

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

Staff:

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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 345 proposed to amend the definition of shellfish to include scallop in any form other than the adductor muscle of a scallop. The purpose of the bill was to allow the emerging market for whole scallops to occur under shellfish sanitation regulations that protect the public health from shellfish contaminated by pollution or marine toxins.

Committee Amendment "A" (H-204) proposed to subject cultured whole scallops to the shellfish sanitation regulations and added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 112 subjects cultured whole scallops to the shellfish sanitation regulations.

LD 355 **An Act to Ban Dragging in Salt Pond Located in the Towns of Blue Hill, Brooklin and Sedgwick** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK	ONTP	

LD 355 proposed to prohibit a person from fishing with a drag in Salt Pond located in the towns of Blue Hill, Brooklin and Sedgwick. It also proposed to require that the Department of Marine Resources submit a report to the Legislature regarding whether the prohibition on dragging in Salt Pond remained necessary or advisable.

LD 365 **An Act to Restore the Passage of Alewives on the St. Croix River** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY	ONTP REP	
KILKELLY	OTP-AM REP	
	OTP-AM REP	

LD 365 proposed to require the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife to ensure by May 1, 2001 that fishways on the Woodland Dam and the Grand Falls Dam, both located on the St. Croix River, were configured or operated in a manner that allowed the passage of alewives.

Committee Amendment "A" (H-433) proposed to remove the emergency provisions and require the Department of Marine Resources and the Department of Inland Fisheries and Wildlife to allow the passage of no more than 90,000 alewives annually at the Woodland Dam and Grand Falls Dam located on the St. Croix River by May 1, 2002. The amendment also proposed to require both departments to report back to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the joint standing committee of the Legislature having jurisdiction over marine resources matters on December 31, 2003 and every 2 years thereafter regarding the impact the additional alewives have on the upstream ecosystem and fisheries. The amendment proposed to grant the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife the authority to close the fishway by routine technical rulemaking if the commissioners determined that the fisheries in the St. Croix River were being adversely impacted by anadromous fish utilizing the fishways on the river. The

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amendment proposed to require the commissioners to report back to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the joint standing committee of the Legislature having jurisdiction over marine resources matters within 90 days of the closure of a fishway on the St. Croix River. It also proposed to add a fiscal note to the bill.

Committee Amendment "B" (H-434), a minority report, proposed to require the Legislative Council, in consultation with the chairs of both the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources and upon recommendation of the Office of Policy and Legal Analysis, to hire an independent consultant to study the biological and economic issues surrounding the proposed passage of alewives at the Woodland Dam and Grand Falls Dam fishways. The resolve proposed to direct the consultant to work under the auspices of the Office of Policy and Legal Analysis in consultation with numerous interested governmental and private organizations and to report back to the Joint Standing Committee on Inland Fisheries and Wildlife and the Joint Standing Committee on Marine Resources no later than January 1, 2002. The resolve also proposed to appropriate \$50,000 from the General Fund to carry out the purposes of this resolve. The amendment also proposed to add an appropriation section and a fiscal note to the bill

House Amendment "A" (H-495) proposed that, by May 1, 2002, the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife would ensure that fishways on the Woodland Dam on the St. Croix River were configured or operated in a manner that allowed the passage of no more than 5,000 alewives per year. It also proposed to require the commissioners to ensure that fishways on the Grand Falls Dam on the St. Croix River were configured or operated in a manner that prevented the passage of alewives.

LD 366

An Act to Revise Maine Laws Governing Aquaculture

PUBLIC 122

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND PENDLETON	OTP-AM	H-157

LD 366 proposed to require the Commissioner of Marine Resources to notify the owners of land that is located within 1,000 feet of the proposed location for an aquaculture lease of any application and notice of hearing for that lease as well as the municipal officers of the affected municipality.

Committee Amendment "A" (H-157) proposed to require the applicant to provide the required notice instead of the commissioner. This amendment also required the applicant to provide proof of access to the lease area and, if access would be across riparian land, the applicant would have been required to provide written permission of the riparian owners whose land would have been used to access the lease area. This amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 122 requires an applicant for a limited-purpose aquaculture lease to notify certain riparian owners of the submittal of an application and notice of hearing for that lease. Chapter 122 also requires the applicant to provide proof of access to the lease area and, if access will be across riparian land, the applicant must provide written permission of the riparian owners whose land will be used to access the lease area.