

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Marine Resources*

May 2004

Members:

Sen. Dennis Damon, Chair

Sen. Peggy A. Pendleton

Sen. Richard A. 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. Christopher Rector

Rep. Frederick J. Moore III

Staff:

Curtis C. Bentley, Legislative Analyst

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Maine State Legislature



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

*121st Maine Legislature
Second Regular Session and
Second Special 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/billsumm.htm).

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
- NOT PROPERLY BEFORE THE BODY Ruled out of order by the presiding officers; bill died
- INDEF PP Bill Indefinitely Postponed
- ONTP..... Ought Not To Pass report accepted
- OTP-ND Committee report Ought To Pass In New Draft
- P&S XXX..... Chapter # of enacted Private & Special Law
- PASSED..... Joint Order passed in both bodies
- 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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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

Joint Standing Committee on Marine Resources

LD 276

An Act to Allow the Sale of Lobster and Crab Fishing Licenses

ONTP

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

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.

Committee Amendment "A" (H-628) was the minority report and proposed to replace the bill. It proposed to authorize a person holding a Class I, Class II or Class III lobster and crab-fishing license to sale that license under the following circumstances:

1. The seller must have fished under that license for at least 5 years and derived at least 51% of that person's net annual income from lobster fishing;
2. The seller could sell the license only as part of the sale of that seller's boat and gear;
3. The buyer must have passed a lobster fishing exam administered by the Department of Marine Resources before the purchase of the license; and
4. A person could not have purchased a license if that person already held a Class I, Class II or Class III lobster and crab fishing license.
5. A person could not sell a suspended or revoked license.

Additionally, the amendment proposed to authorize the department to set the purchase price of the license between \$5,000 and \$10,000 and proposed to require that the revenues generated from the sale of the license go to the department. The seller would retain the revenues from the sale of the boat and gear. Finally, the amendment proposed to establish a 5% surcharge on the purchase price of the license, boat and gear to be paid jointly by the buyer and seller. Revenues generated by this surcharge would be deposited in the Lobster Promotion Fund. (not adopted)

LD 939

An Act To Repeal the Fee on Aquacultural Salmon Production

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KAELIN | ONTP | |

LD 939 proposed to repeal the Salmon Aquaculture Monitoring, Research and Development Fund, including the 1¢ per pound fee on whole fish harvested paid by the salmon aquaculture industry, and proposed to require the commission to refund any remaining balance in the fund to persons who had paid money into the fund since January 1, 2001. Additionally, the bill proposed to repeal the authority language for the Maine Salmon Aquaculture Advisory Council, whose purpose was to provide guidance on expenditures from the Salmon Aquaculture Monitoring, Research and Development Fund.