

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 1885 An Act to Implement the Recommendations of the Maine Sardine Council

**PUBLIC 585
EMERGENCY**

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
	OTP-AM	MAJ	H-806
	ONTP	MIN	H-850 MITCHELL J

SUMMARY

LD 1885 establishes the Maine Sardine Council as a public instrumentality of the State on July 1, 1994. The bill exempts Maine Sardine Council employees from all furlough and shutdown days and the 39-hour workweek restrictions imposed by earlier budget acts of the Legislature. Employees of the council are no longer state employees and the council is no longer considered a state agency for the purposes of the budgeting, accounts and control and purchasing systems of the Department of Administrative and Financial Services. After July 1, 1994 the Maine Sardine Council may elect to become a participating local district so that retirement benefits under the Maine State Retirement System are made available to its employees. Other employee benefit elections, including the retention of state employee health insurance program benefits for transferred employees, will be made by the council. The bill also clarifies that the council may use the seal of the State of Maine in support of its quality control and promotional activities, allows the council to utilize funds from sources other than the Maine Sardine Tax and allows proxy and telephone voting to ensure a quorum at council meetings.

COMMITTEE AMENDMENT "A" (H-806) strikes those provisions of the bill that proposed to remove the Maine Sardine Council from the requirements of the Maine Administrative Procedure Act and the freedom of access laws. The amendment also allows the Maine Sardine Council to regulate the use of the State of Maine trademark in the processing and sale of sardines. The amendment also clarifies a provision in the bill that proposes to allow the Maine Sardine Council to accept grants or other things of value and use those gifts to carry out the purposes of the Maine Sardine Council. This amendment also adds an appropriation and a fiscal note to the bill.

HOUSE AMENDMENT "A" (H-850) clarifies that equipment and vehicles owned by the Maine Sardine Council as a state agency remain equipment and vehicles owned by the council in its new capacity as an instrumentality. This amendment also directs the State to transfer to the Maine Sardine Council title for land and buildings acquired by the State in 1964 using the Maine Sardine Council's money. All costs associated with transferring title for that property must be paid by the council.

LD 1918 An Act to Prohibit the Use of Gill Nets in the Kennebec and Androscoggin Rivers

**PUBLIC 681
EMERGENCY**

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
ESTY	OTP-AM	MAJ	H-1010 COLES
	ONTP	MIN	S-470

SUMMARY

LD 1918 proposed to prohibit the use of gill nets in the tidal areas and tidal tributaries of the Kennebec River and the Androscoggin River.

COMMITTEE AMENDMENT "A" (S-470) adds a provision that will repeal the bill's gill netting prohibition on July 1, 1996. The amendment also directs the Department of Marine Resources to cooperate with voluntary efforts by recreational anglers to record catches or estimate populations of striped bass in the tidal waters of the Kennebec and Androscoggin Rivers. A report must be submitted to the joint standing committee of the Legislature having jurisdiction over marine resource matters.

HOUSE AMENDMENT "A" (H-1010) replaces the committee amendment and the bill, but incorporates all its provisions and all provisions included in a proposed Senate Amendment "A" (S-519). The House amendment also adds new language that allows the use of fixed gill nets in the tidal waters of the Kennebec and Androscoggin Rivers if those fixed gill nets are continuously tended, are hauled out and emptied every 2 hours and are affixed with a tag identifying the owner of the net.

LD 1948 An Act to Ensure the Long-term Economic and Biological Viability of the State's Coastal Lobster Fishery ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PINGREE	ONTP	

SUMMARY

LD 1948 proposed to extend the Sunday lobster fishing prohibition, limit each lobster harvester to 1,000 traps and prohibit lobstering in coastal waters during February and March.

The bill also proposed to cap the number of lobster licenses by limiting the sale of those licenses only to individuals who either held a license in the previous year, have 2 years' experience as an unlicensed deck hand or who are students at a public or private university or technical school. One half of the licenses that become available through attrition may be sold to previously unlicensed persons who wish to enter the fishery.

The bill also proposed to allow towns to adopt local lobster fisheries management plans to reduce lobster harvesting efforts in areas of coastal water offshore of the town. Those plans may include seasons or trap limits different from those proposed in the bill. Locally established seasons and trap limits are enforceable by the State if the Commissioner of Marine Resources approves the local plan.

The bill also proposed to require that the Commissioner of Marine Resources adopt rules requiring log books and establishing tagging requirements for the purposes of enforcing trap limits.

LD 1984 An Act to Conserve Sea Urchin Resources PUBLIC 740

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
		H-983 MITCHELL J

SUMMARY

LD 1984 is the majority report of the Joint Standing Committee on Marine Resources. The bill was reported out by the committee pursuant to Joint Order H.P. 1373.

The bill prohibits the use of drags for harvesting sea urchins except for drags that conform to specific design requirements that are defined in rules adopted by the Department of Marine Resources and that minimize the impact of the drag on the ocean bottom.

The bill also enacts emergency measures to limit the effort being applied to the coastal sea urchin fishery for 4 years in order to allow research and basic stock assessments to occur.

During the 4 years the bill is in effect, the coast will be divided into 2 urchin fishing zones, each zone having its own closed period. Sea urchin licenses will be limited during those years to people already in the sea urchin fishery. Surcharges on sea urchin licenses will be deposited in a fund for the purposes of basic sea urchin research.

The bill also allows the Commissioner of Marine Resources to adopt rules requiring the use of log books to collect information on the magnitude and location of sea urchin harvesting.