

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
MARINE RESOURCES

AUGUST 1995

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE  
THE JOINT STANDING COMMITTEES**

**AUGUST 1995**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

**LD 719 An Act to Change the Restricted Area around Aquaculture Pens from 500 to 300 Feet**

PUBLIC 169

**SPONSOR(S)**  
CASSIDY

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-139

**SUMMARY**

The bill would have prohibited all harvesting within 300 feet of aquaculture equipment and required the owner of aquaculture equipment to mark the restricted area with buoys.

COMMITTEE AMENDMENT "A" (S-139) replaces the original bill. It reduces from 500 feet to 300 feet the distance from an aquaculture operation in which a person may not operate a vessel using drags, otter trawls, pair trawls, beam trawls, scottish seines or midwater trawls. The amendment also requires the 300-foot area be marked and states that, if the area is marked, violation of the 300-foot restriction is a Class D crime. In addition, the amendment increases the fine for a violation of the distance limitation and requires a 5-year license suspension for a 2nd offense.

The amendment also adds a fiscal note.

**LD 767 Resolve, Directing the Department of Marine Resources to Conduct a Study Concerning the Sea Cucumber Industry**

ONTP

**SPONSOR(S)**  
VOLENIK

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This resolve would have required the Department of Marine Resources to conduct a study concerning the sea cucumber industry and to submit a report to the Joint Standing Committee on Marine Resources by December 31, 1995.

**LD 782 An Act to Establish a Management Framework for the Lobster Fishery within State Waters**

PUBLIC 468

**SPONSOR(S)**  
RICE

**COMMITTEE REPORT**  
OTP-AM A  
ONTP B  
OTP-AM C

**AMENDMENTS ADOPTED**  
H-570  
S-359 PINGREE

**SUMMARY**

The bill would have enacted a 4-year moratorium on the sale of lobster and crab fishing licenses and enacted limits on the number of traps that could have been used by lobster harvesters. The bill would have also required the Department of Marine Resources to appoint a task force to study and make recommendations to the Legislature on a lobster fisheries entry program to be implemented by January 1, 2000.

Under the provisions of this bill, only persons who, in either 1993 or 1994, held a license, owned a boat and actually harvested lobsters or a person who is a full-time student and not more than 25 years old would have been eligible to purchase a lobster and crab fishing license in 1996, 1997, 1998 and 1999.

Beginning on January 1, 1996, the bill would have limited student license holders to 150 traps. Class I, Class II and Class III license holders would have been limited to 1,200 traps in 1996, 1,100 traps in 1997, 1,000 traps in 1998, 900 traps in 1999 and 800 traps in all subsequent years.

To ensure that the license limitations during the moratorium would not have resulted in a loss to the General Fund, the bill would have given the Commissioner of Marine Resources the authority to impose a surcharge on lobster licenses, if necessary.

COMMITTEE AMENDMENT "A" (H-570) replaces the bill. It establishes an apprentice program for new entrants into Maine's lobster fishery. The Commissioner of Marine Resources is authorized to establish the program by rule. Participation in the program is for a minimum of 2 years and includes a requirement for experience working as a sternman. The apprentice program includes a provision for the commissioner to waive all or part of the program's experience component and program time for a person who was employed as a sternman.

The amendment also places limitations on who may obtain a lobster and crab fishing license.

The amendment creates a trap limit of 1,200 lobster traps for license holders fishing in Maine waters, effective March 1, 1996. It would have allowed people who fish more than 1,200 traps to reduce their traps to the 1,200-trap level over 8 years. (Senate Amendment "C" shortens the period of reduction to 7 years.)

The amendment provides the Commissioner of Marine Resources the authority to establish zones to facilitate local or regional management of lobster fishery efforts. It also provides that whenever a zone is established a lobster management policy council is created. The council may propose zone regulations to the commissioner, provided the regulations are stricter than state law and license holders who reside in the zone approve of the regulations in a referendum. The proposed rules must receive a 2/3 vote of approval from the license holders who vote in the referendum. The commissioner may adopt rules for a zone only when those rules are proposed by a council following approval in a referendum.

The amendment also creates a trap tag system to identify and track traps and to fund the trap tag system and the operation of local lobster management policy councils.

The amendment also adds an allocation section and a fiscal note.

SENATE AMENDMENT "C" TO COMMITTEE AMENDMENT "A" (S-359) makes modifications and additions to Committee Amendment "A".

It adds a student license allowing a person 22 years of age or younger to fish for lobsters with 150 or fewer traps. There is no limit on entry for student licenses.

The amendment also alters 3 of the limited entry provisions of the committee's majority report: 1) Committee Amendment "A" would have allowed a person to obtain a license if that person held one type of commercial fishing license for 3 consecutive years between March 31, 1985 and March 31, 1995. This amendment strikes that provision. 2) Committee Amendment "A" allows a person to obtain a license if the person made a substantial investment in equipment related to lobster harvesting prior to April 30, 1995. This amendment requires the substantial investment to have been made between January 1, 1993 and April 30, 1995. 2) Committee Amendment "A" allows a person to obtain a lobster license if the person did not obtain a license in 1993 or 1994 and did not apply for a license between January 1, 1995 and March 31, 1995 because of a medical condition. This amendment requires a person to have held a license in 1992 in order for this exception to apply.

The amendment adds to those people who can obtain a license a person who is 65 years of age or older and who has held a lobster license any time in the past.

The amendment changes a requirement under the apprentice program from working as a sternman to gaining practical lobster fishing experience.

The amendment adds experience gained under a student license to the apprentice program waiver provision under the Committee Amendment "A". The waiver provision in Committee Amendment "A" allows the Commissioner of Marine Resources to waive time and experience requirements for apprentices who have already harvested lobsters as sternmen. The amendment also adds to the apprentice waiver provision a person who held a lobster license between January 1, 1984 and March 31, 1995 and held one of a number of commercially oriented fishing licenses between January 1, 1984 and March 31, 1995.

Committee Amendment "A" sets a trap limit of 1,200 per license holder, but would have allowed a person who had fished more than 1,200 traps as of June 12, 1995 to reach the 1,200 trap limit over 8 years. This amendment changes Committee Amendment "A" by giving a person 7 years to reduce the average number of traps a person fished in 1994 and 1995 that are over 1,200.

The amendment also enacts a trap limit for boats effective March 1, 1996. It prohibits the tending of more than 1,200 traps from an individual boat, unless one of 2 exceptions apply. The exceptions are: 1) If 2 or more lobster harvesters tended an average of more than 1,200 traps from a boat in 1994 and 1995, the harvesters may reduce the number to 1,200 over 7 years; or 2) If the lobster harvesters are family members and fished an average of more than 1,200 traps from a boat in 1994 and 1995, the harvesters may fish up to 1,200 traps each from the boat. The exception for a family member fishing from the same boat as other family members no longer applies when the family member does not fish from the same boat during a calendar year.

This amendment also gives the commissioner authority to adopt rules that define how lobster management zone rules apply to a person who fishes in more than one zone.

The amendment also changes the qualifications for lobster management policy council membership and zone voting that are contained in Committee Amendment "A". This amendment requires a person to be a lobster license holder and declare a zone as the zone in which the person predominantly fishes in order to be a member of a zone's council or to vote in a zone election or referendum. Committee Amendment "A" required a person to be a lobster license holder and a resident of a zone.

The amendment repeals those sections of the statutes, entitled "Scrubbing lobsters" and "Scrubbed lobsters," which prohibit removal of lobster eggs, and replaces them with a prohibition section more generally titled "Artificial removal of eggs; prohibition." The prohibition and penalties on the removal of lobster eggs remain the same.

**LD 815      An Act to Limit the Size of Drag Nets Used in South Bay in Eastport**

**PUBLIC 278**

**SPONSOR(S)**  
BAILEY

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-358

**SUMMARY**

This bill places size limits on drag nets used in South Bay in Eastport.

COMMITTEE AMENDMENT "A" (H-358) makes ring-size limits for drags in South Bay in Eastport apply to all drags. The bill applies ring-size limits to rock drags.

The amendment also limits drags to a total of 8 rings deep, with the ring size limited to the legal size that applies to either a state license or federal permit, depending on whether a person holds a state license or federal permit.

The amendment also adds a fiscal note to the bill.