

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON  
MARINE RESOURCES  
BILL SUMMARY



JUNE 1987

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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
JUNE 1987

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number under each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "COMMITTEE" if it is a committee amendment.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD 1328 AN ACT TO ESTABLISH A TAX TO PROVIDE FOR THE  
COMPREHENSIVE MONITORING OF PARALYTIC SHELLFISH  
POISON.

CARRY-OVER

Sponsor: VOSE, Moholland, Look  
Committee Report: CARRY-OVER

SUMMARY: This bill proposed a shellfish excise tax to provide the state with the resources to more comprehensively and effectively monitor Paralytic Shellfish Poisoning (PSP) or red tide. Currently, major portions of the Maine coast are closed to shellfish harvesting each year because the Department of Marine Resources does not have the resources to consistently monitor the coast. These conservative closures result in economic deprivation to people in the shellfish industry.

LD 1328 proposed a volume-based, per bushel tax of 50¢ collected from dealers as the fairest way to fund PSP monitoring. Under this scheme, species which require greater expense and effort to monitor pay a higher percent tax relative to the cost per bushel of the species. Conversely, a value tax favored by some proponents would shift the tax burden onto the soft-shell clam, a relatively easy species to monitor.

Opponents to the bill acknowledged the importance of the program but sited hardship to dealers (the point of tax collection) operating in a highly competitive multistate market and the difficulty in enforcing the tax.

The committee, noting the importance of accurate PSP monitoring, voted to hold the bill over to the second regular session. They felt that a per bushel tax, regardless of whom it was levied on, would aggravate the problem of unreported shellfish sales. A subcommittee will meet during the interim to develop recommendations on how to fund the program.

**LD 1345** AN ACT RELATING TO THE MEMBERSHIP OF THE  
ATLANTIC SEA RUN SALMON COMMISSION.

PL 1987  
c. 526  
EMERGENCY

Sponsor: GWADOSKY, Carter, Ruhlin, Matthews Z  
Committee Report: New Draft of LD 567  
Amendments Adopted:  
S-97 PEARSON  
S-249 PEARSON

SUMMARY: The original bill proposed to increase the Atlantic Sea Run Salmon Commission membership by adding an additional three public members. The sponsor noted this

was a mistake in the bill and that the intent was to increase the Commission by adding two public members.

The new draft incorporates this change, increases the compensation for the public members and sets forth a schedule for appointments during the transition to a larger commission. A Senate amendment (S-97) was adopted to provide an emergency preamble to the bill.

The second Senate amendment (S-249) removed the appropriation section as the funding was included in the part II budget.

LD            AN ACT TO AMEND THE LAW PROHIBITING SCALLOPING            LVWD  
1383        AND DRAGGING IN THE FRENCHBORO AREA.

Sponsor:    ZIRNKILTON  
Committee Report:    LVWD

SUMMARY: This bill sought to allow hand-scalloping in the Frenchboro cable area. A large portion of water surrounding the power cable that connects Frenchboro to the mainland has been closed to scalloping because scallop drags have frequently broken the cable, shutting off the island's power supply. The sponsor argued that hand-fishing for scallops was not a threat to the cable and therefore should be allowed. The area has not been designated a conservation zone.

The committee felt that any closure of the area for scallops should extend to all methods of fishing both for fairness and enforcement reasons.

LD            AN ACT REGARDING LOBSTER FISHING.            ONTP  
1386

Sponsor:    MANNING, Ketover  
Committee Report:    ONTP

SUMMARY: This bill had two main components. First, it proposed to allow the landing of oversized lobsters caught at least 3 miles offshore, provided they were consigned to DMR-approved containers. The bill also proposed to allow the "incidental" catch of lobster, while fishing for other marine species at least 3 miles offshore. This provision would have allowed the landing of dragged lobsters in state.

The first component of the bill addressed the problem that oversized lobsters caught in the Gulf of Maine are being landed in the ports of Portsmouth, Boston, Gloucester, and New Bedford, negating the conservation impact of the