

STATE OF MAINE
130TH LEGISLATURE
SECOND REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON
MARINE RESOURCES**

July 2022

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Joint Standing Committee on Marine Resources

SUBJECT INDEX

Aquaculture

Enacted

LD 1844 An Act To Amend Provisions in the Laws Governing Aquaculture Leases PUBLIC 557

Commercial Fisheries Management

Enacted

LD 1759 An Act To Extend the Legal Hours for Harvesting Lobster in the Month of September PUBLIC 498

LD 1770 An Act To Create a Commercial Halibut Fishing License PUBLIC 627

LD 1908 An Act To Limit Eligibility for Commercial Menhaden Fishing Licenses PUBLIC 670

Commercial License

Enacted

LD 1770 An Act To Create a Commercial Halibut Fishing License PUBLIC 627

LD 1908 An Act To Limit Eligibility for Commercial Menhaden Fishing Licenses PUBLIC 670

Department of Marine Resources

Enacted

LD 1844 An Act To Amend Provisions in the Laws Governing Aquaculture Leases PUBLIC 557

Fisheries Management

Enacted

LD 1742 An Act To Ensure Compliance with the Interstate Fishery Management Plan for American Lobster PUBLIC 512

Lobsters and Crabs

Enacted

LD 391	An Act To Reestablish the Maine Lobster Marketing Collaborative	PUBLIC 491
LD 1742	An Act To Ensure Compliance with the Interstate Fishery Management Plan for American Lobster	PUBLIC 512
LD 1759	An Act To Extend the Legal Hours for Harvesting Lobster in the Month of September	PUBLIC 498
LD 1916	An Act To Create a Legal Defense Fund for the Maine Lobster Industry	PUBLIC 755

Not Enacted

LD 1898	An Act To Address the Economic Impact of Federal Closures on Maine's Fixed Gear Fishing Industry	Died On Adjournment
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Marketing

Enacted

LD 391	An Act To Reestablish the Maine Lobster Marketing Collaborative	PUBLIC 491
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DIGEST OF BILLS

130th Legislature, Second Regular Session - 2022

PL = Public Law
P&SL = Private and Special Law
RESLV = Resolve

Marine Resources (MAR)

Comm	LD	Title	Comm	Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
								Law	Ch	
MAR	391	An Act To Reestablish the Maine Lobster Marketing Collaborative	Pursuant to Joint Rule 309	TAKEN FROM COMMITTEE	Carried Over In Comm	1/3/22	Emergency Enacted	PL	491	
MAR	1742	An Act To Ensure Compliance with the Interstate Fishery Management Plan for American Lobster	Reported Out	OTP-AM		2/18/22	Enacted	PL	512	
MAR	1759	An Act To Extend the Legal Hours for Harvesting Lobster in the Month of September	Reported Out	OTP		2/9/22	Emergency Enacted	PL	498	
MAR	1770	An Act To Create a Commercial Halibut Fishing License	Reported Out	OTP-AM		4/11/22	Enacted	PL	627	
MAR	1844	An Act To Amend Provisions in the Laws Governing Aquaculture Leases	Reported Out	OTP-AM		3/18/22	Enacted	PL	557	
MAR	1898	An Act To Address the Economic Impact of Federal Closures on Maine's Fixed Gear Fishing Industry	Reported Out	OTP-AM/ ONTP		3/23/22	Died On Adjournment			
MAR	1908	An Act To Limit Eligibility for Commercial Menhaden Fishing Licenses	Reported Out	OTP-AM/ OTP-AM		4/12/22	Enacted	PL	670	
MAR	1916	An Act To Create a Legal Defense Fund for the Maine Lobster Industry	Reported Out	OTP-AM		4/1/22	Enacted	PL	755	

JOINT STANDING COMMITTEE ON MARINE RESOURCES

LD 391 An Act To Reestablish the Maine Lobster Marketing Collaborative

ENACTED LAW SUMMARY

Public Law 2021, chapter 491 repeals Public Law 2021, chapter 58 and reestablishes the Maine Lobster Marketing Collaborative which was inadvertently repealed on October 1, 2021. It also makes the collaborative's license surcharges ongoing at amounts in effect in 2021.

During the First Regular Session of the 130th Legislature, the House of Representatives voted to enact L.D. 338, An Act To Amend the Law Governing the Maine Lobster Marketing Collaborative which extended the repeal date of the Maine Lobster Marketing Collaborative from October 1, 2021 to October 1, 2026. The First Regular Session of the 130th Legislature adjourned before the Senate voted on L.D. 338. During the First Special Session of the 130th Legislature, the Senate voted to enact L.D. 338 and the bill was signed by the Governor on May 5, 2021. The Legislature adjourned the First Special Session on July 19, 2021, and Public Law 2021, chapter 58 was effective October 18, 2021, 17 days after the statutory repeal.

Public Law 2021, chapter 491 was enacted as an emergency measure effective retroactive to October 1, 2021.

LD 1742 An Act To Ensure Compliance with the Interstate Fishery Management Plan for American Lobster

ENACTED LAW SUMMARY

Public Law 2021, chapter 512 allows the Commissioner of Marine Resources to adopt routine technical rules to amend the minimum and maximum lobster size and the dimensions of vents in lobster traps when necessary to comply with changes to the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for American Lobster. It requires the Commissioner to notify the joint standing committee of the Legislature having jurisdiction over marine resources matters within 15 days of initiating such rulemaking.

LD 1759 An Act To Extend the Legal Hours for Harvesting Lobster in the Month of September

ENACTED LAW SUMMARY

Public Law 2021, chapter 498 changes the legal start time for lobster fishing to 4:00 a.m. in the month of September.

Public Law 2021, chapter 498 was enacted as an emergency measure effective March 16, 2022.

JOINT STANDING COMMITTEE ON MARINE RESOURCES

LD 1770 An Act to Create a Commercial Halibut Fishing License

ENACTED LAW SUMMARY

Public Law 2021, chapter 627 removes halibut from the general commercial fishing license and creates a separate commercial halibut fishing license and halibut tags. The bill preserves an exemption from the licensing requirement for halibut fishing for personal use.

LD 1844 An Act To Amend Provisions in the Laws Governing Aquaculture Leases

ENACTED LAW SUMMARY

Public Law 2021, chapter 557 does the following:

1. It authorizes the Department of Marine Resources to hold an emergency aquaculture lease for shellfish without having to also hold a lease issued under the Maine Revised Statutes, Title 12, section 6072 or 6072-A;
2. It authorizes the Commissioner of Marine Resources to issue a marine organism aquaculture license for more than one calendar year; and
3. It clarifies that, for purposes of a research or aquaculture lease to construct or operate in coastal waters a facility for the suspended culture of marine organisms, “suspended culture” includes all forms of culture except for the placement of marine organisms on the ocean bottom without the use of gear of any type.

LD 1908 An Act to Limit Eligibility for Commercial Menhaden Fishing Licenses

ENACTED LAW SUMMARY

Public Law 2021, chapter 670 limits eligibility for commercial menhaden fishing licenses, beginning in 2023, to those individuals who:

1. Held a license to fish commercially for menhaden in at least two of the following three years, 2019, 2020 or 2021; and
2. Report legal landings to the Department of Marine Resources, by January 1, 2023, of 25,000 pounds or more in at least one of the following four years, 2019, 2020, 2021 or 2022.

The Department of Marine Resources is required to report details on the implementation of this law to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2023.

JOINT STANDING COMMITTEE ON MARINE RESOURCES

LD 1916 An Act to Create a Legal Defense Fund for the Maine Lobster Industry

ENACTED LAW SUMMARY

Public Law 2021, chapter 755 creates the Lobster Legal Defense Fund in the Department of Marine Resources to provide money for certain legal actions related to the regulations of the United States Department of Commerce, National Oceanic and Atmospheric Administration implementing the Atlantic Large Whale Take Reduction Plan. Twenty percent of the license surcharges assessed by the department pursuant to the Maine Revised Statutes, Title 12, section 6455-A, subsection 11 is deposited into the fund. Until June 30, 2024, the department distributes money from the fund to itself in an amount sufficient to reimburse the department for costs incurred in administering the fund during the preceding 12-month period. Of the remaining balance, 1/2 is distributed to a statewide association of individuals engaged in commercial lobster fishing and 1/2 to the labor union representing individuals engaged in commercial lobster fishing in the State for legal costs incurred and paid in legal proceedings involving the regulations of the United States Department of Commerce, National Oceanic and Atmospheric Administration implementing the Atlantic Large Whale Take Reduction Plan. Any money remaining in the fund on June 30, 2024 is disbursed as follows:

1. To the Lobster Promotion Fund up to an amount equal to the license surcharges placed in the Lobster Legal Defense Fund; and
2. To the department.

The department is required to submit a report to the joint standing committee of the Legislature having jurisdiction over marine resources matters by February 15, 2024 and the committee has the authority to report out a bill in response to the contents of the report during the Second Regular Session of the 131st Legislature. The provisions establishing and governing the Lobster Legal Defense Fund are repealed October 1, 2024.