

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
MARINE RESOURCES

JULY 1997

**MEMBERS:**

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*Sen. Peggy A. Pendleton*

*Sen. Bruce W. MacKinnon*

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**Maine State Legislature**

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**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:

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

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

**LD 1122**

**An Act to Repeal Municipal Shellfish Ordinances**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY CHARTRAND	ONTP	

LD 1122 proposed to repeal municipal authority to limit the harvesting of shellfish in a municipality or require a municipal license to harvest shellfish in that municipality. It proposed to permit the Commissioner of Marine Resources to enter into agreements with municipalities to participate in shellfish management activities undertaken by the Department of Marine Resources. It would have authorized the Commissioner of Marine Resources to distribute grants from the Shellfish Fund to municipalities that have entered into shellfish management agreements with the commissioner and that have established shellfish committees. It proposed to require the commissioner to set by rule the fee for a state shellfish license at a level that is adequate to fund the shellfish management activities of the department and activities related to any cooperative shellfish management agreements with municipalities.

**LD 1202**

**Resolve, to Require the Governor to Provide for Ballast Water Management Planning**

**ONTP**

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

LD 1202 proposed that the Governor appoint an ex officio member to the federal Aquatic Nuisance Species Task Force to address issues related primarily to ballast water. The resolve would have also required the Governor to prepare and submit to the task force a state aquatic nuisance species management plan.

**LD 1263**

**An Act to Eliminate the Need for a Retail Seafood License to Sell Prepared Seafood**

**PUBLIC 544  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
UNDERWOOD	OTP-AM	H-234 H-259 UNDERWOOD

LD 1263 proposed to permit persons who own restaurants and stores to sell seafood that has been previously prepared by a third party without a retail seafood license.

**Committee Amendment "A" (H-234)** proposed to replace the bill and allow a person to sell at retail shucked shellfish, provided the shellfish is obtained from a certified shellfish dealer. It also proposed to allow a person to sell lobster parts and meat, provided the lobster parts and meat are obtained from a wholesale seafood license holder who has a permit to process lobster parts and meat.

**House Amendment "A" to Committee Amendment "A" (H-259)** proposed to add an emergency preamble and clause to the bill to allow the bill to take effect immediately.

***Enacted law summary***

Public Law 1997, chapter 544 allows a person to sell at retail shucked shellfish, provided the shellfish is obtained from a certified shellfish dealer. It also allows a person to sell lobster parts and meat, provided the lobster parts and meat are obtained from a wholesale seafood license holder who has a permit to process lobster parts and meat. The law is effective on June 12, 1997.

**LD 1264                      An Act to Extend the Lobster Promotion Council and Its Personnel Requirements                      PUBLIC 211**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER GOLDTHWAIT	OTP-AM    MAJ ONTP        MIN	H-250

LD 1264 proposed to allow the Lobster Promotion Council to hire staff as needed and continue to capitalize the fund through surcharges on lobster and crab licenses extended through the year 2001.

**Committee Amendment "A" (H-250)** proposed to repeal the requirement that at least 50% of the Lobster Promotion Council's annual expenditures from the Lobster Promotion Fund be for the purposes of promotion, advertising and marketing development. The repeal would clarify the Lobster Promotion Council's authority to account for staff time spent on promotion, advertising and marketing development.

***Enacted law summary***

Public Law 1997, chapter 211 allows the Lobster Promotion Council to hire staff as needed and continues to capitalize the fund through surcharges on lobster and crab licenses extended through the year 2001. It also repeals the requirement that at least 50% of the Lobster Promotion Council's annual expenditures from the Lobster Promotion Fund be for the purposes of promotion, advertising and marketing development. This repeal clarifies the Lobster Promotion Council's authority to account for staff time spent on promotion, advertising and marketing development.

**LD 1388                      Resolve, Directing the Commissioner of Marine Resources to Request the Secretary of the United States Department of Commerce to Amend the United States Coast and Geodetic Survey                      ONTP**

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

LD 1388 proposed that the Commissioner of Marine Resources request the Secretary of the United States Department of Commerce to amend the United States Coast and Geodetic Survey, which is compiled by the Department of Commerce.