

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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Sen. Bruce W. MacKinnon

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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 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

limited-entry zone and to authorize people as new zone entrants in chronological order in accordance with the exit ratio for that zone.

LD 1993

An Act to Establish an Appeals Process for Lobster Fishing License Denial

**PUBLIC 330
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-396
	OTP-AM MIN	

LD 1993 proposed to implement one of the recommendations of the Lobster Advisory Council regarding limited entry into the lobster fishery. It proposed to establish a Lobster License Appeals Board composed of 3 members appointed by the Commissioner of Marine Resources to review appeals from individuals who are denied a lobster and crab fishing license because they do not meet the eligibility requirements for a license. The board would make recommendations to the commissioner regarding the approval or denial of an appeal, and the commissioner would make the final decision on an appeal.

Committee Amendment "A" (H-396), the majority report of the Joint Standing Committee on Marine Resources, proposed to add an emergency preamble and an emergency clause to the bill. The amendment proposed to establish an appeals process for people who were denied a Class I, Class II or Class III lobster and crab fishing license because they did not possess a license in the previous calendar year. The amendment proposed to authorize the Commissioner of Marine Resources to issue a license on appeal if the person met certain criteria, including having held a lobster and crab fishing license for five consecutive years within the previous 15 years and not having possessed one in the previous year because of an illness or medical condition; service in the United States Armed Forces or United States Coast Guard; or a license suspension.

The amendment proposed to repeal the provision that made a person eligible for a Class I, Class II or Class III lobster and crab fishing license if the person did not possess a license in the previous calendar year because the commissioner had suspended the person's license for the previous calendar year. Instead, the amendment proposed to authorize the person to appeal a license denial under those circumstances.

The amendment proposed to require the Department of Marine Resources to develop a proposed appeals process to be used when a license is denied under any limited-entry fishery and to submit a report to the Joint Standing Committee on Marine Resources by January 15, 2000. The amendment also proposed to authorize the Joint Standing Committee on Marine Resources to report out legislation to the Second Regular Session of the 119th Legislature regarding a license appeals process.

Committee Amendment "B" (H-397), the minority report of the Joint Standing Committee on Marine Resources, contained the same provisions as the majority report and also proposed to authorize the Commissioner of Marine Resources to waive all or part of the practical lobster fishing experience component of the apprentice program on appeal if the person documented that the person obtained practical lobster fishing experience as a holder of a Class I, Class II or Class III lobster and crab fishing license. The commissioner could waive up to half the experience requirement for each three years of experience documented. This amendment was not adopted.

Enacted law summary

Public Law 1999, chapter 330 establishes an appeals process for people who are denied a Class I, Class II or Class III lobster and crab fishing license because they did not possess a license in the previous calendar year. The law authorizes the Commissioner of Marine Resources to issue a license on appeal if the person meets certain criteria, including having held a lobster and crab fishing license for five consecutive years within the previous 15 years and not having possessed