

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

Rep. Martha A. Bagley

Rep. Albion D. Goodwin

Rep. Wendy Pieh

Rep. William D. Pinkham

Rep. James D. Layton

Rep. Royce W. Perkins

Rep. Kenneth A. Honey

Rep. Reginald G. Pinkham

Rep. Frederick J. Moore, III

Staff:

John G. Kelley, Legislative Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

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.

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.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM MAJ ONTP MIN	H-1026

LD 2176 proposed several measures regarding the sea urchin laws. It proposed to repeal the moratorium on new entrants into the sea urchin fishery on December 31, 1998 and replace it with a lottery system for new entrants to obtain sea urchin harvesting licenses. The lottery system would be in effect in calendar years 1999 and 2000. It would extend until January 1, 2003 the requirement that all sea urchin licenses issued to an individual be issued only for one of the two sea urchin harvesting zones. It would extend the sea urchin license surcharges through calendar year 2002. It also proposed that up to 30% of the license surcharge revenue be used for enforcement purposes. It also proposed two separate seasons for fishing in Zone 2 and would have required a Zone 2 harvester to fish in only one of those seasons. It also proposed to add a sea urchin boat tender to the Sea Urchin Zone Council. It also proposed to require the Commissioner of Marine Resources to report to the Legislature by February 1, 2000 on the sea urchin lottery system.

Committee Amendment "A" (H-1026) proposed to extend for one year, through 2001, the sea urchin license lottery system proposed in the bill. It proposed to allow the commissioner to include in rules establishing the system provisions allowing multiple entries into a lottery based upon prior licensed activity in the sea urchin fishery. It also proposed to clarify that under a license lottery system, lotteries must be held for each of the 2 sea urchin zones, a person may not enter more than one lottery each year and a combination lottery may be held for sea urchin handfishing, trapping and raking licenses.

The amendment proposed to extend through 2001 the surcharges on sea urchin licenses. It proposed to clarify the provisions of the bill under which 2 seasons are designated in Zone 2. A person who harvests sea urchins in Zone 2 could harvest during only one of the seasons.

The amendment proposed to require a report on the lottery system by January 15, 2001. It proposed to repeal the lottery system and other emergency sea urchin provisions on January 1, 2002.

The amendment also proposed to require a report by January 15, 1999 on the designation of zones to manage the sea urchin resource, the feasibility, practicality and methods of electing members to the Sea Urchin Zone Council, the establishment of separate councils for each sea urchin zone and any other matter of interest regarding the management and conservation of sea urchins.

The amendment also proposed to add an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 685 repeals the moratorium on new entrants into the sea urchin fishery on December 31, 1998 and replace it with a lottery system for new entrants to obtain sea urchin harvesting licenses. The lottery system is in effect in calendar years 1999, 2000 and 2001. It allows the Commissioner of Marine Resources to include in rules establishing the system provisions allowing multiple entries into a lottery based upon prior licensed activity in the sea urchin fishery. Lotteries must be held for each of the 2 sea urchin zones, a person may not enter more than one lottery each year and a combination lottery may be held for sea urchin handfishing, trapping and raking licenses.

The law extends until January 1, 2002 the requirement that all sea urchin licenses issued to an individual be issued only for one of the two sea urchin harvesting zones. It extends the sea urchin license surcharges through calendar

year 2001. It allows up to 30% of the license surcharge revenue be used for enforcement purposes. It also provides for two separate seasons for fishing in Zone 2 and requires a Zone 2 harvester to fish during only one of those seasons. It also adds a sea urchin boat tender to the Sea Urchin Zone Council. It also requires the Commissioner of Marine Resources to report to the Legislature by January 15, 2001 on the sea urchin lottery system. The law also requires the Commissioner of Marine Resources to report by January 15, 1999 on the designation of zones to manage the sea urchin resource, the feasibility, practicality and methods of electing members to the Sea Urchin Zone Council, the establishment of separate councils for each sea urchin zone and any other matter of interest regarding the management and conservation of sea urchins.

LD 2226

An Act to Limit New Lobster and Crab Fishing Licenses

PUBLIC 747

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1004
	ONTP MIN	S-739 MICHAUD

LD 2226 proposed a moratorium on commercial lobster and crab fishing licenses. It proposed to provide that until December 31, 1999 commercial lobster and crab fishing licenses may only be issued to a person who held a license in the previous calendar year, who possessed an apprentice lobster and crab fishing license issued prior to February 13, 1998 and meets the requirements of the apprentice program or who did not possess a commercial lobster and crab fishing license in the previous calendar year because of a license suspension.

Committee Amendment "A" (H-1004) proposed to require the Lobster Advisory Council to study limited entry into lobster management zones and submit a report by January 1, 1999 to the joint standing committee of the Legislature having jurisdiction over marine resources matters.

Senate Amendment "A" to Committee Amendment "A" (S-739) proposed to replace the fiscal note to Committee Amendment "A."

Enacted law summary

Public Law 1997, chapter 747 places a moratorium on commercial lobster and crab fishing licenses by requiring that until December 31, 1999 commercial lobster and crab fishing licenses may only be issued to a person who held a license in the previous calendar year, who possessed an apprentice lobster and crab fishing license issued prior to February 13, 1998 and meets the requirements of the apprentice program or who did not possess a commercial lobster and crab fishing license in the previous calendar year because of a license suspension. The laws also requires the Lobster Advisory Council to study limited entry into lobster management zones and submit a report by January 1, 1999 to the joint standing committee of the Legislature having jurisdiction over marine resources matters.

LD 2235

Resolve, Regarding Legislative Review of Chapter 2.10: Aquaculture Lease Regulations, Lease Categories and Environmental Baseline, a Major Substantive Rule of the Department of Marine Resources

**RESOLVE 93
EMERGENCY**