

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 602

An Act To Provide for a Limited Sea Cucumber Fishery

PUBLIC 27

<u>Sponsor(s)</u> EDER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-38
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LD 602 proposed to create a sea cucumber drag license. It proposed to require the Commissioner of Marine Resources to establish by rule a fee of no more than 20¢ for every 100 pounds to be paid monthly by wholesale seafood license holders who purchase sea cucumbers. It proposed to require that the fees be deposited in the Sea Cucumber Management Fund and used to research and manage the sea cucumber fishery. The bill proposed to give the commissioner authority to adopt rules to promote the conservation and propagation of sea cucumbers, including, but not limited to, the establishment of management areas, and it proposed to establish a protocol for license holders to change management areas. The bill proposed to establish a limited entry system for the sea cucumber fishery, under which the commissioner could issue a sea cucumber drag license to a person only if that person possessed a license in the previous calendar year or becomes eligible to obtain a sea cucumber drag license through limited entry requirements to be established by rule.

Committee Amendment "A" (H-38) proposed to change the rule designation for rules relating to a limited entry system for sea cucumber drag licenses from routine technical to major substantive.

Enacted law summary

Public Law 2005, chapter 27 creates a sea cucumber drag license. It requires the Commissioner of Marine Resources to establish by rule a fee of no more than 20¢ for every 100 pounds to be paid monthly by wholesale seafood license holders who purchase sea cucumbers. It requires that the fees be deposited in the Sea Cucumber Management Fund and used to research and manage the sea cucumber fishery. The law gives the commissioner authority to adopt rules to promote the conservation and propagation of sea cucumbers, including, but not limited to, the establishment of management areas, and it establishes a protocol for license holders to change management areas. The law establishes a limited entry system for the sea cucumber fishery, under which the commissioner may issue a sea cucumber drag license to a person only if that person possessed a license in the previous calendar year or becomes eligible to obtain a sea cucumber drag license through limited entry requirements to be established by rule.

LD 629

An Act To Enhance Community Support for Anadromous Fish Restoration

ONTP

<u>Sponsor(s)</u> FLETCHER	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 629 proposed to require the Commissioner of Marine Resources to grant the right to take alewives to any municipality that met certain requirements. The bill proposed to eliminate the provision in current law that requires that municipal rights to take alewives lapse if those rights are not exercised for 3 years. The bill proposed to clarify that any municipality that has the right to take alewives is authorized to collect fees from the sale or lease of alewife fishing rights. The bill proposed to require the Commissioner of Marine Resources to report on expanding municipal rights to take alewives to include the right to take other migratory fish.

