

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
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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.

LD 886

Resolve, to Study Lobster Hatcheries

**RESOLVE 21
EMERGENCY**

Sponsor(s)
VOLENIK

Committee Report
OTP-AM

Amendments Adopted
H-248

LD 886 proposed to create the Lobster Hatchery Fund, which would be used by the Commissioner of Marine Resources to establish a lobster hatchery in each lobster management zone. The fund would be capitalized by an annual \$25 surcharge on each commercial lobster license.

Committee Amendment "A" (H-248) proposed to replace the bill with a resolve, change the title and add an emergency preamble and an emergency clause. The amendment proposed to establish the Committee to Study the Establishment of Lobster Hatcheries, composed of 10 members, and to direct the committee to examine the feasibility and cost of establishing lobster hatcheries and submit a report with findings and recommendations to the Joint Standing Committee on Marine Resources by December 31, 1999. The amendment also proposed to authorize the Joint Standing Committee on Marine Resources to report out legislation during the Second Regular Session of the 119th Legislature regarding lobster hatcheries.

Enacted law summary

Resolve 1999, chapter 21 establishes the Committee to Study the Establishment of Lobster Hatcheries, composed of 10 members, and directs the committee to examine the feasibility and cost of establishing lobster hatcheries and submit a report with findings and recommendations to the Joint Standing Committee on Marine Resources by December 31, 1999. The law also authorizes the Joint Standing Committee on Marine Resources to report out legislation during the Second Regular Session of the 119th Legislature regarding lobster hatcheries.

This resolve was enacted as an emergency measure effective May 11, 1999.

LD 901

An Act to Amend the Laws Regarding the Scallop Fishing Season and Scallop Fishing Gear Requirements

PUBLIC 94

Sponsor(s)
VOLENIK

Committee Report
OTP-AM

Amendments Adopted
H-115

LD 901 proposed to shorten the open scallop season by one month. It proposed to require scallop rings to measure 3 1/2 inches in diameter. Current law requires a 3 1/2 inch ring size beginning on November 1, 2001. It also proposed to prohibit scallop fishing on Sundays. In addition, the bill proposed to provide for a uniform open season along the entire Maine coast by repealing the commissioner's authority to adjust the season by rule.

The bill also proposed to adjust the dates of limits on the size of scallop drags by prohibiting use of a drag with a width greater than 5 1/2 feet from December 1st to December 31st and prohibiting use of a drag with a width greater than 10 1/2 feet from January 1st to April 15th.

Committee Amendment "A" (H-115) proposed to shorten the open scallop season by one month. It proposed to require scallop rings to measure 3 1/2 inches in diameter beginning on December 1, 2000. The amendment also proposed to eliminate the smaller size limit on scallop drags for the opening month of the season and instead maintain the size limit of 10 feet, 6 inches for the entire open scallop season.

House Amendment "A" to Committee Amendment "A" (H-127) proposed to maintain the current open season of November 1st to April 15th for persons taking scallops under a noncommercial scallop license. This amendment was not adopted.

Enacted law summary

Public Law 1999, chapter 94 shortens the open scallop season by one month by changing the opening day from November 1st to December 1st. It requires scallop rings to measure 3 1/2 inches in diameter beginning on December 1, 2000. Current law requires a 3 1/2 inch ring size beginning on November 1, 2001. The law also eliminates the smaller size limit on scallop drags for the opening month of the season and instead maintains the size limit of 10 feet, 6 inches for the entire open scallop season.

LD 905

An Act Concerning the 1999 Elver Fishery

**PUBLIC 7
EMERGENCY**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-13
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LD 905 proposed to make the following changes to the elver fishing laws:

1. To clarify the definition of an elver dip net;
2. To provide that in 2001 the Department of Marine Resources may not issue an elver fishing license once the season has begun;
3. To specify that the open season for elver fishing is April 1st to May 31st;
4. To specify that the cod end of a fyke net must have a rigid opening during the time when the net is not allowed to be in fishable condition;
5. To specify that it is unlawful to build or use an artificial platform for elver fishing;
6. To establish a separation zone with regard to the placement of fyke nets; and
7. To establish that it is a rebuttable assumption that an individual is molesting the net of another if that individual is not the person to whom the net tag on the net was issued.

This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (S-13) proposed to do the following:

1. To limit entry into the elver fishery to conserve the resource by specifying that elver fishing licenses may be issued only to people who held elver fishing licenses during the 1996, 1997 and 1998 elver fishing seasons and therefore have shown a long-term interest and investment in the elver fishery;
2. To specify that the open season for elver fishing is March 22nd to May 31st and to clarify that the Department of Marine Resources may not issue an elver fishing license during the open season for elver fishing;
3. To establish a minimum age of 15 years old for elver fishing;
4. To limit the eligibility of nonresidents to purchase elver fishing licenses to those nonresidents from states that allow Maine residents to purchase elver fishing licenses;