

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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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 amendment proposed to specify that the Shrimp Management Fund must be used for research and assessment related to management of the shrimp fishery. It also proposed to strike from the bill the requirement that 50% of the fee for the wholesale seafood license with a shrimp permit be deposited in the Shrimp Management Fund. The amendment proposed to clarify that rules adopted by the Commissioner of Marine Resources related to submission of data by license holders are routine technical rules.

The amendment proposed to specify that the sections of the bill establishing a wholesale seafood license with a shrimp permit would take effect on April 1, 2000 and that a wholesale seafood license with a shrimp permit would expire on March 31st of each year. The amendment also proposed to specify that the section of the bill establishing a commercial shrimp license would take effect on January 1, 2000.

The amendment also proposed to allocate funds for costs related to the management of the shrimp fishery.

Enacted law summary

Public Law 1999, chapter 491 establishes a commercial shrimp license for the commercial shrimp fishery. It also establishes the Shrimp Management Fund into which proceeds from the sale of a commercial shrimp license must be deposited and requires that the Commissioner of Marine Resources use the fund for research and assessment related to management of the shrimp fishery. Chapter 491 also requires a person to hold a wholesale seafood license with a shrimp permit in order to buy, sell, ship or transport shrimp.

LD 1836

An Act Concerning the Sea Urchin Fishery

PUBLIC 244

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM	H-306

LD 1836 proposed to make the following changes to the laws regarding the sea urchin fishery:

1. It proposed to eliminate the personnel restriction regarding the use of the sea urchin research fund;
2. It proposed to provide that failure to report required data may result in ineligibility to renew licenses;
3. It proposed to add possession of sea urchins on a boat during a closed day as an unauthorized activity;
4. It proposed to direct the Commissioner of Marine Resources to suspend the sea urchin license of a license holder upon conviction of violating the sea urchin fishing season;
5. It proposed to direct the Commissioner of Marine Resources to suspend a sea urchin license upon conviction of violating the zone harvesting laws;
6. It proposed to place conditions on changing zones so that the number of license holders changing from Zone 1 to Zone 2 would equal the number of license holders changing from Zone 2 to Zone 1;
7. It proposed to change the membership of the Sea Urchin Zone Council from including a processor and a buyer from Zone 1 and a processor and a buyer from Zone 2 to including two individuals in Zone 1 who have either a processor's or buyer's permit and two individuals in Zone 2 who have either a processor's or buyer's permit; and
8. It proposed to specify that the zone council may seek advice from knowledgeable scientists with regard to research needs.

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

Committee Amendment "A" (H-306) proposed to clarify that if a sea urchin buyer or processor fails to maintain a log book or report required data, the Commissioner of Marine Resources may deny an application for renewal of that person's wholesale seafood license with a sea urchin buyer's permit or wholesale seafood license with a sea urchin processor's permit.

The amendment also proposed to add an allocation section to the bill to allocate funds to support the activities of the Sea Urchin Zone Council.

Enacted law summary

Public Law 1999, chapter 244 makes the following changes to the laws regarding the sea urchin fishery: it directs the Commissioner of Marine Resources to suspend the sea urchin fishing license of a license holder convicted of violating the sea urchin fishing season or the zone harvesting laws; it adds possession of sea urchins on a boat during a closed day as an unlawful activity; it provides that failure to report required data may result in ineligibility to renew a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit; it eliminates the personnel restriction regarding the use of the sea urchin research fund; it places conditions on changing zones so that the number of license holders changing from Zone 1 to Zone 2 equals the number of license holders changing from Zone 2 to Zone 1; it changes the membership of the Sea Urchin Zone Council; and it specifies that the zone council may seek advice from knowledgeable scientists with regard to research needs.

LD 1982

An Act to Establish a Lobster Trap Tag Freeze to Limit Effort in the Lobster Fishery

PUBLIC 397

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	H-580
	OTP-AM B	
	ONTP C	

LD 1982 proposed to implement one of the recommendations of the Lobster Advisory Council regarding reduced fishing effort in the lobster fishery. It proposed to establish a freeze on the issuance of lobster trap tags by prohibiting the Commissioner of Marine Resources from issuing a number of lobster trap tags each year to a lobster and crab fishing license holder that is greater than the number of trap tags the license holder had purchased as of November 20, 1998 for the 1998 license year. The bill proposed to establish an appeals process for individuals who are denied trap tags because of the freeze. The bill proposed to repeal the trap tag freeze on December 31, 2001.

Committee Amendment "B" (H-580), the minority report of the Joint Standing Committee on Marine Resources, proposed to specify that a person who has held a student lobster and crab fishing license for 3 consecutive years and who is at least 18 years of age or a high school graduate is eligible for a Class I, Class II or Class III lobster and crab fishing license. The amendment proposed to repeal that provision on December 31, 2001.

The amendment proposed to establish limits on the purchase of lobster trap tags based on the number of trap tags purchased by a Class I, Class II or Class III lobster and crab fishing license holder as of November 20, 1998 for the 1998 license year. The amendment proposed to limit those who purchased 200 or fewer trap tags to 300 trap tags in the initial license year, building up to the trap limit for the zone in which they fish at a rate of 100 trap tags per year. It limits those who purchased more than 200 trap tags to a buildup of 100 trap tags per year, up to the trap limit for the zone in which they fish.

The amendment proposed to establish an initial limit of 300 trap tags for a license holder who is issued a Class I, Class II or Class III license for the first time after meeting the requirements of the apprentice program and to allow that