

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

Date: (Filing No. H-)

MARINE RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 20, L.D. 16, “An Act to Make Technical Changes to Maine's Marine Resources Laws”

Amend the bill in section 2 in subsection 41 in the first line (page 1, line 8 in L.D.) by inserting after the following: "oysters," the following: 'whole'

Amend the bill by inserting after section 3 the following:

'Sec. 4. 12 MRSA §6024, sub-§1-A, as amended by PL 2021, c. 676, Pt. D, §4, is further amended to read:

1-A. Appointment; composition; term; compensation. The Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of ~~16~~ 17 members. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone Council and the chair of the Shellfish Advisory Council are ex officio members of the council. Each other member is appointed by the Governor and is subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources matters and to confirmation by the Legislature. Five members must be persons who are licensed under this Part to engage in commercial harvesting activities. Those 5 members are selected by the Governor from names recommended to the Governor by groups representing commercial harvesting interests. Each member must represent a different commercial harvesting activity, except that none of those 5 members may represent lobster harvesters. The remaining ~~8~~ 9 members must include one member who is listed on the saltwater recreational fishing registry established in section 6312 and does not hold a state marine harvesting license, one public member, one member who is a member of a federally recognized Indian nation, tribe or band in the State, 4 persons who hold a nonharvesting-related license under this Part, one person representing recreational saltwater anglers and one person representing the aquaculture industry. The Governor shall select the person to represent the aquaculture industry from among the names recommended by the aquaculture industry. The Governor shall select the member who is a member of a federally recognized Indian nation, tribe or band in the State based on the joint recommendation of the tribal governments of the ~~Aroostook Band of Micmaes~~ Mikmaq Nation, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the Passamaquoddy Tribe

COMMITTEE AMENDMENT

1 at Sipayik and the Penobscot Nation. If the tribal governments do not make a unanimous
2 joint recommendation, the Governor shall appoint a member of a federally recognized
3 Indian nation, tribe or band in the State and rotate the appointment among members of each
4 federally recognized Indian nation, tribe or band in the State. The composition of the
5 council must reflect a geographical distribution along the coast. All appointed members are
6 appointed for a term of 3 years, except a vacancy must be filled in the same manner as an
7 original member for the unexpired portion of the term. An appointed member may not serve
8 for more than 2 consecutive terms. Appointed members serve until their successors are
9 appointed. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone
10 Council and the chair of the Shellfish Advisory Council shall serve until a new chair of the
11 Lobster Advisory Council, a new chair of the Sea Urchin Zone Council or a new chair of
12 the Shellfish Advisory Council, respectively, is chosen. Members are compensated as
13 provided in Title 5, chapter 379.

14 **Sec. 5. 12 MRSA §6038, sub-§4**, as enacted by PL 2007, c. 606, Pt. A, §2, is
15 amended to read:

16 **4. Officers.** The officers of the council are the chair, and vice-chair ~~and secretary~~.
17 The term of the officers is one year. The council shall elect a member of the council for
18 each officer position at the first regular meeting of each year.

19 **Sec. 6. 12 MRSA §6072-A, sub-§17-A**, as amended by PL 2013, c. 512, §2, is
20 further amended to read:

21 **17-A. Notification of granted leases.** After the granting of a limited-purpose lease:

22 A. The department shall notify all riparian owners, intervenors and the municipality
23 in which the lease is located that a lease has been granted. The notice must include a
24 description of the area and how a copy of the lease may be obtained;

25 B. The lessee shall mark the leased area in a manner prescribed by the commissioner;

26 C. ~~The~~ Until October 1, 2023, the lessee shall annually submit to the commissioner a
27 report for the past year on results of the ~~scientific research or~~ commercial research and
28 development undertaken at the lease site and a plan for the coming year. Results of
29 commercial research and development submitted to the commissioner before October
30 1, 2023 are confidential records for the purposes of Title 1, section 402, subsection 3,
31 paragraph A; ~~and~~

32 C-1. The holder of a limited-purpose lease for scientific research shall annually submit
33 to the commissioner a report for the past year on results of the scientific research
34 undertaken at the lease site and a plan for the coming year. Upon written request, the
35 commissioner shall provide a copy of the report to the municipality or municipalities
36 in which or adjacent to which the lease is located; and

37 D. ~~The~~ Until October 1, 2023, the lessee shall annually submit to the department a
38 seeding and harvesting report for the past year and a seeding and harvesting plan for
39 the coming year. Upon written request, the commissioner shall provide a copy of the
40 report to the municipality or municipalities in which or adjacent to which the lease is
41 located. The seeding and harvesting reports submitted by a lessee under this paragraph
42 before October 1, 2023 are considered confidential statistics for the purposes of section
43 6173.'

1 Amend the bill by striking out all of section 9 and inserting the following:

2 '**Sec. 9. 12 MRSA §6374, sub-§2**, as amended by PL 2017, c. 197, §4, is further
3 amended to read:

4 **2. Hearing.** A hearing requested under subsection 1 must be held within 30 business
5 days after receipt by the commissioner of a request for hearing except that a hearing may
6 be held more than 30 business days after the request if the delay is requested by the person
7 requesting the hearing. If the hearing is continued, it must be held no later than 60 days
8 after the original notice, and any further continuance must be with the consent of both
9 parties. The hearing must be held in accordance with the Maine Administrative Procedure
10 Act, except that:

11 A. Notwithstanding Title 5, section 9057, the issues of the hearing are limited to
12 whether the person requesting the hearing ~~had a license or certificate and whether that~~
13 ~~person~~ committed a violation of marine resources law or conduct described in section
14 6371, subsection 4 3; and

15 B. Notwithstanding Title 5, section 9061, the decision of the presiding officer under
16 Title 5, section 9062 must be made not more than 10 business days after completion of
17 the hearing.

18 If the presiding officer of the hearing finds that a violation of marine resources law or
19 conduct described in section 6371, subsection 4 3 has been committed, the presiding officer
20 shall immediately notify the commissioner of the finding.'

21 Amend the bill by inserting after section 17 the following:

22 '**Sec. 18. PL 2021, c. 52, §21** is amended to read:

23 **Sec. 21. Effective dates.** That section of this Act that amends the Maine Revised
24 Statutes, Title 12, section 6072-C, subsection 6 takes effect January 1, 2022. Those sections
25 of this Act that amend Title 12, section 6072-C, subsection 2 and enact Title 12, section
26 6072-C, subsection 2-B take effect January 1, ~~2024~~ 2025.'

27 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
28 number to read consecutively.

29 **SUMMARY**

30 This amendment does the following.

31 1. It adds one member who is listed on the saltwater recreational fishing registry and
32 who does not hold any state marine harvesting license to the Marine Resources Advisory
33 Council.

34 2. It eliminates the secretary position within the Shellfish Advisory Council.

35 3. Beginning October 1, 2023, it removes the requirement of a limited-purpose
36 aquaculture lessee to submit to the department a report on the lessee's seeding and
37 harvesting for the prior year and a seeding and harvesting plan for the upcoming year. It
38 also allows the commissioner to distribute a copy of the lessee's report on the results of the
39 lessee's scientific research to the municipality or municipalities in which or adjacent to
40 which the lease is located after the municipality submits a written request. The amendment

1 also provides that, beginning October 1, 2023, a limited-purpose aquaculture lessee is no
2 longer required to submit a report on commercial research and development.

3 4. It provides for a license or certificate suspension hearing to be held if the person
4 requesting the hearing does not hold a license or certificate.

5 5. It amends the effective dates for changes to activities and exceptions allowed for a
6 limited-purpose aquaculture license.

7 **FISCAL NOTE REQUIRED**

8 **(See attached)**