

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

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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.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHARTRAND KILKELLY	OTP-AM	H-800

LD 2127 proposed to change the maximum fee that a municipality can charge a nonresident for a shellfish license from twice the resident fee to 1 1/2 times the resident fee.

Committee Amendment "A" (H-800) proposed to strike the fee provisions of the bill and substitute the following: If a shellfish conservation ordinance charges \$200 or less for a resident license, the fee for a nonresident license may not exceed twice the resident fee. If the ordinance charges more than \$200 for a resident license, the fee for a nonresident license may not exceed 1 1/2 times the resident fee.

Enacted law summary

Public Law 1997, chapter 589 provides that if a shellfish conservation ordinance charges \$200 or less for a resident license, the fee for a nonresident license may not exceed twice the resident fee. It also provides that if the ordinance charges more than \$200 for a resident license, the fee for a nonresident license may not exceed 1 1/2 times the resident fee.

LD 2145

An Act Concerning the Taking of Marine Resources by Members of the Passamaquoddy Tribe

**PUBLIC 708
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE	OTP-AM MAJ ONTP MIN	H-983 S-599 RUHLIN

LD 2145 proposed to exempt Passamaquoddy tribal members from regulation by the State when taking marine resources for sustenance use or for ceremonial tribal use under a special tribal permit.

The bill also proposed that the taking of marine resources for commercial uses by resident members of the Passamaquoddy Tribe be done so in accordance with a licensing compact that would be negotiated by the tribe and the state and approved by the legislative bodies of both. Until such a compact were approved, any member of the tribe could harvest marine resources in Maine's coastal waters, provided the harvesting were in accordance with a tribal regulatory program. The tribal regulatory program would be required to consist of either the same conservation-based restrictions as apply to persons who hold state licenses or an alternative regulation determined by the Maine Indian Tribal-State Commission to be of cultural significance to the Passamaquoddy tribal community or licensee yet sufficiently restrictive when limited to the tribal licensees as to have no significant impact on the marine resource.

Committee Amendment "A" (H-983) proposed to strike the language in the bill and exempt Passamaquoddy tribal members who are residents of Maine from licensing by the State when taking marine resources for commercial use, for sustenance use or for tribal ceremonial use under a special tribal permit. Tribal members would be subject to the same laws and rules and enforcement as are people who hold a state license, except that seasons would not apply to tribal members who harvest marine organisms for sustenance use or tribal ceremonial use. Tribal licenses would be required to be filed with the Commissioner of Marine Resources.

The amendment also proposed to allow the tribe to issue an initial number of up to 24 licenses in the restricted lobster fishery and an annual number of up to 24 licenses in the restricted sea urchin fishery.

The amendment also proposed to direct the Maine Indian Tribal-State Commission to study any questions or issues regarding the taking of marine resources by members of the Passamaquoddy Tribe and the Penobscot Nation. The commission would be required to report any findings and recommendations to the Joint Standing Committee on Marine Resources by December 15, 1998.

The amendment also proposed to state that the Act is not an amendment to the Maine Indian Claims Settlement Act and that ratification by the Passamaquoddy Tribe would not be required. In the event a court found that the Act or a portion of it is an amendment to the Maine Indian Claims Settlement Act, the Act or that portion of it, if separable, would be void.

The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-599) proposed to require that members of the Passamaquoddy Tribe who fish for sea urchins for sustenance use, as would be allowed in Committee Amendment "A", could not harvest sea urchins during periods in which holders of state licenses may not harvest sea urchins. In addition, the amendment proposed to remove language from Committee Amendment "A" that required a member of the tribe who fishes for elvers to utilize elver fishing gear that is tagged with sustenance use elver tags issued by the tribe in a manner that is consistent with tags required for elver gear used by holder of state elver licenses.

Enacted law summary

Public Law 1997, chapter 708 exempts Passamaquoddy tribal members who are residents of Maine from licensing by the State when taking marine resources for commercial use, for sustenance use or for tribal ceremonial use under a special tribal permit. Tribal members are subject to the same laws and rules and enforcement as are people who hold a state license; however, a tribal member who harvests sea urchins for sustenance purposes must comply with state sea urchin seasons. Tribal licenses and permits must be filed with the Commissioner of Marine Resources.

The law also allows the tribe to issue an initial number of up to 24 licenses in the restricted lobster fishery and an annual number of up to 24 licenses in the restricted sea urchin fishery.

The law also directs the Maine Indian Tribal-State Commission to study any questions or issues regarding the taking of marine resources by members of the Passamaquoddy Tribe and the Penobscot Nation. The commission must report any findings and recommendations to the Joint Standing Committee on Marine Resources by December 15, 1998.

The law also states that the law is not an amendment to the Maine Indian Claims Settlement Act and that ratification by the Passamaquoddy Tribe is not required. In the event a court finds that the law or a portion of it is an amendment to the Maine Indian Claims Settlement Act, the law or that portion of it, if separable, is void. Chapter 708 was enacted as an emergency measure effective April 3, 1998.