

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

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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

3. Provide that a hearing be held for an experimental lease only in the event that 5 or more individuals request one;
4. Provide that the biological assessment of an aquaculture site will take place during that time of the year determined to be biologically significant;
5. Add the Department of Inland Fisheries and Wildlife to the list of state agencies to be notified of an aquaculture hearing;
6. Raise the cap for total acreage to be owned by one individual to 250 acres in the context of lease renewals;
7. Raise the cap for total acreage owned by one individual to 250 acres in the context of transferring of leases;
8. Provide that a lease may be amended; and
9. Repeal that section of the statutes which provides for a lease by rule.

Committee Amendment "A" (H-167) proposed to strike from the bill an experimental aquaculture lease, an emergency aquaculture lease, authority for a person to hold an interest in up to 250 acres of aquaculture leases and authority for the Commissioner of Marine Resources to amend aquaculture leases. The amendment also proposed to strike a requirement that an aquaculture lease applicant assess the impact of an aquaculture operation on other potential uses of a site. It also proposed to expand the time period during which the Department of Marine Resources must conduct an assessment of a proposed aquaculture site from May to September to April 1st to November 15th. It also proposed to provide the Commissioner of Marine Resources the authority to establish by rule levels of assessment appropriate to the scale or potential environmental risk posed by a proposed lease activity.

Enacted law summary

Public Law 1997, chapter 138 strikes a requirement that an aquaculture lease applicant assess the impact of an aquaculture operation on other potential uses of a site. It also expands the time period during which the Department of Marine Resources must conduct an assessment of a proposed aquaculture site from May to September to April 1st to November 15th. It also provides the Commissioner of Marine Resources the authority to establish by rule levels of assessment appropriate to the scale or potential environmental risk posed by a proposed lease activity. The law also adds the Department of Inland Fisheries and Wildlife to the list of state agencies to be notified of an aquaculture hearing and repeals that section of the statutes which provides for a lease by rule. It also repeals a requirement that aquaculture leases be issued in five-acre tracts.

LD 482

An Act Regarding the Harvesting of Periwinkles in the Unorganized Townships DIED BETWEEN BODIES

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

LD 482 proposed to allow a municipality to regulate the possession of periwinkles through the municipality's shellfish conservation ordinance.

Committee Amendment "A" (H-252) would have replaced the bill. It would have created a separate section of law to allow municipalities and unorganized territories to adopt ordinances regulating the harvesting of periwinkles in the intertidal zone. It would have required the Commissioner of Marine Resources to adopt rules by January 1, 1998 regarding the conservation and propagation of periwinkles. It also would have permitted the harvesting of periwinkles for personal use without a state commercial fishing license. The committee amendment was adopted by both the House and Senate, but the bill died in nonconcurrence.

LD 485 **An Act to Limit the Taking of Sea Urchins** **ONTP**

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

LD 485 proposed to limit the amount of sea urchins a person could harvest to 12 standard totes per day. It also would have shortened the sea urchin season by 20 days.

LD 500 **An Act to Protect Near-shore Groundfish Spawning Areas** **PUBLIC 92**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARRIMAN	OTP-AM MAJ ONTP MIN	S-68

LD 500 proposed to require that the Commissioner of Marine Resources adopt rules by January 1, 1998 that identify the time and location of cod, haddock and yellowtail flounder spawning in coastal waters. The bill proposed to allow only certain types of gear that is not capable of catching multispecies finfish in those spawning areas during the period those species are spawning. The bill proposed to require the commissioner to solicit information from interested parties in identifying coastal spawning areas.

Committee Amendment "A" (S-68) proposed to require the Commissioner of Marine Resources to identify by January 1, 1998 the location of all coastal waters that serve as spawning areas for cod, haddock or yellowtail flounder and the dates during which those spawning activities occur in each area. It proposed to require the commissioner to report by March 15, 2003 on areas identified as spawning areas for cod, haddock or yellowtail flounder and any actions taken by the commissioner regarding those spawning areas. It also proposed to repeal as of July 1, 2003 authority for the commissioner to identify spawning areas for cod, haddock or yellowtail flounder. The amendment also proposed to would also remove the emergency preamble and clause.

Enacted law summary

Public Law 1997, chapter 92 requires the Commissioner of Marine Resources to identify by January 1, 1998 the location of all coastal waters that serve as spawning areas for cod, haddock or yellowtail flounder and the dates during which those spawning activities occur in each area. It also requires the commissioner to report by March 15, 2003 on areas identified as spawning areas for cod, haddock or yellowtail flounder and any actions taken by the commissioner regarding those spawning areas. It also repeals as of July 1, 2003 authority for the commissioner to identify spawning areas for cod, haddock or yellowtail flounder.