

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
MARINE RESOURCES

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

SUMMARY

This bill would have lengthened the scallop-harvesting season.

LD 948 An Act Relating to the Portland Harbor Commission and Portland Harbor

P & S 34
EMERGENCY

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
CONLEY	OTP-AM	MAJ	S-144
	ONTP	MIN	S-152 VOSE

SUMMARY

This bill proposed to make several changes to the laws governing the Board of Harbor Commissioners for Portland Harbor.

Committee amendment "A" (S-144) replaced the bill but incorporated much of the substance of the original bill. The amendment reduces the number of members on the Board of Harbor Commissioners for Portland Harbor from 7 to 5 and eliminates the requirements that one of the members be a person who holds a commercial fishing license and that one be a person representing commercial, marine or shipping interests.

The amendment requires the commission to send proposed rules to the cities of Portland and South Portland at the same time the proposed rules are sent to the Department of Transportation.

The amendment allows Portland and South Portland police officers to enforce rules adopted by the commission and confers on those officers all the powers held by the Portland harbor master by state law, municipal ordinance or rules adopted by the commission, except for the assignment of moorings. Under the amendment, Portland and South Portland police officers may exercise police powers and the powers granted to the harbor master anywhere within Portland Harbor.

The amendment requires the commission to submit its budget to the cities of Portland and South Portland and prohibits the commission from spending any funds that are not approved by the city councils of both those cities.

The amendment repeals provisions enacted in 1989 that allow the commission to establish fees for services provided by the Portland harbor master and require the harbor master to collect those fees from wharf, slip and dock owners.

Senate amendment "B" (S-152) adds a mandate preamble and an emergency preamble to Committee amendment "A".

LD 953 An Act to Increase Access to Clam Flats for Nonresident Clam Diggers

PUBLIC 456

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
FARNSWORTH	OTP-AM	H-260

SUMMARY

This bill proposed to increase from 10% to 20% the percentage of commercial shellfish harvesting licenses that a municipality must reserve for nonresidents. The bill also proposed several grammatical changes for the purpose of clarification.

Committee amendment "A" (H-260) replaced the entire bill and changed its title. The amendment eliminates the requirement that a person hold a state shellfish harvesting license in order to obtain a municipal commercial shellfish license. The amendment does not alter the provisions of the Maine Revised Statutes, Title 12, section 6601 that require a person to hold a valid state shellfish license in order to harvest shellfish.

LD 1029 An Act to Require Possession of a Maine Fishing License ONTP
to Fish in Coastal Waters

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GREENLAW	ONTP	

SUMMARY

This bill would have required that persons fishing for both freshwater and saltwater fish obtain a Maine fishing license. Persons holding a valid commercial fishing license would have been exempt from this licensing requirement while fishing in coastal waters.

Although the bill received an ONTP report, the Commissioner of Marine Resources, at the Committee's request, agreed to form a task force to study the economic and resource management issues that would be implicated by enactment of a recreational saltwater fishing license. By letter to the Commissioner dated May 27, 1993, the Committee requested that the Commissioner convene the task force at the earliest opportunity and that the task force report its recommendations to the Committee no later than February 1, 1994.

LD 1046 An Act Revising the Shellfish-harvesting Laws PUBLIC 281

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
RYDELL	OTP-AM	H-353

SUMMARY

This bill proposed to change the penalty provisions applicable to violations of municipal shellfish-harvesting ordinances by increasing the minimum fine for subsequent offenses from \$100 to \$500 and prohibiting the court from suspending the fine for subsequent offenses.

Committee amendment "A" (H-353) replaced the bill. The amendment establishes a new minimum fine for harvesting shellfish in closed areas and for digging shellfish without a license. The new minimum fine, which may not be suspended by the courts and which is applicable to violations enforced under state law and violations enforced under municipal shellfish-harvesting ordinances, is set at \$300 for a first offense and \$500 for subsequent offenses. The existing minimum fine of \$100 is retained for all other violations of municipal shellfish-harvesting ordinances.

The amendment also establishes a new minimum fine for harvesting or possessing a bulk pile of shellfish that consists of more than 20% short clams. The new minimum fine, which may not be suspended by the courts, is \$300 for a first offense and \$500 for subsequent offenses. The existing minimum fine of \$100 is retained for bulk piles consisting of more than 10% but less than 20% short clams.