

MAINE STATE LEGISLATURE

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STATE OF MAINE
119TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
MARINE RESOURCES

JULY 2000

MEMBERS:

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Sen. Peggy A. Pendleton
Sen. Bruce W. MacKinnon

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Staff:

Amy B. Holland, Legislative Analyst

Office of Policy and Legal Analysis
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
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of 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:

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
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
Offices Located in the State House, Rooms 101 & 107

LD 2351

An Act Concerning the Possession of Marine Organisms by Aquaculturists Outside of the Harvest Season

PUBLIC 575

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER HONEY	OTP-AM	H-809

LD 2351 proposed to exempt an aquaculture leaseholder from any requirement that a particular marine organism not be harvested or otherwise possessed during a closed season.

Committee Amendment "A" (H-809) proposed to clarify that an aquaculture leaseholder is exempt from any requirement regarding the time of taking or possessing any marine organism cultivated on the leased area.

Enacted law summary

Public Law 1999, chapter 575 exempts an aquaculture leaseholder from any requirement regarding the time of taking or possessing any marine organism cultivated on the leased area.

LD 2356

An Act Regarding Elver Fishing Licenses

**PUBLIC 534
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-503

LD 2356 proposed to implement the recommendations of the Department of Marine Resources regarding the 2000 elver fishery. It proposed to freeze the number of elver fishing licenses and gear at 1999 levels. The bill also proposed to raise the fees for elver fishing licenses to \$120 for residents and \$421 for nonresidents and specifies that all license fees accrue to the Eel and Elver Management Fund.

The bill proposed to repeal the provision that authorizes a person to use one net or trap to fish for elvers without paying a gear fee and to change the gear fees to \$25 per elver dip net and \$75 per elver fyke or Sheldon eel trap. These changes to the elver license and gear fees would increase funding to the Eel and Elver Management Fund to support further research on the eel and elver fishery.

Committee Amendment "A" (S-503) proposed to replace the bill and change the eligibility requirements for elver fishing licenses as follows. It proposed to limit the total number of elver fishing licenses in any year to 827. It proposed to authorize a person who held an elver fishing license in the previous calendar year to be issued a license. It proposed to authorize a person who held an elver fishing license in any 2 of the years 1996, 1997 and 1998 to enter a lottery for an elver fishing license for the 2000 elver season. It proposed to require the Commissioner of Marine Resources to hold a lottery for 2000 licenses by March 15, 2000 and to limit the number of licenses that may be awarded through that lottery to 86. It proposed to authorize anyone to enter a lottery for an elver fishing license for the 2001 elver season and subsequent seasons and to specify that the number of persons awarded eligibility in a lottery may not cause the total number of elver fishing licenses issued to exceed 827.

The amendment proposed to authorize a person who held an elver fishing license in the previous calendar year to use the type and amount of gear that person was authorized to use during the previous elver fishing season. It proposed to authorize a person issued a license for the 2000 elver season based on the lottery to use an amount of gear based on that person's historical average amount of gear, but not more than 2 nets or traps. It proposed to authorize a person issued a license for the 2001 elver season or subsequent seasons based on the lottery to use one net or one trap.

Enacted law summary

Public Law 1999, chapter 534 limits the total number of elver fishing licenses in any year to 827 and changes the eligibility requirements for elver fishing licenses. It authorizes a person who held an elver fishing license in the previous calendar year to be issued a license and it authorizes a person who held an elver fishing license in any 2 of the years 1996, 1997 and 1998 to enter a lottery for an elver fishing license for the 2000 elver season. It requires the Commissioner of Marine Resources to hold a lottery for 2000 licenses and limits the number of licenses that may be awarded through that lottery to 86. It authorizes anyone to enter a lottery for an elver fishing license for the 2001 elver season and subsequent seasons and specifies that the number of persons awarded eligibility in a lottery may not cause the total number of elver fishing licenses issued to exceed 827.

The law authorizes a person who held an elver fishing license in the previous calendar year to use the type and amount of gear that person was authorized to use during the previous elver fishing season. It authorizes a person issued a license for the 2000 elver season based on the lottery to use an amount of gear based on that person's historical average amount of gear, but not more than 2 nets or traps. It authorizes a person issued a license for the 2001 elver season or subsequent seasons based on the lottery to use one net or one trap.

Public Law 1999, chapter 534 was enacted as an emergency measure effective February 23, 2000.

LD 2372

An Act to Regulate the Sea Cucumber Fishery

**PUBLIC 672
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT VOLENIK	OTP-AM	S-542

LD 2372 proposed to regulate the season and harvesting method for the sea cucumber industry and to provide for research on the sea cucumber and the appropriate level of harvesting for a sustainable fishery.

Committee Amendment "A" (S-542) proposed to close the sea cucumber fishery to harvesting from July 1st to September 30th of each year. The amendment proposed to prohibit the use of a drag to fish for sea cucumbers that exceeds 5 feet, 6 inches in width and to require the Commissioner of Marine Resources to adopt rules no later than September 30, 2000 that describe the type of drag that may be used to fish for or take sea cucumbers.

The amendment proposed to establish, but not fund, the Sea Cucumber Management Fund to be used to research and manage the State's sea cucumber fishery and to enforce the laws related to sea cucumbers. The amendment proposed to authorize the joint standing committee of the Legislature having jurisdiction