

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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Rep. Frederick J. Moore, III

Staff:

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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).

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

Enacted law summary

Resolve 1997, chapter 28 directs the Lobster Advisory Council to submit a report to the Joint Standing Committee on Marine Resources by February 1, 1998 regarding the establishment of limited entry provisions for lobster management zones.

LD 1501

An Act to Amend the Lobster Laws and Study the Issuance of Lobster and Crab Fishing Licenses Based on Income Derived from Commercial Fishing

PUBLIC 250

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM MAJ ONTP MIN	H-307 H-340 ETNIER

LD 1501 proposed to amend the eligibility requirements for obtaining a Class I, Class II or Class III lobster and crab fishing license. The bill proposed to require a person to meet one of the three following eligibility requirements to obtain a license:

1. Document to the commissioner that the person harvested lobsters in calendar year 1996 while in possession of a Class I, Class II or Class III license;
2. Meet the requirements of the apprentice program; or
3. Be 65 years of age or older and have held a lobster and crab fishing license in the past.

The bill also proposed to require the Commissioner of Marine Resources to report by January 15, 1998 to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the feasibility of basing categories of lobster and crab fishing licenses on the percentage of income an applicant derives from commercial lobster fishing.

Committee Amendment "A" (H-307) proposed to provide that a person may not obtain a Class I, Class II or Class III lobster and crab fishing license unless that person held one of those licenses in the previous calendar year. The amendment did not proposed to change the bill's repeal of three of the license eligibility requirements: injury or medical condition, substantial investment and sternman experience. The amendment proposed to strike from the bill the repeal of the suspended license eligibility requirement. It also proposed to amend that requirement by allowing a person to obtain a Class I, Class II or Class III lobster and crab fishing license if that person could not obtain a license in the previous calendar year because of a lobster and crab fishing license suspension. The amendment also proposed to clarify that the study proposed in the bill pertains to categories of lobster and crab fishing licenses that are based on the percentage of income an applicant derives from commercial fishing.

House Amendment "A" (H-340) proposed to repeal the provision under the lobster apprenticeship program that allows for a waiver of the practical lobster fishing experience component if a person documents to the Commissioner of Marine Resources that the person harvested lobster while in possession of a license issued to that person under the Maine Revised Statutes, Title 12, section 6421.

Enacted law summary

Public Law 1997, chapter 250 amends the eligibility requirements for obtaining a Class I, Class II or Class III lobster and crab fishing license. A person must meet one of the four following eligibility requirements to obtain a license:

1. Document to the commissioner that the person possessed a Class I, Class II or Class III license in the previous calendar year;
2. Meet the requirements of the apprentice program;
3. Be 65 years of age or older and have held a lobster and crab fishing license in the past;
4. Have been unable to obtain a lobster and crab fishing license in the previous calendar year because that person's license had been suspended by the commissioner.

The public law repeals the following three eligibility requirements: injury or medical condition, substantial investment and sternman experience. The public law also repeals the provision under the lobster apprenticeship program that allows for a waiver of the practical lobster fishing experience component if a person documents to the Commissioner of Marine Resources that the person harvested lobster while in possession of a lobster and crab fishing license.

It also requires the Commissioner of Marine Resources to report by January 15, 1998 to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the feasibility of basing categories of lobster and crab fishing licenses on the percentage of income an applicant derives from commercial fishing.

LD 1519

An Act to Prevent Unnecessary Search and Rescue Operations on Marine Waters

PUBLIC 300

<u>Sponsor(s)</u> ETNIER KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-413
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LD 1519 proposed to establish the Search and Rescue Fund to fund search and rescue activities of the Department of Inland Fisheries and Wildlife and the Department of Marine Resources. The revenue generated from a \$1 surcharge on licenses sold by the Department of Marine Resources and on all-terrain vehicle and snowmobile registrations would have been deposited in the fund. The fund would have been managed and overseen by a committee consisting of representatives of the Department of Inland Fisheries and Wildlife and the Department of Marine Resources and public members. The bill proposed to allow the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to recover the cost of providing search and rescue services from a person who intentionally gives false or misleading information that causes an unnecessary search and rescue effort or prolongs an ongoing search and rescue effort.

Committee Amendment "A" (H-413) proposed to replace the bill. It proposed to create a civil penalty for intentionally providing the Department of Marine Resources or causing to be given to the Department of Marine Resources false or misleading information that results in an unnecessary search and rescue effort or prolongs an ongoing search and rescue effort. The State could recover the costs of the search and rescue operation and reasonable attorney's fees.