

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.

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

license holder to build up at a rate of 100 trap tags per year, up to the trap limit for the zone in which that license holder fishes.

The amendment proposed to establish an initial limit for a license holder who is issued a Class I, Class II or Class III license on appeal of either the number of trap tags purchased by the person in 1996, 1997 or 1998 or 300 trap tags if the person did not hold a license in 1996, 1997 or 1998 and to allow that license holder to build up at a rate of 100 trap tags per year, up to the trap limit for the zone in which that license holder fishes.

The amendment also proposed to establish an appeals process for certain individuals who are denied trap tags because of the limits. The amendment proposed to repeal the trap tag limit provisions on December 31, 2001.

The amendment proposed to require the Lobster Advisory Council to report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource, and it proposed to authorize the Joint Standing Committee on Marine Resources to report out legislation to the Second Regular Session of the 119th Legislature regarding limited effort in the lobster fishery.

Committee Amendment "A" (H-579), the majority report of the Joint Standing Committee on Marine Resources, contained the same provisions as the minority report, except that it proposed to establish a freeze on the purchase of lobster trap tags at 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, with 3 exceptions. A license holder who is issued a license for the first time after meeting the requirements of the apprentice program or who is issued a license after having held a student license for 3 consecutive years would be limited to a number of trap tags that is not greater than 1/2 the trap limit established by rule for the zone in which the person fishes a majority of that person's traps. A license holder who is issued a license on appeal would be limited to either the number of trap tags purchased by the person in 1996, 1997 or 1998 or a number of trap tags that is not greater than 1/2 the trap limit established by rule for the zone in which the person fishes a majority of that person's traps if the person did not hold a license in 1996, 1997 or 1998.

This amendment was not adopted.

Enacted law summary

Public Law 1999, chapter 397 specifies 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 law repeals that provision on December 31, 2001.

The law establishes 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 law limits 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 law establishes 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 allows that license holder to build up at a rate of 100 trap tags per year, up to the trap limit for the zone in which that license holder fishes. It establishes an initial limit for a license holder who is issued a Class I, Class II or Class III license on appeal of either the number of trap tags purchased by the person in 1996, 1997 or 1998 or 300 trap tags if the person did not hold a license in 1996, 1997 or 1998 and allows that license holder to build up at a rate of 100 trap tags per year, up to the trap limit for the zone in which that license holder fishes.

The law also establishes an appeals process for certain individuals who are denied trap tags because of the limits. It repeals the trap tag limit provisions on December 31, 2001.

The law requires the Lobster Advisory Council to report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource, and it authorizes the Joint Standing Committee on Marine Resources to report out legislation to the Second Regular Session of the 119th Legislature regarding limited effort in the lobster fishery.

LD 1992

An Act to Limit Entry into the Lobster Fishery by Zone

PUBLIC 508

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-629
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LD 1992 proposed to authorize a lobster management policy council to propose limits on new zone entrants to a lobster management zone and to authorize the Commissioner of Marine Resources to adopt rules establishing those limits. The limits would be based on an exit ratio of licenses that were not renewed to new zone entrants.

The bill proposed to require the commissioner to maintain a waiting list of people who have requested to fish a majority of their traps in a limited-entry zone and to authorize people as new zone entrants in chronological order in accordance with the exit ratio.

The bill proposed to establish for new zone entrants who have met the requirements of the apprentice program a trap tag limit of the average number of trap tags in the zone. Those license holders could increase their trap tags by 10% each year.

The bill also proposed to require the Lobster Advisory Council to report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource.

Committee Amendment "A" (H-629) proposed to clarify the process by which rules establishing limited entry for a lobster management zone may be proposed and adopted and to authorize the Commissioner of Marine Resources to establish by rule procedures to implement limited entry by zone.

The amendment proposed to authorize a person to request up to 2 limited-entry zones that the person wishes to declare as that person's declared lobster zone and to specify that the person would be taken off the waiting list of the 2nd zone if authorized to declare one of the zones as that person's declared lobster zone. The amendment proposed to require a person to declare a zone within 30 days after receiving notification by certified mail that the person is authorized to do so. If the person failed to declare a zone within that 30-day period, that person would be taken off the waiting list.

The amendment proposed to strike the section of the bill that would have established a trap tag limit for new zone entrants who have met the requirements of the apprentice program.

The amendment also proposed to strike the requirement that the Lobster Advisory Council report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource.

Enacted law summary

Public Law 1999, chapter 508 authorizes a lobster management policy council to propose limits on new zone entrants to the lobster management zone and authorizes the Commissioner of Marine Resources to adopt rules establishing limits on new zone entrants upon receipt of a proposal from a lobster management policy council. The limits would be based on an exit ratio between the number of licenses that were not renewed and the number of new zone entrants. The law requires the commissioner to maintain a waiting list of people who have requested to fish a majority of their traps in a