

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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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.

Sponsor(s)
PINGREECommittee Report
OTP-AMAmendments Adopted
S-488

LD 1733 proposed that a person who can document experience as a sternperson on a lobster boat be allowed to obtain a lobster license without entering the apprenticeship program.

Committee Amendment "A" (S-488) proposed to replace the bill and add an emergency preamble and emergency clause. It proposed to make changes to the restrictions on who may obtain a lobster and crab fishing license in 1996 and later years. It proposed to allow a person to obtain a Class I, Class II or Class III lobster license if:

1. The person held a license and harvested lobsters in 1993 or 1994 or at any time between January 1, 1995 and September 30, 1995;
2. The person documents to the Commissioner of Marine Resources that the person obtained practical lobster fishing experience as a sternperson at any time between January 1, 1995 and October 1, 1995 and during any part of any calendar year prior to calendar year 1995;
3. The person documents to the Commissioner of Marine Resources that the person obtained practical lobster fishing experience as a sternperson during any part of any 2 calendar years prior to calendar year 1995; or
4. The person documents to the Commissioner of Marine Resources that the person made a substantial investment in lobster gear at any time between January 1, 1993 and September 30, 1995. The term "substantial investment" must be defined by the Commissioner of Marine Resources.

The amendment proposed to enact a noncommercial lobster license that would allow a resident to fish for and take lobsters with 5 traps. It also proposed to strike one of the conditions for a waiver from the apprentice program. It proposed to enact a waiver condition allowing the Commissioner of Marine Resources to waive all or part of the experience requirement and program length for a person who held a lobster license in the past and who can document lobster harvesting.

The amendment proposed to clarify that the Commissioner of Marine Resources may not make a rule for a lobster management zone that regulates the number of lobster traps fished and the time periods allowed for complying with that number, the number of lobster traps allowed on a trawl and the time of day when lobster fishing may occur unless the rules were proposed by the lobster management policy council of that zone.

The amendment proposed to exempt regulations for lobster management zones from the process that allows people to petition an agency of the State to make a rule. It also proposed to clarify other provisions of the lobster laws.

Enacted law summary

Public Law 1995, chapter 568 makes changes to the restrictions on who may obtain a lobster and crab fishing license in 1996 and later years. It allows a person to obtain a Class I, Class II or Class III lobster license if:

1. The person held a license and harvested lobsters in 1993 or 1994 or at any time between January 1, 1995 and September 30, 1995;
2. The person documents to the Commissioner of Marine Resources that the person obtained practical lobster fishing experience as a sternperson at any time between January 1, 1995 and October 1, 1995 and during any part of any calendar year prior to calendar year 1995;
3. The person documents to the Commissioner of Marine Resources that the person obtained practical lobster fishing experience as a sternperson during any part of any 2 calendar years prior to calendar year 1995; or
4. The person documents to the Commissioner of Marine Resources that the person made a substantial investment in lobster gear at any time between January 1, 1993 and September 30, 1995. The term "substantial investment" must be defined by the Commissioner of Marine Resources.

The law creates a noncommercial lobster license that allows a resident to fish for and take lobsters with 5 traps. It strikes one of the conditions for a waiver from the apprentice program. It enacts a waiver condition allowing the Commissioner of Marine Resources to waive all or part of the experience requirement and program length for a person who held a lobster license in the past and who can document lobster harvesting.

The law clarifies that the Commissioner of Marine Resources may not make a rule for a lobster management zone that regulates the number of lobster traps fished and the time periods allowed for complying with that number, the number of lobster traps allowed on a trawl and the time of day when lobster fishing may occur unless the rules were proposed by the lobster management policy council of that zone.

The law exempts regulations for lobster management zones from the process that allows people to petition an agency of the State to make a rule. It also clarifies other provisions of the lobster laws.

Chapter 568 was enacted as an emergency measure effective March 20, 1996.

**LD 1763 An Act to Require a Municipality to Issue the Same
Number of Nonresident Recreational Shellfish Licenses as
Resident Licenses**

ONTP

Sponsor(s)
GREENLAW

Committee Report
ONTP

Amendments Adopted

LD 1763 proposed to require a municipality that enacts a shellfish conservation ordinance to provide an equal number of resident and nonresident recreational licenses.