

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).

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 & 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&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>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

Public Law 1997, chapter 250 amends the eligibility requirements for obtaining a Class I, Class II or Class III lobster and crab fishing license. A person must meet one of the four following eligibility requirements to obtain a license:

1. Document to the commissioner that the person possessed a Class I, Class II or Class III license in the previous calendar year;
2. Meet the requirements of the apprentice program;
3. Be 65 years of age or older and have held a lobster and crab fishing license in the past;
4. Have been unable to obtain a lobster and crab fishing license in the previous calendar year because that person's license had been suspended by the commissioner.

The public law repeals the following three eligibility requirements: injury or medical condition, substantial investment and sternman experience. The public law also repeals 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 lobster and crab fishing license.

It also requires 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 fishing.

LD 1519

An Act to Prevent Unnecessary Search and Rescue Operations on Marine Waters

PUBLIC 300

<u>Sponsor(s)</u> ETNIER KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-413
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LD 1519 proposed to establish the Search and Rescue Fund to fund search and rescue activities of the Department of Inland Fisheries and Wildlife and the Department of Marine Resources. The revenue generated from a \$1 surcharge on licenses sold by the Department of Marine Resources and on all-terrain vehicle and snowmobile registrations would have been deposited in the fund. The fund would have been managed and overseen by a committee consisting of representatives of the Department of Inland Fisheries and Wildlife and the Department of Marine Resources and public members. The bill proposed to allow the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to recover the cost of providing search and rescue services from a person who intentionally gives false or misleading information that causes an unnecessary search and rescue effort or prolongs an ongoing search and rescue effort.

Committee Amendment "A" (H-413) proposed to replace the bill. It proposed to create a civil penalty for intentionally providing the Department of Marine Resources or causing to be given to the Department of Marine Resources false or misleading information that results in an unnecessary search and rescue effort or prolongs an ongoing search and rescue effort. The State could recover the costs of the search and rescue operation and reasonable attorney's fees.

Enacted law summary

Public Law 1997, chapter 300 creates a civil penalty for intentionally providing the Department of Marine Resources or causing to be given to the Department of Marine Resources false or misleading information that results in an unnecessary search and rescue effort or prolongs an ongoing search and rescue effort. The State may recover the costs of the search and rescue operation and reasonable attorney's fees.

LD 1752 **An Act to Amend the Laws Governing the Shrimp Harvesting Season** **ONTP**

<u>Sponsor(s)</u> WHEELER G		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1752 proposed to set the commercial shrimp harvesting season as February 1st to March 31st.

LD 1837 **An Act to Authorize Shellfish Management Committees to Determine Fees for Clam Licenses** **PUBLIC 247**
See LD 436

<u>Sponsor(s)</u> SKOGLUND		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1837 was the unanimous report of the committee on LD 436. The committee's "ought to pass as new draft and new title" on LD 436 resulted in LD 1837.

Enacted law summary

Public Law 1997, chapter 247 removes the \$200 cap that a municipality may set for local resident shellfish licenses.