquaculture of salmonid species if the proposed stocking density of pens in the lease area exceeds 30 kilograms per cubic meter.