

# 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:*

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*Sen. Peggy A. Pendleton*

*Sen. Bruce W. MacKinnon*

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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](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:

*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.

**LD 2011**

**An Act to Correct Certain Inconsistencies in the Marine Resources  
Laws**

**PUBLIC 572**

Sponsor(s)  
GOLDTHWAIT  
ETNIER

Committee Report  
OTP

Amendments Adopted

LD 2011 proposed to clarify that terms on the Department of Marine Resources Lobster Advisory Council of members representing lobster management policy councils are coterminous with their terms on the policy council.

The bill also proposed to clarify eligible activities under the scallop boat license.

***Enacted law summary***

Public Law 1997, chapter 572 clarifies that terms on the Department of Marine Resources Lobster Advisory Council of members representing lobster management policy councils are coterminous with their terms on the policy council. It also clarifies eligible activities under the scallop boat license.

**LD 2014**

**An Act Concerning Elver Fishing**

**PUBLIC 575  
EMERGENCY**

Sponsor(s)  
GOLDTHWAIT  
ETNIER

Committee Report  
OTP-AM

Amendments Adopted  
S-454

LD 2014 proposed the following changes to the laws regarding elver fishing:

1. That the excluder panel required in the elver fyke net may have a mesh that is smaller than 1/2 inch bar mesh.
2. Further define the term "fyke net" to mean a net that consists of not more than one funnel end, one cod end and 2 wings.
3. Specify that an elver trap tag must be affixed to the net at the shoreside wing and be clearly visible.
4. Add an additional closed period to the weekly fishery closure.
5. Amend the laws regarding where it is unlawful to use an elver dip net.
6. Restore the provision that the time of measurement of the middle 1/3 of a stream for purposes of placement of elver nets is at high tide. The bill also proposed to make it unlawful to obstruct more than 1/3 of the width of any river, stream, brook or other watercourse at mean low tide.

**Committee Amendment "A" (S-454)** proposed to change the definition of an elver fyke net to include that an elver fyke net may not have more than one funnel end, one cod end and 2 wings. It also proposed to make the prohibition on setting nets in the middle of a watercourse apply any time as measured at high tide. In addition, it proposed to

prohibit the obstruction of the middle 1/3 of a watercourse as measured at low tide. The amendment also proposed to add an emergency preamble, emergency clause and a fiscal note.

***Enacted law summary***

Public Law 1997, chapter 575 makes several changes to the laws regarding elver fishing. It provides that the excluder panel required in the elver fyke net may have a mesh that is smaller than 1/2 inch bar mesh. It further defines the term "fyke net" to mean a net that consists of not more than one funnel end, one cod end and 2 wings. It specifies that an elver trap tag must be affixed to the net at the shoreside wing and be clearly visible. It adds an additional closed period to the weekly fishery closure. It amends the laws regarding where it is unlawful to use an elver dip net. It makes the prohibition on setting nets in the middle of a watercourse apply any time as measured at high tide. In addition, it prohibits the obstruction of the middle 1/3 of a watercourse as measured at low tide. Chapter 575 was enacted as an emergency measure effective February 27, 1998.

**LD 2021                      An Act Concerning Commercial Fishing in the Vicinity of                      PUBLIC 574**  
**Monhegan Island**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM    MAJ	S-464
HONEY	OTP-AM    MIN	

LD 2021 proposed to establish in statute the Monhegan Lobster Conservation Area surrounding Monhegan Island and limit lobster fishing in that area by limiting the number of participants to those who registered to fish in the area under Department of Marine Resources rules in 1996 and who fished in the area between January 1, 1997 and June 30, 1997. A person would be allowed into the Monhegan Fishery as a new participant only if the person completes a 2-year apprenticeship and an existing participant leaves the fishery. The purpose of the training program would be to foster stewardship through knowledge of local environmental and ecological conditions and local fishing practices.

**Committee Amendment "A" (S-464)** was the majority report and it replaced the bill. It proposed to create the Monhegan Lobster Conservation Area in the state waters surrounding Monhegan Island. It would prohibit a person from harvesting lobsters from the area unless the person used lobster traps fitted with tags designated for use in the area.

It proposed to limit fishing in the area during the initial 1998-99 open season to people who were registered under Department of Marine Resources rules for harvesting in the area from January 1, 1997 to June 25, 1997; harvested lobsters from the area any time between January 1, 1997 to June 25, 1997; and possess Class I, Class II or Class III lobster and crab fishing licenses. A person who not initially eligible to harvest lobsters in the area could become eligible if the person completes a minimum 2-year apprenticeship and if a harvester left the area's lobster fishery. A person who holds a student lobster license could fish up to 15 traps in the Monhegan Lobster Conservation Area provided the person fished with a person who is registered to harvest lobsters in the area.

The amendment proposed that the open season for the Monhegan Lobster Conservation Area be a 180-day period between December 1st and June 25th of the following year established annually by the Commissioner of Marine Resources.