MARINE RESOURCES

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

131ST LEGISLATURE

FIRST SPECIAL SESSION


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

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

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

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

17-A. Notification of granted leases. After the granting of a limited-purpose lease:
A. The department shall notify all riparian owners, intervenors and the municipality in which the lease is located that a lease has been granted. The notice must include a description of the area and how a copy of the lease may be obtained;
B. The lessee shall mark the leased area in a manner prescribed by the commissioner;
C. Until October 1, 2023, the lessee shall annually submit to the commissioner a report for the past year on results of the scientific research or commercial research and development undertaken at the lease site and a plan for the coming year. Results of commercial research and development submitted to the commissioner before October 1, 2023 are confidential records for the purposes of Title 1, section 402, subsection 3, paragraph A; and
C-1. The holder of a limited-purpose lease for scientific research shall annually submit to the commissioner a report for the past year on results of the scientific research undertaken at the lease site and a plan for the coming year. Upon written request, the commissioner shall provide a copy of the report to the municipality or municipalities in which or adjacent to which the lease is located; and
D. Until October 1, 2023, the lessee shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Upon written request, the commissioner shall provide a copy of the report to the municipality or municipalities in which or adjacent to which the lease is located. The seeding and harvesting reports submitted by a lessee under this paragraph before October 1, 2023 are considered confidential statistics for the purposes of section 6173.'
Amend the bill by striking out all of section 9 and inserting the following:

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

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

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

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

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

Amend the bill by inserting after section 17 the following:

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

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

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

SUMMARY

This amendment does the following.

1. 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.

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

3. 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.

4. 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.

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

FISCAL NOTE REQUIRED

(See attached)