

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
MARINE RESOURCES

JULY 1997

MEMBERS:

Sen. Jill M. Goldthwait, Chair

Sen. Peggy A. Pendleton

Sen. Bruce W. MacKinnon

Rep. David Etnier, Chair

Rep. Paul Volenik

Rep. Martha A. Bagley

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Rep. Royce W. Perkins

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Rep. Reginald G. Pinkham

Rep. Frederick J. Moore, III

Staff:

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Maine State Legislature

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
August 1997**

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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director

Offices Located in the State House, Rooms 101/107/135

LD 276

An Act to Extend the Territorial Waters to 12 Miles for the Purpose of Marine Resource Protection and the Enforcement of Marine Resource Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK GOLDTHWAIT	ONTP MAJ OTP-AM MIN	

LD 276 proposed to extend the statutory authority of the State's marine resources law to apply to all activities that occur within 12 geographic miles seaward of Maine's coastline.

LD 311

An Act to Establish the Status of New Fisheries

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	ONTP	

LD 311 proposed to require all fisheries that are actively being fished to be identified in a registry. Those fisheries not on the registry would have been closed to fishing until the establishment of a management program. The bill would have given the Commissioner of Marine Resources the authority to allow participation in experimental fisheries for species not on the registry.

LD 315

An Act to Amend the Laws Regarding Fees Charged in the Elver Fishery

PUBLIC 297

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM W	OTP-AM	H-457

LD 315 proposed to reduce to \$50 per net or trap the fee for the use of an elver fyke net, Sheldon eel trap or dip net to fish for or take elvers. The bill also proposed that the fee for one elver fyke net, Sheldon eel trap or dip net be included in the fee for an elver fishing license.

Committee Amendment "A" (H-457) proposed to clarify that the bill's \$50 increase in elver license fees, which includes the use of one elver fyke net, one Sheldon eel trap or one dip net, accrues to the dedicated Eel and Elver Management Fund. Under current law, all net fees are paid separately from license fees. The amendment also proposed changes in current law regarding the fees for use of additional gear. The fee for a first and second elver fyke net or Sheldon eel trap would be \$50, except that this fee would not apply to the first net if a person elected to use an elver fyke net or Sheldon eel trap as the one piece of gear allowed under the license fee. The per net fee for a third elver fyke net or Sheldon eel trap would be \$100. The per net fee for a fourth and fifth elver fyke net or Sheldon eel trap would be \$200. The amendment also proposed to reduce the fee for a dip net from \$75 to \$50, except that this fee would not apply to a first dip net used if a person elected to use a dip net as the one piece of gear allowed under the license fee.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 297 raises the elver license fee by \$50, but includes the use of one elver fyke net, Sheldon eel trap or dip net be included in the fee for an elver fishing license. Previously all net fees were paid separately from the license. The public law also changes current law regarding the fees for use of additional gear. The fee for a first and second elver fyke net or Sheldon eel trap is \$50, except that this fee does not apply to the first net if a person elects to use an elver fyke net or Sheldon eel trap as the one piece of gear allowed under the license fee. The per net fee for a third elver fyke net or Sheldon eel trap is \$100. The per net fee for a fourth and fifth elver fyke net or Sheldon eel trap is \$200. The amendment also reduces the fee for a dip net from \$75 to \$50, except that this fee does not apply to a first dip net used if a person elects to use a dip net as the one piece of gear allowed under the license fee.

LD 316 An Act to Establish a 30-day Temporary Sea Urchin and Scallop Diving Tender License PUBLIC 158

<u>Sponsor(s)</u> PINKHAM W	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-192 H-205 CAMERON
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LD 316 proposed to create a 30-day sea urchin and scallop diving tender license.

Committee Amendment "A" (H-192) proposed to replace the bill and allow a person to obtain a 30-day temporary sea urchin and scallop diving tender license if that person provides a current certificate documenting that the person has received training in cardiopulmonary resuscitation. The license would be issued to a person only one time and would not be renewable.

House Amendment "A" to Committee Amendment "A" (H-205) proposed to make a technical change in the Committee Amendment "A".

Enacted law summary

Public Law 1997, chapter 158 allows a person to obtain a 30-day temporary sea urchin and scallop diving tender license if that person provides a current certificate documenting that the person has received training in cardiopulmonary resuscitation. The license may be issued to a person only one time and is not renewable.

LD 353 An Act to Improve Management in the Elver Fishery PUBLIC 91

<u>Sponsor(s)</u> ETNIER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-114
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LD 353 proposed to clarify the definition and construction of elver fyke nets and Sheldon eel traps. It also proposed to remove redundant language from the description of coastal waters, prohibits the setting of nets outside of the fishing season and adds dip nets