

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

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Sen. Bruce W. MacKinnon

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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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1042
	OTP-AM MIN	

LD 2583 proposed to implement one of the recommendations of the Lobster Advisory Council relating to limiting effort in the lobster fishery. The bill proposed to clarify the procedure for a person to request to declare a limited-entry zone as that person's declared lobster zone by specifying that a person who holds a Class I, Class II or Class III lobster and crab fishing license shall indicate that person's request to the Commissioner of Marine Resources in writing by December 15th of the previous licensing year and that a person who does not hold a license must be eligible for a license by December 15th of the previous licensing year. The date of eligibility for a license would be the date of that person's request to declare a limited-entry zone for purposes of the chronological waiting list maintained by the commissioner.

Committee Amendment "A" (H-1042), the majority report of the committee, proposed to replace the bill and add an emergency clause and an emergency preamble. The amendment proposed to authorize a lobster management policy council that is proposing to limit new zone entrants to the zone to also propose to the Commissioner of Marine Resources to adopt rules allowing apprentice or student lobster and crab fishing license holders who became eligible for a Class I, Class II or Class III license prior to January 1, 2000 to be issued a license that identifies the limited-entry zone as that person's declared lobster zone.

The amendment proposed to clarify the process for a person to request to declare a limited-entry zone as the person's declared lobster zone and to require the Commissioner of Marine Resources to create a waiting list for a zone at the time the commissioner closes the zone pending rulemaking to establish an exit ratio for that zone. The amendment also proposed to establish a process for people who became eligible for a Class I, Class II or Class III lobster and crab fishing license prior to the effective date of this legislation to be put on a waiting list according to the date they became eligible.

Committee Amendment "B" (H-1043), the minority report of the committee, differed from the majority report by proposing to authorize a lobster management policy council that is proposing to limit new zone entrants to the zone to also propose to the Commissioner of Marine Resources to adopt rules allowing apprentice or student lobster and crab fishing license holders who held an apprentice or student license as of September 19, 1999, as well as those who became eligible for a Class I, Class II or Class III license prior to January 1, 2000, to be issued a license that identifies the limited-entry zone as that person's declared lobster zone. This amendment was not adopted.

Enacted law summary

Public Law 1999, chapter 693 authorizes a lobster management policy council that is proposing to limit new zone entrants to the zone to also propose to the Commissioner of Marine Resources the adoption of rules allowing apprentice or student lobster and crab fishing license holders who became eligible for a Class I, Class II or Class III license prior to January 1, 2000 to be issued a license that identifies the limited-entry zone as that person's declared lobster zone.

The law clarifies the process for a person to request to declare a limited-entry zone as the person's declared lobster zone and requires the Commissioner of Marine Resources to create a waiting list for a zone at the

time the commissioner closes the zone pending rulemaking to establish an exit ratio for that zone. The law also establishes a process for people who became eligible for a Class I, Class II or Class III lobster and crab fishing license prior to the effective date of this legislation to be put on a waiting list according to the date they became eligible.

Public Law 1999, chapter 693 was enacted as an emergency measure effective April 13, 2000.

LD 2584

An Act to Establish an Appeals Process for License Denial Under Limited-entry Fisheries

**PUBLIC 643
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-1003

LD 2584 proposed to establish an appeals process for a person denied a license in a limited-entry fishery, including a lobster and crab fishing license, an elver fishing license and a sea urchin harvesting license, and to repeal the current process for a person to appeal the denial of a lobster and crab fishing license. The bill proposed to establish the License Appeals Board to consider appeals on an individual basis and make recommendations to the Commissioner of Marine Resources regarding the issuance of the license on appeal. The commissioner would make the final decision to approve or deny the appeal. The bill proposed to specify that the commissioner may issue a license on appeal only if the person appealing the license denial has historically participated in the fishery and there was either a medical condition, a period of military service or a license suspension that prevented that person from meeting the eligibility requirements for the license. The bill proposed to authorize the commissioner to transfer the lobster and crab fishing license and trap tags of a deceased or disabled license holder upon recommendation by the License Appeals Board to a member of the license holder's family if the family member fished with the license holder and the family would suffer undue financial hardship if the license and trap tags were not transferred.

Committee Amendment "A" (H-1003) proposed to replace the bill and add an emergency preamble and an emergency clause to the bill. The amendment proposed to change the appeals process for a person who is denied a Class I, Class II or Class III lobster and crab fishing license because that person did not possess a license in the previous calendar year and to establish an appeals process for a person who is denied a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license because that person did not possess the same 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 meets certain criteria, including having been prevented from meeting the eligibility requirements because of a substantial illness or medical condition or a period of military service and having documented landings while in possession of a license within one year prior to the onset of the illness or medical condition or within one year prior to entering military service.

The amendment proposed to restore the provision that authorized a Class I, Class II or Class III lobster and crab fishing license to be issued to a person who did not possess the license in the previous calendar year because the commissioner had suspended the person's license for a length of time that included the previous calendar year. The amendment proposed to require a person whose Class I, Class II or Class III lobster and crab fishing license has been suspended for more than one year to appear in person before the commissioner prior to being issued a Class I, Class II or Class III lobster and crab fishing license.