

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
117TH LEGISLATURE**

**SECOND REGULAR SESSION**

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

**JUNE 1996**

***MEMBERS:***

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Sen. Jill M. Goldthwait  
Sen. Rochelle M. Pingree*

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**ONE HUNDRED SEVENTEENTH LEGISLATURE  
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees  
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are 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 finally passed 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>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

**LD 1695**      **An Act to Amend the Laws Regarding Drag Limits in South Bay**      PUBLIC 518

<u>Sponsor(s)</u> LOOK	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 1695 proposed to amend the law regarding drag limits in South Bay by clarifying that South Bay is in Lubec and by repealing the requirement that the ring size be the legal size in effect that applies to a holder of a license or federal permit.

***Enacted law summary***

Public Law 1995, chapter 518 amends the law regarding drag limits in South Bay by clarifying that South Bay is in Lubec and by repealing the requirement that the ring size be the legal size in effect that applies to a holder of a license or federal permit.

**LD 1714**      **An Act to Establish a Sea Urchin Management Plan**      PUBLIC 595  
EMERGENCY

<u>Sponsor(s)</u> RICE LOOK	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-816 H-865
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LD 1714 proposed to make the following changes and additions to the sea urchin laws. The bill proposed to create the Sea Urchin Council to advise the Commissioner of Marine Resources on the use of the Sea Urchin Research Fund. The bill also proposed to broaden the purposes for which the fund may be used and allow the commissioner to use 1/2 of the fund's annual revenues to enforce sea urchin laws.

The bill also proposed to increase the fines for 2nd and 3rd convictions of the sea urchin laws. The bill also proposed to require a 10-day license suspension for a first conviction of the sea urchin laws; a one-year license suspension for a 2nd conviction of the sea urchin laws; and a lifetime license revocation for a 3rd conviction of the sea urchin laws.

The bill proposed to prohibit dragging for sea urchins between May 1st and October 14th.

The bill proposed to increase the number of sea urchin harvesting zones from 2 to 4 and establish closure times for each zone. The zone closures would be as follows:

- Zone 1 (western) February 1st - July 31st
- Zone 2 (midwestern) March 1st - August 31st
- Zone 3 (mideastern) April 1st - September 30th
- Zone 4 (eastern) February 1st - July 31st

Maine waters would be closed to all sea urchin harvesting for 3 months, from May 1st to July 31st. The bill proposed to allow sea urchin harvesters to fish in 2 adjacent zones. The bill proposed to prohibit sea urchin harvesting on Sundays during the months of August, September, October, February, March and April.

The bill proposed to extend for 4 years certain emergency provisions relating to sea urchin harvesting and exclude from the repeal certain emergency provisions. All of the emergency provisions are currently scheduled to be repealed January 1, 1999. The bill proposed to extend

the repeal date to January 1, 2004. The emergency provisions are the harvesting zones, limited entry, licensing by zone, license surcharges, the Sea Urchin Research Fund and log books. The bill proposed to exclude license surcharges, the Sea Urchin Research Fund and log books from the repeal date.

The bill proposed to require the commissioner to establish conservation beds in each zone. Sea urchin harvesting would be prohibited in the beds at all times.

The bill proposed to establish a roe-yield content of 10% per lot, with a 2% tolerance by volume.

The bill proposed to allow the commissioner to annually issue a number of new sea urchin licenses that equals the difference between the number of licenses issued in the prior calendar year and the number of licenses issued in 1994. The new licenses would be distributed equitably among the classes of handfishing, dragging and hand-raking and trapping licenses. The commissioner would be required to establish a lottery system for awarding the new licenses.

The bill also proposed to establish specific log book requirements for holders of wholesale seafood licenses with a sea urchin processor's permit and for holders of wholesale seafood licenses with a sea urchin buyer's permit.

**Committee Amendment "A" (H-816)** proposed to replace the bill. It proposed to establish new sea urchin harvesting seasons for the two sea urchin harvesting zones and enact a process for selecting the days in which harvesting is allowed. The amendment proposed to set a season for hand-harvesting, raking and trapping from August 1st to April 30th of the following year. The Commissioner of Marine Resources would by rule select 150 days in Zone 1 and 170 days in Zone 2 that are open to urchin harvesting by hand, rake or trap. The amendment proposed to set a season for harvesting by drags from October 1st to April 30th of the following year. The Commissioner of Marine Resources would by rule select up to 150 days in Zone 1 and up to 170 days in Zone 2 that are open to urchin harvesting by drag. The commissioner's selection of open harvesting days would be made in consultation with a Sea Urchin Zone Council.

The amendment also proposes a process for harvesters to change the zone in which they harvest sea urchins during the remaining 2 years of the moratorium on entry into the urchin fishery. The process would require changes to be authorized by the Commissioner of Marine Resources. The commissioner could authorize a switch to a zone at the time of licensing only when the number of licenses issued for a zone in the previous licensing year is less than the number of licenses issued 2 years earlier. The total switches in a year could not exceed the number by which the licenses issued for a zone in the previous licensing year is less than the number of licenses issued 2 years earlier.

The amendment also proposed changes for the expiration date of sea urchin harvesting licenses from December 31st to June 30th. It also proposed to extend 1996 calendar year licenses to June 30, 1997 and require harvesters to fish during the extended period in the zone for which the license was issued. It also proposed to extend the repeal date of the sea urchin fishery moratorium, the zones and other emergency provisions from January 1, 1999 to June 30, 1999.

The amendment also proposed to enact a \$500 minimum fine for a violation of the sea urchin laws.

**House Amendment "A" to Committee Amendment "A" (H-865)** proposed to strike those parts of Committee Amendment "A" that change the expiration date from December 31 to June 30 for a sea urchin and scallop diving tender license, a handfishing sea urchin license, a sea urchin dragners license and a sea urchin hand-raking and trapping license. It also proposed to strike that part of Committee Amendment "A" that extended the repeal date for emergency provisions.

***Enacted law summary***

Public Law 1995, chapter 595 establishes new sea urchin harvesting seasons for the two sea urchin harvesting zones and enacts a process for selecting the days in which harvesting is allowed. It sets a season for hand-harvesting, raking and trapping from August 1st to April 30th of the following year. The Commissioner of Marine Resources must by rule select 150 days in Zone 1 and 170 days in Zone 2 that are open to urchin harvesting by hand, rake or trap. The law also sets a season for harvesting by drags from October 1st to April 30th of the following year. The Commissioner of Marine Resources must by rule select up to 150 days in Zone 1 and up to 170 days in Zone 2 that are open to urchin harvesting by drag.

The commissioner's selection of open harvesting days must be made in consultation with the Sea Urchin Zone Council, which is created in the law.

The law also enacts a process for harvesters to change the zone in which they harvest sea urchins during the remaining 2 years of the moratorium on entry into the urchin fishery. The process requires changes to be authorized by the Commissioner of Marine Resources. The commissioner may authorize a switch to a zone at the time of licensing only when the number of licenses issued for a zone in the previous licensing year is less than the number of licenses issued 2 years earlier. The total switches in a year may not exceed the number by which the licenses issued for a zone in the previous licensing year is less than the number of licenses issued 2 years earlier.

The law also enacts a \$500 minimum fine for a violation of the sea urchin laws and adds a fiscal note to the bill.

Chapter 595 was enacted as an emergency measure effective April 2, 1996.

**LD 1715      An Act to Create a Scallop Diving Tender License**

PUBLIC 530

Sponsor(s)  
GOLDTHWAIT

Committee Report  
OTP-AM

Amendments Adopted  
S-430

At the time LD 1715 was presented, a person who tended scallop divers was required to purchase a license that applied to both the sea urchin fishery and the scallop fishery. A sea urchin license surcharge, which is used for research, is applied to that license. The bill proposed a separate scallop tender's license so that someone who exclusively tends scallop divers would not have to pay the sea urchin fishery surcharge.

**Committee Amendment "A" (S-430)** proposed to clarify that a scallop tender license is required to tend scallop divers and to tend scallop divers from a boat that is used by scallop divers in the harvesting of scallops. It also proposed to clarify that a sea urchin and scallop tender license is required to tend sea urchin and scallop divers and to tend sea urchin and scallop divers from a boat that is used by sea urchin and scallop divers in the harvesting of those marine organisms.

***Enacted law summary***

Public Law 1995, chapter 530 creates a scallop tender license. It also makes technical changes to the combined sea urchin and scallop tender license.