

MAINE STATE LEGISLATURE

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STATE OF MAINE
118TH LEGISLATURE

SECOND REGULAR SESSION
AND
SECOND SPECIAL SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
MARINE RESOURCES

MAY 1998

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

Rep. Albion D. Goodwin

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Rep. Reginald G. Pinkham

Rep. Frederick J. Moore, III

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ONE HUNDRED EIGHTEENTH LEGISLATURE
SECOND REGULAR AND SECOND SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
May 1998

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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:

- 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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-493
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LD 1478 proposed to enhance enforcement of marine resources laws by making enforcement easier and reducing the number of contested cases. It proposed to redefine several criminal violations as civil violations to allow efficient processing by the courts. The bill also proposed to make the general penalty for violation of the marine resources law a civil violation for which a forfeiture of not less than \$100 and not more than \$500 would be adjudged. Violations that the bill proposed to leave as crimes were amended to specifically state that they are Class D crimes.

Committee Amendment "A" (S-493) proposed to strike the bill. It proposed to clarify that a violation of the State's soft-shell clam management provisions is a Class D crime. It proposed to remove the maximum amount that a person could be fined for a violation. It also proposed to clarify that greater penalties for violations committed after the first violation of the State's soft-shell management provisions apply for a period of 10 years from the date of conviction of the first violation.

Enacted law summary

Public Law 1997, chapter 628 clarifies that a violation of the State's soft-shell clam management provisions is a Class D crime. It removes the maximum amount that a person may be fined for a violation. It also clarifies that greater penalties for violations committed after the first violation of the State's soft-shell management provisions apply for a period of 10 years from the date of conviction of the first violation.

<u>Sponsor(s)</u> GOLDTHWAIT ETNIER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-557 S-595 GOLDTHWAIT
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LD 1968 proposed to repeal the council's authority to certify the quality and grade of sardines and to embargo any lot of sardines that is not in conformance with labeling standards. It also proposed to reduce the rate of the Maine sardine excise tax and raise the excise tax on kippers, steaks and other canned herring products.

Committee Amendment "A" (S-557) proposed to strike from the bill an increase from 10¢ to 15¢ in the per-case tax paid on the packaging of kippers, steaks and other canned sardine products. It also proposed to make retroactive to January 1, 1998 the reduction in the bill from 30¢ to 15¢ in the per-case tax on the packaging of sardines. It also proposed to add a retroactivity clause, an allocation section and a fiscal note to the bill.

Senate Amendment "A" (S-595) proposed to make employees of the Maine Sardine Council state employees for the purposes of retirement benefits. It proposed to transfer all of the council's assets, liabilities and accounts from its consolidated retirement participating local districts plan under the state retirement system to the state regular plan under the state retirement system. It also proposed to require that any costs associated with coverage of

employees of the Maine Sardine Council under the state employee health insurance program for the purposes of retirement health insurance for the period from July 1, 1994 to March 1, 1998 be paid by the Maine Sardine Council pursuant to an agreement between the council and the Department of Administrative and Financial Services.

This amendment also proposed to add a fiscal note to the bill

Enacted law summary

Public Law 1997, chapter 706 repeals the council's authority to certify the quality and grade of sardines and to embargo any lot of sardines that is not in conformance with labeling standards. This bill also reduces the rate of the Maine sardine excise tax from 30¢ to 15¢, retroactive to January 1, 1998.

It also makes employees of the Maine Sardine Council state employees for the purposes of retirement benefits. It transfers all of the council's assets, liabilities and accounts from its consolidated retirement participating local districts plan under the state retirement system to the state regular plan under the state retirement system. It also requires that any costs associated with coverage of employees of the Maine Sardine Council under the state employee health insurance program for the purposes of retirement health insurance for the period from July 1, 1994 to March 1, 1998 be paid by the Maine Sardine Council pursuant to an agreement between the council and the Department of Administrative and Financial Services. Chapter 706 was enacted as an emergency measure effective April 13, 1998.

LD 1998 An Act to Increase the Cap on the Total Acreage of Aquaculture PUBLIC 609
Leases That May Be Held by One Person

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM MAJ	H-802
PINGREE	ONTP MIN	

LD 1998 proposed to raise to 250 acres the cap for total acreage of aquaculture leases in which a person can hold an interest. Under current law, a person may not hold an interest in aquaculture leases that cover an aggregate of more than 150 acres unless the leases are used exclusively for the aquaculture of marine organisms by methods other than suspended culture.

Committee Amendment "A" (H-802) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 609 raises from 150 acres to 250 acres the total acreage of aquaculture leases in which a person can hold an interest.