

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Marine Resources*

*August 2005*

**Members:**

*Sen. Dennis S. Damon, Chair  
Sen. Nancy B. Sullivan  
Sen. Mary Black Andrews*

*Rep. Leila J. Percy, Chair  
Rep. Walter E. Ash, Jr.  
Rep. Herbert Adams  
Rep. Edward R. Dugay*

*Rep. Jeff Kaelin  
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Rep. Philip A. Cressey, Jr.  
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Rep. John Eder*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER ..... Bill Carried Over to Second Regular Session
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
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 First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

## Joint Standing Committee on Marine Resources

**LD 167**

**An Act To Provide Flexibility for Sea Urchin Zones**

**ONTP**

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

LD 167 proposed to authorize the Commissioner of Marine Resources to adopt rules to create sea urchin management areas and rules to place limits on sea urchin license holders who fish in those management areas.

**LD 373**

**An Act To Achieve Compliance with the Interstate Lobster Fishery Management Plan**

**PUBLIC 6  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP	

LD 373 proposed to strike existing language that prevents Maine from enforcing a larger minimum size for lobster than 3 8/32 inches except in the case of contingent action by the Federal Government and other New England states. It proposed to add new language to require an individual who possesses both a Maine lobster and crab fishing license and a federal limited access lobster permit to comply with the most restrictive minimum lobster size for all federal lobster management areas declared on the person's license wherever the fishing occurs.

### *Enacted law summary*

Public Law 2005, chapter 6 strikes existing language that prevents Maine from enforcing a larger minimum size for lobster than 3 8/32 inches except in the case of contingent action by the Federal Government and other New England states. It adds new language that requires an individual who possesses both a Maine lobster and crab fishing license and a federal limited access lobster permit to comply with the most restrictive minimum lobster size for all federal lobster management areas declared on the person's license wherever the fishing occurs.

Public Law 2005, chapter 6 was enacted as an emergency measure effective March 18, 2005.

**LD 386**

**An Act To Encourage the Scallop Industry**

**ONTP**

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

LD 386, a concept draft pursuant to Joint Rule 208, proposed to recognize scallop spat collection as a fishery and to direct the Scallop Advisory Council to develop rules to govern spat collection as a fishery. Rules that would be needed include scale of collection, eligibility of people involved and whether spat can be viable as a fishery. The bill also proposed to direct the Scallop Advisory Council to work with the Department of Marine Resources concerning the sale of whole cultured scallops.