

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
MARINE RESOURCES

MAY 1998

MEMBERS:

Sen. Jill M. Goldthwait, Chair

Sen. Peggy A. Pendleton

Sen. Bruce W. MacKinnon

Rep. David Etnier, Chair

Rep. Paul Volenik

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Rep. Frederick J. Moore, III

Staff:

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

**Summary Of Legislation Before The Joint Standing Committees
May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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).

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:

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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

Joint Standing Committee on Marine Resources

LD 1445

An Act to Establish a Requirement That Holders of Lobster Fishing Licenses Must Own or Control the Vessel from Which They Conduct Authorized Activities

PUBLIC 693

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM MAJ ONTP MIN	H-1028

LD 1445 proposed that holders of Class I, Class II and Class III lobster and crab fishing licenses must fish from a vessel owned or controlled by the license holder or a member of the license holder's family unless there is a documented illness or disability. This requirement would not apply to persons who, on the effective date of this Act, held a Class I, Class II or Class III license and were fishing from a vessel not owned or controlled by the license holder.

Committee Amendment "A" (H-102) proposed to replace the bill. It proposed to establish requirements regarding the use of boats to harvest lobsters and provide exemptions to those requirements. The amendment also proposed that the requirements would not go into effect unless the Department of Marine Resources were provided by August 1, 1999 dedicated revenues to fund the registration of marine resources license holders and other persons under laws that restrict participation in a fishery conducted in the coastal waters of the State. The amendment also proposed to require the Commissioner of Marine Resources to report by January 1, 1999 to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the use of dedicated revenues for such registrations.

Regarding requirements on the use of boats to harvest lobsters, the amendment proposed that starting January 1, 2000, a person who harvests lobsters must fish from a boat that has on board an individual who harvests lobsters and who is the registered or documented owner of that boat, or who is a family member of that registered or documented owner. The amendment also proposed to make certain exemptions from the requirements for boats that are owned by partnerships, corporations or other entities. Under those exemptions, the Commissioner of Marine Resources could authorize a person to use a vessel to harvest lobsters in the following cases:

1. If the owner, because of an illness or disability, were temporarily unable to harvest lobsters, a person who was not the owner or a family member could use the boat to harvest lobsters and to tend the owner's lobster traps;
2. If the owner's boat were temporarily inoperable, the owner could utilize another person's boat to harvest lobsters;
3. If a person harvested lobsters for 46 days during a 3-month period in each of calendar years 1995, 1996 and 1997 from a boat upon which an owner or family member of the owner was not on board, that person could continue to harvest lobsters from that boat, or a boat that replaces that boat. The person would be required to document to the Commissioner of Marine Resources the facts required for the exemption by December 31, 2000; or

4. If an individual or business made available a boat to a person for the purpose of harvesting lobsters for 46 days during a 3-month period in each of calendar years 1995, 1996 and 1997, that individual or business could continue to make that boat, or a replacement boat, available to a person for the purpose of harvesting lobsters. The individual or business would be required to document to the Commissioner of Marine Resources the facts required for the exemption by December 31, 2000.

It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 693 establishes requirements regarding the use of boats to harvest lobsters and it provides exemptions to those requirements. It also provides that the requirements will not go into effect unless the Department of Marine Resources is provided by August 1, 1999 dedicated revenues to fund the registration of marine resources license holders and other persons under laws that restrict participation in a fishery conducted in the coastal waters of the State. The law requires the Commissioner of Marine Resources to report by January 1, 1999 to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the use of dedicated revenues for such registrations.

Regarding requirements on the use of boats to harvest lobsters, the law provides that starting January 1, 2000, a person who harvests lobsters must fish from a boat that has on board an individual who harvests lobsters and who is the registered or documented owner of that boat, or who is a family member of that registered or documented owner. The law makes provisions for boats that are owned by partnerships, corporations or other entities. It provides exemptions from these requirements under which the Commissioner of Marine Resources may authorize a person to use a vessel to harvest lobsters in the following cases:

1. If the owner, because of an illness or disability, is temporarily unable to harvest lobsters, a person who is not the owner or a family member may use the boat to harvest lobsters and to tend the owner's lobster traps;
2. If the owner's boat is temporarily inoperable, the owner may utilize another person's boat to harvest lobsters;
3. If a person harvested lobsters for 46 days during a 3-month period in each of calendar years 1995, 1996 and 1997 from a boat upon which an owner or family member of the owner was not on board, that person may continue to harvest lobsters from that boat, or a boat that replaces that boat. The person must document to the Commissioner of Marine Resources the facts required for this exemption by December 31, 2000; or
4. If an individual or business made available a boat to a person for the purpose of harvesting lobsters for 46 days during a 3-month period in each of calendar years 1995, 1996 and 1997, that individual or business may continue to make that boat, or a replacement boat, available to a person for the purpose of harvesting lobsters. The individual or business must document to the Commissioner of Marine Resources the facts required for this exemption by December 31, 2000.