

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
MARINE RESOURCES

MAY 1994

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, 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

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

LD 1607 An Act to Establish the Lobster Promotion Council as a Public Instrumentality

PUBLIC 545
EMERGENCY

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| MITCHELL J | OTP-AM MAJ | H-774 |
| | ONTP MIN | H-795 KONTOS |

SUMMARY

LD 1607 makes the Lobster Promotion Council a public instrumentality. As a public instrumentality, the council is no longer a state agency and its employees are not state employees for any purposes, including state civil service and retirement, state budgeting, accounts and controls, auditing and purchasing systems of the Department of Finance and Administration. The conflict of interest, freedom of access and tort claim provisions that previously applied to the council are retained.

COMMITTEE AMENDMENT "A" (H-774) requires the Department of Audit to annually perform a postaudit of expenditures by the Lobster Promotion Council and to report on that audit to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The council is required to reimburse the Department of Audit for costs associated with conducting that audit. The amendment also allows the Department of Marine Resources to withhold from money transferred to the council an amount equal to the department's actual cost of collecting the license surcharges. The amendment also makes the Act effective on July 1, 1994.

The Committee amendment also adds an allocation section and a fiscal note to the bill.

HOUSE AMENDMENT "A" (H-795) was presented on behalf of the Committee on Bills in Second Reading to correct a technical error. The amendment clarifies that the emergency effective date of the bill is July 1, 1994.

LD 1612 An Act to Prohibit Dragging in Waters within the Area of an Aquacultural Lease

PUBLIC 723

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| TOWNSEND G | OTP-AM | H-735 |

SUMMARY

LD 1612 proposed to prohibit the use of any drag or trawl along the seabed within the area of a finfish or suspended shellfish aquaculture lease, unless the person receives written permission from the facility leaseholder.

COMMITTEE AMENDMENT "A" (H-735) replaced the bill and prohibits the use of drags and trawls within 500 feet of cages, racks or other equipment used for the suspended culture of finfish or the suspended culture of shellfish. The amendment also established a minimum fine, which may not be suspended, of \$500.

LD 1618 An Act Concerning Commercial Fishing Licenses

PUBLIC 499

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| VOSE | OTP-AM | S-410 |

SUMMARY

LD 1618 proposed to round up the fees for lobster licenses to the nearest dollar.

COMMITTEE AMENDMENT "A" (S-410) replaced the bill. The amendment repeals the provision in current law that allows a person to purchase licenses after September 30th for one-half the regular fee. The amendment rounds down to \$46 the fee for lobster and crab fishing licenses issued to persons under 18 years of age and to persons 70 years of age or older. As proposed in the original bill, fees for other classes of lobster and crab fishing licenses are rounded up to the nearest dollar. This amendment also adds a fiscal note to the bill.

LD 1619 An Act Concerning the Mahogany Quahog Tax INDEF PP

| | | |
|-------------------|-------------------------|---------------------------|
| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
| VOSE | OTP-AM | |

SUMMARY

LD 1619 proposed to repeal the \$16,000 cap on the Toxin Monitoring Fund. Repeal of that cap would have required that all revenues collected through the mahogany quahog tax be deposited into that Fund.

COMMITTEE AMENDMENT "A" (S-388) added an allocation and a fiscal note to the bill. Ultimately, the bill was indefinitely postponed in both the House and Senate.

LD 1625 An Act to Clarify Certain Marine Resource Definitions PUBLIC 498

| | | |
|-------------------|-------------------------|---------------------------|
| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
| VOSE | OTP | |

SUMMARY

LD 1625 defines the terms "fishway" and "single hook" for the purposes of marine resource laws.

LD 1645 An Act Concerning the Identification of Shellfish PUBLIC 497

| | | |
|-------------------|-------------------------|---------------------------|
| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
| MITCHELL J | OTP-AM | H-723 |

SUMMARY

LD 1645 was required in order to meet the terms of the National Shellfish Sanitation Program. That program establishes the conditions under which the shellfish industry may engage in the interstate sale of shellfish. The National Shellfish Sanitation Program requires that harvesters provide the information necessary to create a record of the origin, quantity, quality and date of harvest to trace lots of contaminated shellstock to the point of origin or source.

COMMITTEE AMENDMENT "A" (H-723) requires that a shellfish identification tag must remain with the container while the container is in wholesale or retail commerce in the State.

**LD 1659 An Act to Establish a Limit on Lobster Trap Trawls for
Certain Coastal Waters** ONTP

| | | |
|-------------------|-------------------------|---------------------------|
| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
| MITCHELL J | ONTP | |

SUMMARY

LD 1659 would have established a limit of 6 lobster traps per trawl in all coastal waters that presently have no trawl limit.