

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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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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

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

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**

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

The amendment proposed to authorize a lobster and crab fishing license holder who was issued 300 or fewer trap tags for the 2000 license year because that person had purchased no trap tags as of November 20, 1998 because of a substantial illness or medical condition or a period of military service to appeal to the commissioner for additional trap tags.

The amendment proposed to authorize a person who is issued a Class I, Class II or Class III lobster and crab fishing license on appeal based on a substantial illness or medical condition or after a license suspension to declare a limited-entry zone as that person's declared lobster zone if the person was authorized to fish a majority of that person's lobster traps in that zone in the most recent year in which the person held a license. The person would not be counted for the purposes of the exit ratio or the number of new zone entrants that may be authorized for that zone.

The amendment proposed to repeal the current medical exception and license transfer provisions for handfishing sea urchin licenses, sea urchin dragging licenses and sea urchin hand-raking and trapping licenses.

Enacted law summary

Public Law 1999, chapter 643 changes 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 establishes 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 law authorizes 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 law restores 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 law requires 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.

The law authorizes a lobster and crab fishing license holder who was issued 300 or fewer trap tags for the 2000 license year because that person had purchased no trap tags as of November 20, 1998 because of a substantial illness or medical condition or a period of military service to appeal to the commissioner for additional trap tags.

The law authorizes a person who is issued a lobster and crab fishing license on appeal based on a substantial illness or medical condition or after a license suspension to declare a limited-entry zone as that person's declared lobster zone if the person was authorized to fish a majority of that person's lobster traps in that zone in the most recent year in which the person held a license. The person may not be counted for the purposes of the exit ratio or the number of new zone entrants that may be authorized for that zone.

The law repeals the current medical exception and license transfer provisions for handfishing sea urchin licenses, sea urchin dragging licenses and sea urchin hand-raking and trapping licenses.

Public Law 1999, chapter 643 was enacted as an emergency measure effective April 7, 2000.

LD 2618

An Act to Implement the Recommendations of the Joint Standing Committee on Marine Resources Relating to the Review of the Maine Sardine Council Under the State Government Evaluation Act

**PUBLIC 678
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1033 ETNIER H-963

LD 2618 proposed to implement the recommendations made by the Joint Standing Committee on Marine Resources as a result of the committee's review of the Maine Sardine Council under the State Government Evaluation Act. The bill proposed to retroactively repeal the sardine excise tax on February 1, 2000 and terminate the Maine Sardine Council on March 31, 2000. The bill proposed to require the Maine Sardine Council to remit \$5,000 to the State Treasurer to be credited to the marine research fund at the Department of Marine Resources and to require the transfer of the remaining assets as of March 31, 2000 to the 3 packers represented on the Maine Sardine Council according to their share of the total quantity of sardines, kippers, steaks and other canned herring products packed during calendar years 1998 and 1999.

Committee Amendment "A" (H-963) proposed to require the State Auditor to perform audit procedures rather than an audit on the financial records of the Maine Sardine Council prior to the dissolution of the council. The amendment proposed to repeal the sardine excise tax on March 1, 2000 rather than February 1, 2000 and to require all accrued net assets of the council as of April 15, 2000 to be transferred as a refund of taxes paid to the 3 packers with representatives on the council as of January 31, 2000. The amendment proposed to strike the provision that would have required the council to remit \$5,000 to the State Treasurer to be credited to the marine research fund.

The amendment proposed to specify that the council shall cease its operations and activities on March 31, 2000 and to repeal the laws establishing the council, effective April 15, 2000.

House Amendment "A" to Committee Amendment "A" (H-1033) proposed to provide that the termination of the Maine Sardine Council applies retroactively to March 31, 2000.

Enacted law summary

Public Law 1999, chapter 678 implements the recommendations made by the Joint Standing Committee on Marine Resources as a result of the committee's review of the Maine Sardine Council under the State Government Evaluation Act. The law retroactively requires the council to cease its operations and activities on March 31, 2000 and repeals the laws establishing the council, effective April 15, 2000. The