

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

MEMBERS:

*Sen. Jill M. Goldthwait, Chair
Sen. Peggy A. Pendleton
Sen. Bruce W. MacKinnon*

*Rep. David M. Etnier, Chair
Rep. Paul Volenik
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Rep. Robert E. Stanwood*

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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.

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.

Enacted law summary

Public Law 1999, chapter 52 adds the crime of molesting lobster gear to the list of crimes that can not be resolved by a settlement agreement between the aggrieved party and the defendant that allows the defendant to avoid adjudication and possible conviction.

LD 802

An Act to Make Technical Changes in the Marine Resources Laws

PUBLIC 26

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT HONEY	OTP	

LD 802 proposed to make the following changes to the marine resource laws. It proposed to add "spouse" to the definition of family member, it proposed to move the provisions regarding sea urchin zone changes to a more applicable statutory section and it proposed to place an exception for lobster meat processed under a lobster tail permit in the section of law that specifies the size and condition of lobster meat in order to make those sections consistent. This bill was submitted on behalf of the Department of Marine Resources.

Enacted law summary

Public Law 1999, chapter 26 makes several technical changes to the marine resources laws, including adding "spouse" to the definition of family member, moving the provisions regarding sea urchin zone changes to a more applicable statutory section and placing an exception for lobster meat processed under a lobster tail permit in the section of law that specifies the size and condition of lobster meat in order to make those sections consistent.

LD 803

An Act to Increase the Penalties for Violation of Lobster Conservation Laws

PUBLIC 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT HONEY	OTP-AM	S-33

LD 803 proposed to increase the monetary fines for conviction for violation of certain lobster conservation laws. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (S-33) proposed to increase several of the fines for violation of certain lobster conservation laws beyond the increases proposed in the bill. The amendment proposed a fine of \$2,000 for possession of lobsters that are less than the minimum size or more than the maximum size, if the number of lobsters involved in the violation cannot be determined. It proposed a fine of \$100 per lobster for possession of lobsters caught by any method other than conventional lobster traps. It proposed a fine of \$100 per lobster for possession of egg-bearing lobsters and \$50 per lobster for possession of v-notched lobsters. It proposed a fine of \$500 for each violation of the law against removing extruded eggs from female lobsters plus a fine of \$150 per lobster involved.

Enacted law summary

Public Law 1999, chapter 82 increases several of the monetary fines for violation of certain lobster conservation laws, including possession of lobsters that are less than the minimum size or more than the maximum size, possession of