

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
MARINE RESOURCES**

AUGUST 1991

Staff:
Patrick Norton, Legislative Analyst

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207) 289-1670*

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STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

KAREN L. HRUBY
JILL IPPOLITI
JOHN B. KNOX
PATRICK NORTON
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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION
JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1991**

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<i>Action incomplete when 1st session ended</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

LD 781 An Act to Amend the Dates for Scallop Fishing in the LV/WD
Damariscotta River

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HEINO SPEAR HOLLOWAY MITCHELL J	LV/WD	

SUMMARY

This bill proposed to extend the closed season on scallop fishing in the Damariscotta River to December 1st.

LD 789 An Act to Improve Grading and Inspection of Maine Sardines PUBLIC 446
EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
TOWNSEND VOSE MITCHELL J BRAWN	OTP-AM	H-584 S-333 VOSE

SUMMARY

The bill proposed to remove the Maine Sardine Council from the administrative jurisdiction of the Department of Agriculture, Food and Rural Resources and to establish it as an independent entity, fully funded from sardine, kipper and steak taxes. Committee amendment "A" (H-584) replaced the bill, but retained the substance of the bill. The bill, as amended, changes the Maine sardine inspection and grading programs in 3 basic ways:

1. The authorization for the sardine inspection program is repealed;
2. The Maine Sardine Council is given the authority to operate the sardine grading program and to expand the program's scope to include the grading of kippers and steaks. Grading personnel costs are paid entirely from the council's dedicated revenue excise tax funds; and
3. The sardine excise tax is increased by 5¢ per case to a total of 35¢ per case. A 15¢ per case tax is imposed on the production of canned kippers and herring steaks in this State. These taxes are dedicated to the funding of the Maine Sardine Council.

Senate amendment "A" (S-333) made minor technical corrections to the committee amendment.

LD 810 An Act Regarding Siting, Monitoring and Husbandry Practices ONTP
in Aquaculture

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
STEVENS P HOLT MITCHELL J MARSH	ONTP	

SUMMARY

This bill proposed to require the registration of antibiotics with the Board of Pesticides Control before

their use in aquaculture operations. In addition, written public notice was to be required before antibiotics were applied in aquaculture operations. The bill also proposed to prohibit the importation or introduction of any species exotic to the Gulf of Maine. Similar notice and import provisions were included in LD 76.

This bill would also have required additional information in aquaculture lease applications to be provided to the Department of Marine Resources and would have required the Commissioner of Marine Resources to distribute copies of the lease application to relevant state and federal agencies as well as fishing industry groups prior to the public hearing of any lease application.

This bill also proposed to establish 3 classes of aquaculture production and to require the Department of Environmental Protection to establish rules for site characterization, baseline surveys and annual monitoring of net-pen aquaculture sites for water quality certification.

This bill would also have established information obtained by the permitting agencies as public records, except for information that is proprietary in nature.

LD 845 An Act to Reduce Marine Pollution

**PUBLIC 242
EMERGENCY**

SPONSOR(S)

COLES
GRAY
TOWNSEND
SKOGLUND

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-162
H-263 MITCHELL J

SUMMARY

This bill gives the Department of Marine Resources authority to survey coastal areas to identify sources of pollution. Training in sampling techniques is mandated for shellfish conservation wardens. The department may direct the wardens to assist in the detection of pollution. The Department of Environmental Protection is directed to establish an interdepartmental task force to coordinate the continuing activities of the Marine Environmental Monitoring Program.

Committee amendment "A" (H-162) makes the bill an emergency and clarifies the limited authority granted to the Commissioner of Marine Resources in the original bill to enter private property to carry out the statutory responsibility of the Department of Marine Resources to inspect coastal waters and intertidal zones for pollution sources. The amendment permits the commissioner to inspect privately owned land at reasonable times with the owner's permission and to enter and inspect privately owned buildings only with the owner's permission and only in the presence of the owner. If permission to inspect land is denied, the commissioner is authorized to seek a search warrant to inspect the land for pollution sources. The commissioner is prohibited from requesting a warrant to search any privately owned building for sources of pollution.

The amendment adds a new section to the bill that permits a person to deposit oyster shell cultch in coastal rivers, harbors and intertidal zones solely to promote the growth of oysters and only with the written permission of the Commissioner of Marine Resources.

The amendment also clarifies in section 2 of the bill that the commissioner is not required to conduct pollutant or contamination testing on samples that were not requested by the commissioner.

House Amendment "A" (H-263) makes technical clarifications to the committee amendment.