

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:

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Sen. Peggy A. Pendleton

Sen. Bruce W. MacKinnon

Rep. David Etnier, Chair

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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

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

Committee Amendment "A" (H-114) proposed to require an elver fyke net be fitted with an excluder panel that measures one-half inch bar mesh and covers the entrance to the net. It proposed to enact a definition of elver dip net and add that for enforcement purposes an elver dip net immersed in the coastal waters between noon of March 15th and midnight of June 15th is presumed to be fishing for elvers. It proposed to prohibit a person from immersing a fyke net, Sheldon eel trap or dip net fitted with netting that measures one-eighth inch bar mesh or less in the coastal waters from midnight of June 15th to noon of March 15th. It proposed to change the portion of watercourses in which elvers may not be fished from the middle one-third as measured at mean high tide to the middle one-third as measured at mean low tide.

Enacted law summary

Public Law 1997, chapter 91 requires an elver fyke net be fitted with an excluder panel that measures one-half inch bar mesh and covers the entrance to the net. It enacts a definition of elver dip net and adds that for enforcement purposes an elver dip net immersed in the coastal waters between noon of March 15th and midnight of June 15th is presumed to be fishing for elvers. It prohibits a person from immersing a fyke net, Sheldon eel trap or dip net fitted with netting that measures one-eighth inch bar mesh or less in the coastal waters from midnight of June 15th to noon of March 15th. It changes the portion of watercourses in which elvers may not be fished from the middle one-third as measured at mean high tide to the middle one-third as measured at mean low tide.

LD 403 **An Act to Offer a Free Subsistence Fishing License to Persons 70 Years of Age or Older** **ONTP**

<u>Sponsor(s)</u> BUTLAND	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 403 proposed to create a complimentary subsistence fishing license for coastal waters for people 70 years of age or older. It would have allowed a license holder to fish for any marine organism for which the license holder had been licensed to harvest at any time in the past and for which the Department of Marine Resources issues a license. A license holder could only harvest marine organisms for personal use and could not sell the organisms.

LD 409 **An Act Concerning Commercial Marine Fishing Licenses** **ONTP**

<u>Sponsor(s)</u> GOLDTHWAIT ETNIER	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 409 proposed to provide that a retailer who sells any marine species in a preprocessed form that was manufactured by the holder of a wholesale seafood license would not be required to hold a retail seafood license for the sale of that product.

The bill would have removed shrimp from the definition of "fish."

It would have provided that the holder of a commercial shellfish license could sell shellfish that person had taken only to a seafood dealer who is certified as a shellfish dealer or to the final consumer. It would have also