

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*First Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Marine Resources*

*July 2003*

**Members:**

*Sen. Dennis Damon, Chair*

*Sen. Peggy A. Pendleton*

*Sen. Richard Bennett*

*Rep. Thomas D. Bull, Chair*

*Rep. Nancy B. Sullivan*

*Rep. Walter E. Ash, Jr.*

*Rep. Edward R. Dugay*

*Rep. Leila J. Percy*

*Rep. Kevin M. Muse*

*Rep. Deborah K. McNeil*

*Rep. Jeff Kaelin*

*Rep. Leonard Earl Bierman*

*Rep. Frederick J. Moore III*

**Staff:**

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# Maine State Legislature



## Office Of Policy And Legal Analysis Office Of Fiscal And Program Review

### 121st Maine Legislature First Regular Session

#### Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint select committees of the Maine Legislature this past session. 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 considered by the committees. It is arranged alphabetically by committee name 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:

<i>CARRIED OVER PURSUANT TO HP 1212</i> .....	<i>Bills carried over to the 2<sup>nd</sup> Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP-ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

**David C. Elliott, Director**  
Offices located in Room 215 of the Cross Office Building

*Joint Standing Committee on Marine Resources*

**LD 272**                      **An Act to Expand Aquaculture Site Location Criteria to Include Aesthetic Impact and Property Value Changes**                      **ONTP**

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

LD 272 proposes to require that the Department of Marine Resources to include an assessment of aesthetic impact and property value impact in its site review of aquaculture lease applications.

**LD 276**                      **An Act to Allow the Sale of Lobster and Crab Fishing Licenses**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ASH LEMONT		

LD 276 proposed to allow a person to sell that person's lobster and crab fishing license to a person approved by the Department of Marine Resources to purchase that license.

**LD 277**                      **An Act to Amend the Eligibility Requirements for a Lobster and Crab Fishing License**                      **ONTP**

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

LD 277 proposed to provide that a person who previously held a lobster and crab fishing license was eligible for the same license without meeting the requirements of the apprentice program.

**Committee Amendment "A" (H-331)**, the minority report of the Committee on Marine Resources proposed to replace the bill and allow the commissioner to waive the apprenticeship requirements for purchasing a lobster and crab fishing license for a person who held such a license in the past if the Lobster License Appeal Committee determined that the person failed to renew the previous license due to extraordinary circumstances, such as poor health, military service, financial hardship or inability to find work under the apprentice program. This amendment included a sunset provision that repealed these provisions on July 1, 2008. (Not adopted)

**House Amendment "A" to Committee Amendment "A" (H-343)** proposed to do the following.

1. Specify that a person for whom the apprenticeship requirement was waived by the Commissioner of Marine Resources would be placed at the end of the waiting list for the lobster fishing zone and behind any person currently in the apprentice program.
2. Amend the membership of the Lobster License Appeal Committee established in Committee Amendment "A" to allow former Legislators who were members of the joint standing committee of the Legislature having jurisdiction over marine resources matters to be members of the Lobster License Appeal Committee.

***Joint Standing Committee on Marine Resources***

3. Establish the procedure that would be followed by a person appealing to the Lobster License Appeal Committee and by the committee, including the meeting dates, notice to the appellant and the standard of proof that would be met by the appellant.
4. Require the Commissioner of Marine Resources to make a final determination regarding the recommendation of the Lobster License Appeal Committee within 72 hours of notice of the decision of the committee.
5. Specify that meetings of the Lobster License Appeal Committee were not public meetings. (Not adopted)

**House Amendment "B" to Committee Amendment "A" (H-344)** proposed to change the eligibility for a successful appeal to require that the person had served at least 6 years in the military and maintained the lobster and crab fishing license for at least 4 years or 50% of the time spent in the military, whichever was shorter. (Not adopted)

Current law allows a person who was prevented from renewing that person's Class I, Class II or Class III lobster and crab fishing license due to service in the military to obtain a license upon appeal to the Commissioner of Marine Resources. A person who serves more than 6 years in the military is not eligible to appeal.

**LD 364**                      **An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education**                      **P & S 29**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN	OTP-AM    MAJ	H-33
DAMON	ONTP      MIN	S-294   CATHCART

LD 364 proposed to appropriate \$15,000 to the Department of Marine Resources in each of fiscal years 2003-04 and 2004-05 for the establishment of a grant to the Maine Aquaculture Innovation Center for operating costs at the Downeast Institute for Applied Marine Research and Education, formerly the Beals Island Regional Shellfish Hatchery.

**Committee Amendment "A" (H-33)** is the majority report, proposed to provide the grant directly to the Downeast Institute for Applied Marine Research and Education.

**Senate Amendment "A" to Committee Amendment "A" (S-294)** proposed to clarify that the appropriations provided in Committee Amendment "A" were intended to be one-time appropriations for the 2004-2005 fiscal biennium.

***Enacted Law Summary***

Private and Special Law 2003, chapter 29 appropriates \$15,000 to the Maine Aquaculture Innovation Center for operating costs at the Downeast Institute for Applied Marine Research and Education, formerly the Beals Island Regional Shellfish Hatchery, for the 2004-2005 fiscal biennium.