

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).

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.

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 Monhegan Island

PUBLIC 574

<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.

The amendment proposed that a person who harvests lobsters in the Monhegan Lobster Conservation Area could not fish in any other state waters at any time and could not harvest lobsters in federal waters during the area's closed season.

The amendment also proposed to create a 13-member task force to study the use of subzones within the current lobster zone structure. The task force would be required to report its findings and recommendations by January 1, 1999.

The amendment also proposed to strike the emergency preamble and clause. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 574 creates the Monhegan Lobster Conservation Area in the state waters surrounding Monhegan Island. It prohibits a person from harvesting lobsters from the area unless the person uses lobster traps fitted with tags designated for use in the area.

It limits 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 is not initially eligible to harvest lobsters in the area may become eligible if the person completes a minimum 2-year apprenticeship and if a harvester leaves the area's lobster fishery.

A person who holds a student lobster license may fish up to 15 traps in the Monhegan Lobster Conservation Area provided the person fishes with a person who is registered to harvest lobsters in the area.

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

A person who harvests lobsters in the Monhegan Lobster Conservation Area may not fish in any other state waters at any time and may not harvest lobsters in federal waters during the area's closed season.

The law also creates a 13-member task force to study the use of subzones within the current lobster zone structure. The task force must report its findings and recommendations by January 1, 1999.

LD 2026 An Act Concerning Lobster Policy Management Council Referenda ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT ETNIER	ONTP	

LD 2026 proposed that a ballot in a referendum held by a lobster policy management council must have the voter's lobster and crab license number on it to establish it as a legitimate ballot from an eligible voter. It also proposed to provide that a ballot, once submitted, can not be identified with an individual.

LD 2127 An Act to Amend the Nonresident Municipal Shellfish License Fee PUBLIC 589