

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

STATE OF MAINE  
118TH LEGISLATURE

FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
MARINE RESOURCES

JULY 1997

**MEMBERS:**

*Sen. Jill M. Goldthwait, Chair*

*Sen. Peggy A. Pendleton*

*Sen. Bruce W. MacKinnon*

*Rep. David Etnier, Chair*

*Rep. Paul Volenik*

*Rep. Martha A. Bagley*

*Rep. Albion D. Goodwin*

*Rep. Wendy Pieh*

*Rep. William D. Pinkham*

*Rep. James D. Layton*

*Rep. Royce W. Perkins*

*Rep. Kenneth A. Honey*

*Rep. Reginald G. Pinkham*

*Rep. Frederick J. Moore, III*

**Staff:**

*John G. Kelley, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101/107/135, 13 State House Station  
Augusta, ME 04333  
(207)287-1670*



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i> .....	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

**Committee Amendment "A" (H-210)** was the majority report of the Joint Standing Committee on Marine Resources. It proposed to change the scallop season to November 16th to April 15th from the current season of November 1st to April 15th. It proposed to phase in minimum ring sizes for scallop drags, with a minimum three-inch ring diameter required starting November 16, 1997, a minimum three and one-quarter-inch ring diameter required starting November 16, 1999, and a minimum three and one-half inch ring diameter required starting November 16, 2001. The amendment also proposed to require the Commissioner of Marine Resources to adopt rules that limit the mesh size of net material on the top of a scallop drag, prohibit chafing gear or cookies on the top of a scallop drag, establish ring link restrictions for a scallop drag and prohibit drag or net obstructions. The amendment proposed to limit scallop drag width to five feet, six inches from November 16th to December 15th and 10 feet, six inches during the rest of the season. The amendment also proposed to limit the width for all drags in Cobscook Bay and the Maine waters of Passamaquoddy Bay to five feet, six inches. In addition, any drag used for harvesting scallops in Cobscook Bay and the Maine waters of Passamaquoddy Bay could not be greater than eight rings deep. The amendment also proposed to add a fiscal note to the bill.

**House Amendment "A" to Committee Amendment "A" (H-257)** proposed to retain the current November 1st opening date for the scallop season. It also proposed to change the dates for phasing in minimum sizes for scallop drags and the dates for limiting drag widths to reflect a November 1st opening date.

***Enacted law summary***

Public Law 1997, chapter 281 phases in minimum ring sizes for scallop drags, with a minimum three-inch ring diameter required starting November 1, 1997, a minimum three and one-quarter inch ring diameter required starting November 1, 1999, and a minimum 3-1/2-inch ring diameter required starting November 1, 2001. It also requires the Commissioner of Marine Resources to adopt rules that limit the mesh size of net material on the top of a scallop drag, prohibit chafing gear or cookies on the top of a scallop drag, establish ring link restrictions for a scallop drag and prohibit drag or net obstructions. It also limits scallop drag width to five feet, six inches from November 1st to November 30th and 10 feet, six inches during the rest of the season. It also limits the width for all drags in Cobscook Bay and the Maine waters of Passamaquoddy Bay to five feet, six inches. It also provides that any drag used for harvesting scallops in Cobscook Bay and the Maine waters of Passamaquoddy Bay may not be greater than eight rings deep.

**LD 727**

**An Act to Change the Membership of the Lobster Advisory Council**

**PUBLIC 208**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM MAJ ONTP MIN	H-274

LD 727 proposed to change the membership of the Lobster Advisory Council. Current law appoints members to the council based on county residence. The bill proposed to instead appoint as members the chairs of each of the lobster management policy council. The bill also proposed to permit the Lobster Advisory Council to engage in dispute resolution of issues affecting lobster management policy councils.

**Committee Amendment "A" (H-274)** proposed to change the membership of the Lobster Advisory Council. It proposed to replace the eight county members of the council with members who are members of lobster management policy councils. It also proposed to add three members to the council who hold lobster and crab fishing licenses, but who are not members of a lobster management policy council.

***Enacted law summary***

Public Law 1997, chapter 208 changes the membership of the Lobster Advisory Council. It replaces the eight county members of the council with members who are members of lobster management policy councils. It also adds three members to the council who hold lobster and crab fishing licenses, but who are not members of a lobster management policy council.

**LD 741**                      **An Act to Repeal the Lobster Promotion Council**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAYTON	ONTP      MAJ OTP-AM      MIN	

LD 741 proposed to repeal the Lobster Promotion Council.

**LD 764**                      **An Act Concerning Regulatory Authority to Protect Certain Marine Organisms**                      **PUBLIC 123  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER GOLDTHWAIT	OTP-AM      MAJ ONTP      MIN	H-136

LD 764 proposed to amend current rule-making authority of the Commissioner of Marine Resources to allow the regulation of taking a particular marine organism in order to protect another marine organism.

**Committee Amendment "A" (H-136)** proposed to change the designation of rulemaking authority from routine technical to major substantive. This change would require any rules developed under this authority to be reviewed by the Legislature.

***Enacted law summary***

Public Law 1997, chapter 123 amends current rule-making authority of the Commissioner of Marine Resources to allow the regulation of taking a particular marine organism in order to protect another marine organism.

This law was enacted as an emergency measure effective April 25, 1997.