

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
MARINE RESOURCES**

JULY 1999

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Sen. Bruce W. MacKinnon*

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

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
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 September 18, 1999.

<u>Sponsor(s)</u> PIEH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-159
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LD 720 proposed to prohibit the taking of soft shell clams while using an artificial breathing device. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (H-159) proposed to prohibit the use of an artificial breathing device that allows a person to breathe underwater when fishing for or taking soft shell clams but to exempt the holder of an aquaculture lease from the prohibition when fishing for or taking soft shell clams cultivated on the leased area.

Enacted law summary

Public Law 1999, chapter 112 prohibits the use of an artificial breathing device that allows a person to breathe underwater when fishing for or taking soft shell clams but exempts the holder of an aquaculture lease from the prohibition when fishing for or taking soft shell clams cultivated on the leased area.

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-116
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LD 723 proposed to establish in the Department of Marine Resources a dedicated fund intended to be used for projects and programs for development of marine recreation fisheries opportunities. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (H-116) proposed to require the Commissioner of Marine Resources to report annually to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the amount of money collected in and all expenditures made from the Marine Recreation Fishing Conservation and Management Fund in the previous fiscal year.

The amendment proposed to establish the Marine Recreational Fishing Advisory Council to advise the commissioner on activities that relate to marine recreational fishing and to make recommendations to the commissioner concerning expenditures from the Marine Recreation Fishing Conservation and Management Fund. The amendment also proposed to replace the current member of the Marine Resources Advisory Council who represents recreational marine fishing interests with the chair of the Marine Recreational Fishing Advisory Council. The amendment proposed to add an allocation section to the bill.

Enacted law summary

Public Law 1999, chapter 85 establishes in the Department of Marine Resources a dedicated fund intended to be used for projects and programs for development of marine recreation fisheries opportunities and requires the Commissioner of Marine Resources to report annually to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the amount of money collected in and all expenditures made from the Marine Recreation Fishing Conservation and Management Fund in the previous fiscal year.

The law establishes the Marine Recreational Fishing Advisory Council to advise the commissioner on activities that relate to marine recreational fishing and to make recommendations to the commissioner concerning expenditures from

the Marine Recreation Fishing Conservation and Management Fund. The law also replaces the current member of the Marine Resources Advisory Council who represents recreational marine fishing interests with the chair of the Marine Recreational Fishing Advisory Council.

LD 757

An Act Concerning Recreational Clam Harvesting Licenses

PUBLIC 255

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-164
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LD 757 proposed to clarify that municipalities that implement municipal shellfish management programs that include noncommercial licenses must issue them using the same procedures that are applied to the issuance of commercial licenses. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (S-164) proposed to require municipalities that implement shellfish conservation programs and that issue recreational shellfish licenses to residents to make available to nonresidents a number of recreational licenses equal to 10% of the number of licenses issued to residents.

The amendment proposed to specify that a certified municipal shellfish conservation warden may arrest violators of the municipality's shellfish ordinances if the warden is authorized by the municipality to make arrests and is trained at the Maine Criminal Justice Academy. The amendment also proposed to specify that a certificate of the clerk of a municipality is admissible as evidence in all courts as proof of the municipal records relating to a shellfish conservation ordinance.

The amendment proposed to add a mandate preamble to the bill.

Enacted law summary

Public Law 1999, chapter 255 requires municipalities that implement shellfish conservation programs and that issue recreational shellfish licenses to residents to make available to nonresidents a number of recreational licenses equal to 10% of the number of licenses issued to residents.

The law specifies that a certified municipal shellfish conservation warden may arrest violators of the municipality's shellfish ordinances if the warden is authorized by the municipality to make arrests and trained at the Maine Criminal Justice Academy. The law also specifies that a certificate of the clerk of a municipality is admissible as evidence in all courts as proof of the municipal records relating to a shellfish conservation ordinance.

LD 801

An Act to Strengthen Marine Fisheries Conservation Protection

PUBLIC 52

<u>Sponsor(s)</u> GOLDTHWAIT HONEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 801 proposed to add the crime of molesting lobster gear to the list of crimes that can not be resolved by an agreement between the aggrieved party and the defendant that allows the defendant to avoid adjudication and possible conviction. This bill was submitted on behalf of the Department of Marine Resources.