

# 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

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*John G. Kelley, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101/107/135, 13 State House Station  
Augusta, ME 04333  
(207)287-1670*



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**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](http://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:

<i>CARRIED OVER</i> .....	<i>Bill carried over to Second Regular 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 IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</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>Bill held by Governor</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 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 1445**                    **An Act to Establish a Requirement That Holders of Lobster Fishing Licenses Must Own or Control the Vessel from Which They Conduct Authorized Activities**                    **CARRIED OVER**

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

LD 1445 proposes to require that a holder of a Class I, Class II or Class III lobster and crab fishing license must fish from a vessel owned or controlled by the license holder or a member of the license holder's family unless there is a documented illness or disability. This requirement applies to persons who, on the effective date of the Act, hold a Class I, Class II or Class III license and fishing from a vessel not owned or controlled by the license holder. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1478**                    **An Act to Decriminalize Various Marine Resource Violations and Enhance Collectibility of Associated Penalties**                    **CARRIED OVER**

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

LD 1478 proposes to change the general penalty for violation of the marine resources laws from a Class D crime to a civil violation for which a forfeiture of not less than \$100 and not more than \$500 would be adjudged. The bill changes several criminal violations to civil violations. Violations kept as crimes would be amended to specifically state that they are Class D crimes. The bill was carried over to the Second Regular Session of the 118th Legislature.

**LD 1488**                    **Resolve, to Study the Restriction of Entry in Lobster Management Zones**                    **RESOLVE 28**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM    MAJ ONTP        MIN	H-247

LD 1488 proposed to allow a lobster management zone council to recommend rules to the Commissioner of Marine Resources to limit the number of people who may fish a majority of their lobster traps in a zone. It also proposed to give the Commissioner of Marine Resources authority to adopt those rules. The rules would limit the number of people who may fish a majority of their traps in a zone to a number that is less than or equal to a 20% reduction from the number of lobster and crab fishing license holders who, as of December 31st of the first full calendar year in which the zone was operational, designated that zone as their declared lobster zone. The bill also proposed to provide a method for allowing new zone entrants to fish a majority of their traps in a limited harvesting lobster zone when the number falls below the capped amount.

**Committee Amendment "A" (H-247)** proposed to change the bill from an Act to a resolve. It proposed to direct the Lobster Advisory Council to submit a report to the Joint Standing Committee on Marine Resources by February 1, 1998 regarding the establishment of limited entry provisions for lobster management zones.

***Enacted law summary***

Resolve 1997, chapter 28 directs the Lobster Advisory Council to submit a report to the Joint Standing Committee on Marine Resources by February 1, 1998 regarding the establishment of limited entry provisions for lobster management zones.

**LD 1501                      An Act to Amend the Lobster Laws and Study the Issuance of Lobster and Crab Fishing Licenses Based on Income Derived from Commercial Fishing                      PUBLIC 250**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM    MAJ	H-307
	ONTP      MIN	H-340    ETNIER

LD 1501 proposed to amend the eligibility requirements for obtaining a Class I, Class II or Class III lobster and crab fishing license. The bill proposed to require a person to meet one of the three following eligibility requirements to obtain a license:

1. Document to the commissioner that the person harvested lobsters in calendar year 1996 while in possession of a Class I, Class II or Class III license;
2. Meet the requirements of the apprentice program; or
3. Be 65 years of age or older and have held a lobster and crab fishing license in the past.

The bill also proposed to require the Commissioner of Marine Resources to report by January 15, 1998 to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the feasibility of basing categories of lobster and crab fishing licenses on the percentage of income an applicant derives from commercial lobster fishing.

**Committee Amendment "A" (H-307)** proposed to provide that a person may not obtain a Class I, Class II or Class III lobster and crab fishing license unless that person held one of those licenses in the previous calendar year. The amendment did not proposed to change the bill's repeal of three of the license eligibility requirements: injury or medical condition, substantial investment and sternman experience. The amendment proposed to strike from the bill the repeal of the suspended license eligibility requirement. It also proposed to amend that requirement by allowing a person to obtain a Class I, Class II or Class III lobster and crab fishing license if that person could not obtain a license in the previous calendar year because of a lobster and crab fishing license suspension. The amendment also proposed to clarify that the study proposed in the bill pertains to categories of lobster and crab fishing licenses that are based on the percentage of income an applicant derives from commercial fishing.

**House Amendment "A" (H-340)** proposed to repeal the provision under the lobster apprenticeship program that allows for a waiver of the practical lobster fishing experience component if a person documents to the Commissioner of Marine Resources that the person harvested lobster while in possession of a license issued to that person under the Maine Revised Statutes, Title 12, section 6421.

***Enacted law summary***