

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Marine Resources*

August 2001

Members:

Sen. Kenneth F. Lemont, Chair

Sen. Peggy A. Pendleton

Sen. Betheda G. Edmonds

Rep. David G. Lemoine, Chair

Rep. Paul Volenik

Rep. Ronald E. Usher

Rep. Thomas D. Bull

Rep. Nancy B. Sullivan

Rep. Walter E. Ash, Jr.

Rep. William D. Pinkham

Rep. Deborah K. McNeil

Rep. Howard A. Chick

Rep. Kevin M. Muse

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Maine State Legislature
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120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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*
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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

David E. Boulter, Director
Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Marine Resources

LD 281

An Act to Clarify Where a Public Hearing Involving Dredging Activity by the Department of Marine Resources Must be Held

PUBLIC 248

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM MAJ ONTP MIN	H-398

LD 281 proposed to remove the requirement for the Commissioner of Marine Resources to hold a public hearing on a proposed dredging operation. It also proposed that, if a public hearing was held on a proposed dredging operation, the hearing must have been held within at least one of the municipalities where the dredging would have taken place. It also required the Commissioner of Marine Resources to consider the potential impacts of the dredging on fishing when deciding whether or not to hold a hearing.

Committee Amendment "A" (H-398) replaced the bill. It proposed to remove from current law the requirement for the Commissioner of Marine Resources to hold a public hearing on a proposed dredging operation. If a hearing was not to be held, the amendment required the commissioner to publish a notice in a newspaper of general circulation that if 5 or more persons requested a hearing one would be held. The notice must also have stated that verbal and written comments would be accepted in lieu of the hearing. The amendment also proposed to require that if a public hearing was held it must have been held within at least one of the municipalities where the dredging would take place. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 248 removes from current law the requirement for the Commissioner of Marine Resources to hold a public hearing on a proposed dredging operation. If a hearing is not to be held, Chapter 248 requires the commissioner to publish a notice in a newspaper of general circulation that if 5 or more persons request a hearing one will be held. The notice must also state that verbal and written comments will be accepted in lieu of the hearing.

LD 308

Resolve, to Regulate the Harvesting of Horseshoe Crabs

RESOLVE 11

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL KILKELLY	OTP-AM	H-158

LD 308 proposed to direct the Department of Marine Resources to study the size and sustainable level of the harvest of the horseshoe crab resource. The bill also directed the department to establish rules and a system of licensing for the harvest of horseshoe crabs by October 1, 2002.

Committee Amendment "A" (H-158) proposed to direct the Department of Marine Resources to assess the size of the horseshoe crab resource using volunteer data collectors and to determine whether rules and a system of licensing for the harvest of horseshoe crabs are needed to protect the resource. It also authorized, but did not require, the