

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
Rep. H. Stedman Seavey, Jr.
Rep. Philip A. Cressey, Jr.
Rep. Kenneth C. Fletcher
Rep. Harold Ian Emery
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 434

An Act To Clarify Maine's Authority To Enforce Its Marine Resources Laws

PUBLIC 26

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN	OTP A	
EDMONDS	OTP-AM B	
	ONTP C	

LD 434 proposed to create a definition for "established base of operations" in the marine resources statutes and to amend the definition of "registered vessel" to include a vessel that has an established base of operations within the State. It also proposed to amend the definition of "rigged" to allow the Commissioner of Marine Resources to adopt rules to further define what equipment is necessary to have on board for a vessel to be considered "rigged."

Committee Amendment "A" (H-37) proposed to make rules regarding the definition of "rigged" major substantive rules. Committee "A" was not adopted.

Enacted law summary

Public Law 2005, chapter 26 creates a definition for "established base of operations" in the marine resources statutes and amends the definition of "registered vessel" to include a vessel that has an established base of operations within the State. It also amends the definition of "rigged" to allow the Commissioner of Marine Resources to adopt rules to further define what equipment is necessary to have on board for a vessel to be considered "rigged."

LD 479

An Act To Amend Laws Governing the Setting of the Sea Urchin Harvesting Season

INDEF PP

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

LD 479 proposed to establish in law the number of open days for sea urchin harvesting season. It proposed a season length of 94 open days, except that until April 15, 2007, the season length would be 40 open days in Zone 1 and 64 open days in Zone 2.

Committee Amendment "A" (H-406) was the majority report of the committee. The amendment proposed to direct the Commissioner of Marine Resources to initiate rulemaking to establish 15 open days in Zone 1 and 55 open days in Zone 2 for the upcoming 2005-2006 sea urchin harvesting season. The amendment also proposed to direct the commissioner to initiate rulemaking, following the 2005-2006 season, to establish the number of open days for the 2006-2007 season based on the recommendations of the Task Force To Study Sea Urchin Fishery Management. The amendment proposed to create the task force to examine the current management structure and strategies of the sea urchin fishery and to make recommendations regarding short-term and long-term management options including the sea urchin harvesting season and the number of open days. The amendment also proposed to require the task force to submit a report to the Joint Standing Committee on Marine Resources and the Legislative Council by February 1, 2006, and to authorize the committee to report out a bill to the Second Regular Session of the 122nd Legislature following its review of the task force's report. This amendment also

Joint Standing Committee on Marine Resources

proposed to add an appropriations and allocations section to the bill. Committee Amendment "A" was not adopted.

Committee Amendment "B" (H-407) was the minority report of the committee. The amendment proposed to direct the Commissioner of Marine Resources to initiate rulemaking to establish 10 open days in Zone 1 and 45 open days in Zone 2 for the upcoming 2005-2006 sea urchin harvesting season. The amendment also proposed to direct the commissioner to initiate rulemaking, following the 2005-2006 season, to establish the number of open days for the 2006-2007 season based on the recommendations of the Task Force To Study Sea Urchin Fishery Management. The amendment proposed to create the task force to examine the current management structure and strategies of the sea urchin fishery and to make recommendations regarding short-term and long-term management options including the sea urchin harvesting season and the number of open days. The amendment also proposed to require the task force to submit a report to the Joint Standing Committee on Marine Resources and the Legislative Council by February 1, 2006, and to authorize the committee to report out a bill to the Second Regular Session of the 122nd Legislature following its review of the task force's report. This amendment also proposed to add an appropriations and allocations section to the bill. Committee Amendment "B" was not adopted.

LD 513 **An Act To Amend the Hours for Lobster Fishing** **ONTP**

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

LD 513 proposed to change the end date of the annual period during which there is a prohibition on raising or hauling a lobster trap after dark from October 31st to October 1st. Under current law, it is unlawful to raise or haul any lobster trap during the period 1/2 hour after sunset until 1/2 hour before sunrise from June 1st to October 31st.

LD 527 **An Act To Regulate the Use of Alternative Bait in Marine Fisheries** **PUBLIC 203
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON DUGAY	OTP-AM	S-148

LD 527 proposed to authorize the Commissioner of Marine Resources to regulate the use of alternative bait in marine fisheries.

Committee Amendment "A" (S-148) proposed to retain the provision of the bill that would authorize the Commissioner of Marine Resources to adopt rules to regulate the use of alternative bait. The amendment proposed to define alternative bait as bait that does not naturally originate from the ocean. The amendment proposed to add an emergency preamble making the rule-making authority effective upon enactment. The amendment also proposed to add a provision of law to prohibit the use of offal as bait for lobster or crabs, effective January 1, 2006. The amendment proposed to define offal as the carcass, waste parts, renderings or