

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

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Rep. Reginald G. Pinkham

Rep. Frederick J. Moore, III

Staff:

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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.

The amendment proposed that a person who harvests lobsters in the Monhegan Lobster Conservation Area could not fish in any other state waters at any time and could not harvest lobsters in federal waters during the area's closed season.

The amendment also proposed to create a 13-member task force to study the use of subzones within the current lobster zone structure. The task force would be required to report its findings and recommendations by January 1, 1999.

The amendment also proposed to strike the emergency preamble and clause. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 574 creates the Monhegan Lobster Conservation Area in the state waters surrounding Monhegan Island. It prohibits a person from harvesting lobsters from the area unless the person uses lobster traps fitted with tags designated for use in the area.

It limits fishing in the area during the initial 1998-99 open season to people who were registered under Department of Marine Resources rules for harvesting in the area from January 1, 1997 to June 25, 1997; harvested lobsters from the area any time between January 1, 1997 to June 25, 1997; and possess Class I, Class II or Class III lobster and crab fishing licenses. A person who is not initially eligible to harvest lobsters in the area may become eligible if the person completes a minimum 2-year apprenticeship and if a harvester leaves the area's lobster fishery.

A person who holds a student lobster license may fish up to 15 traps in the Monhegan Lobster Conservation Area provided the person fishes with a person who is registered to harvest lobsters in the area.

The open season for the Monhegan Lobster Conservation Area is a 180-day period between December 1st and June 25th of the following year established annually by the Commissioner of Marine Resources.

A person who harvests lobsters in the Monhegan Lobster Conservation Area may not fish in any other state waters at any time and may not harvest lobsters in federal waters during the area's closed season.

The law also creates a 13-member task force to study the use of subzones within the current lobster zone structure. The task force must report its findings and recommendations by January 1, 1999.

LD 2026 An Act Concerning Lobster Policy Management Council Referenda ONTP

<u>Sponsor(s)</u> GOLDTHWAIT ETNIER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2026 proposed that a ballot in a referendum held by a lobster policy management council must have the voter's lobster and crab license number on it to establish it as a legitimate ballot from an eligible voter. It also proposed to provide that a ballot, once submitted, can not be identified with an individual.

LD 2127 An Act to Amend the Nonresident Municipal Shellfish License Fee PUBLIC 589

Sponsor(s)
CHARTRAND
KILKELLY

Committee Report
OTP-AM

Amendments Adopted
H-800

LD 2127 proposed to change the maximum fee that a municipality can charge a nonresident for a shellfish license from twice the resident fee to 1 1/2 times the resident fee.

Committee Amendment "A" (H-800) proposed to strike the fee provisions of the bill and substitute the following: If a shellfish conservation ordinance charges \$200 or less for a resident license, the fee for a nonresident license may not exceed twice the resident fee. If the ordinance charges more than \$200 for a resident license, the fee for a nonresident license may not exceed 1 1/2 times the resident fee.

Enacted law summary

Public Law 1997, chapter 589 provides that if a shellfish conservation ordinance charges \$200 or less for a resident license, the fee for a nonresident license may not exceed twice the resident fee. It also provides that if the ordinance charges more than \$200 for a resident license, the fee for a nonresident license may not exceed 1 1/2 times the resident fee.

LD 2145

An Act Concerning the Taking of Marine Resources by Members of the Passamaquoddy Tribe

**PUBLIC 708
EMERGENCY**

Sponsor(s)
MOORE

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
H-983
S-599 RUHLIN

LD 2145 proposed to exempt Passamaquoddy tribal members from regulation by the State when taking marine resources for sustenance use or for ceremonial tribal use under a special tribal permit.

The bill also proposed that the taking of marine resources for commercial uses by resident members of the Passamaquoddy Tribe be done so in accordance with a licensing compact that would be negotiated by the tribe and the state and approved by the legislative bodies of both. Until such a compact were approved, any member of the tribe could harvest marine resources in Maine's coastal waters, provided the harvesting were in accordance with a tribal regulatory program. The tribal regulatory program would be required to consist of either the same conservation-based restrictions as apply to persons who hold state licenses or an alternative regulation determined by the Maine Indian Tribal-State Commission to be of cultural significance to the Passamaquoddy tribal community or licensee yet sufficiently restrictive when limited to the tribal licensees as to have no significant impact on the marine resource.

Committee Amendment "A" (H-983) proposed to strike the language in the bill and exempt Passamaquoddy tribal members who are residents of Maine from licensing by the State when taking marine resources for commercial use, for sustenance use or for tribal ceremonial use under a special tribal permit. Tribal members would be subject to the same laws and rules and enforcement as are people who hold a state license, except that seasons would not apply to tribal members who harvest marine organisms for sustenance use or tribal ceremonial use. Tribal licenses would be required to be filed with the Commissioner of Marine Resources.