

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

**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

Rep. Martha A. Bagley

Rep. Wendy Pieh

Rep. Ronald E. Usher

Rep. William D. Pinkham

Rep. Kenneth F. Lemont

Rep. Kenneth A. Honey

Rep. Deborah Kaler McNeil

Rep. Robert E. Stanwood

Staff:

Amy B. Holland, Legislative Analyst

*Office of Policy and Legal Analysis
Room 101/107/135, 13 State House Station
Augusta, ME 04333
(207)287-1670*



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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.

Sponsor(s)
HARRIMAN
DAVIDSON

Committee Report
OTP-AM

Amendments Adopted
S-145

LD 1316 proposed to prohibit the Commissioner of Marine Resources from issuing an aquaculture lease within municipal boundaries of a municipality with a shellfish conservation program without the written consent of the municipal officers. It also proposed that a criterion that must be met before the commissioner may grant a lease is that the proposed project not unreasonably interfere with potentially viable fisheries.

Committee Amendment "A" (S-145) proposed to prohibit the Commissioner of Marine Resources from leasing an area in the intertidal zone for aquaculture within a municipality with a shellfish conservation program without the consent of the municipal officers.

The amendment proposed to add to the criteria for an aquaculture lease to be granted that the proposed project will not unreasonably interfere with public access to a redeemable shellfish resource for the purpose of harvesting, provided the resource is commercially significant and subject to a pollution abatement plan that is reasonably expected to result in the opening of the area to the taking of shellfish within three years.

The amendment also proposed to specify that a municipality with a shellfish conservation program may approve an application to lease areas in the intertidal zone if the lease application is written on a form supplied by the Commissioner of Marine Resources.

Enacted law summary

Public Law 1999, chapter 267 prohibits the Commissioner of Marine Resources from leasing an area in the intertidal zone for aquaculture within a municipality with a shellfish conservation program without the consent of the municipal officers.

The law adds to the criteria for an aquaculture lease to be granted that the proposed project will not unreasonably interfere with public access to a redeemable shellfish resource for the purpose of harvesting, provided the resource is commercially significant and subject to a pollution abatement plan that is reasonably expected to result in the opening of the area to the taking of shellfish within three years.

The law also specifies that a municipality with a shellfish conservation program may approve an application to lease areas in the intertidal zone if the lease application is written on a form supplied by the Commissioner of Marine Resources.

Sponsor(s)
GOLDTHWAIT

Committee Report
OTP-AM

Amendments Adopted
H-336 ETNIER
S-113

LD 1327 proposed to make the language in the statutes regarding the allowable number of lobster traps that may be fished consistent with the rules adopted by the Commissioner of Marine Resources for the lobster management zones following approval at referendum. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (S-113) proposed to clarify that the maximum number of traps that may be fished by a Class I, Class II or Class III lobster and crab fishing license holder or tended from a boat is 1,000 before March 1, 2000 and 800 effective March 1, 2000, unless a lower trap limit has been established for a lobster management zone.

House Amendment "A" (H-336) proposed to add an emergency preamble and an emergency clause to the bill.

Enacted law summary

Public Law 1999, chapter 187 clarifies that the maximum number of traps that may be fished by a Class I, Class II or Class III lobster and crab fishing license holder or tended from a boat is 1,000 before March 1, 2000 and 800 effective March 1, 2000, unless a lower trap limit has been established for a lobster management zone.

Chapter 187 was enacted as an emergency measure effective May 17, 1999.

LD 1345

An Act to Allow Student License Holders to Become Eligible for Commercial Lobster and Crab Fishing Licenses

PUBLIC 490

Sponsor(s)
ETNIER

Committee Report
OTP-AM

Amendments Adopted
H-249

LD 1345 proposed to specify that to be eligible for a student lobster and crab fishing license, an individual must pass an examination given by the Department of Marine Resources. It proposed to specify that in order to enter the lobster apprenticeship program, an individual must have either an apprentice license or a student license. It proposed to repeal on December 31, 2001 the provision authorizing the commissioner to waive part of the practical lobster fishing experience requirement for an applicant for the lobster apprenticeship program based on that person's experience as a holder of a student license. This bill was submitted on behalf of the Department of Marine Resources.

Committee Amendment "A" (H-249) proposed to allow an applicant for an apprentice lobster and crab fishing license to designate up to 3 sponsors and to require an applicant for a student license to designate a sponsor. The amendment proposed to specify that a person issued a student license is enrolled in the apprenticeship program.

The amendment proposed to strike from the bill the requirement that a student pass a basic examination in order to be eligible for a student license and instead require the Department of Marine Resources to develop an educational brochure to provide student license holders with a general overview of the laws related to fishing for lobsters.

Enacted law summary

Public Law 1999, chapter 490 allows an applicant for an apprentice lobster and crab fishing license to designate up to 3 sponsors. The law also requires an applicant for a student license to designate a sponsor and specifies that a person issued a student license is enrolled in the apprenticeship program. The law requires the Department of Marine Resources to develop an educational brochure to provide student license holders with a general overview of the laws related to fishing for lobsters. The law specifies that in order to enter the lobster apprenticeship program, an individual must have either an apprentice license or a student license and repeals on December 31, 2001 the provision authorizing the commissioner to waive part of the practical lobster fishing experience requirement for an applicant for the lobster apprenticeship program based on that person's experience as a holder of a student license.