

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*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:

Susan Z. Johannesman, 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

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 379

An Act to Amend the Lobster Fishing Owner and Operator Laws to Allow Limited Charter Vessel Operation

**PUBLIC 195
EMERGENCY**

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-254
-----------------------------	--	-----------------------------------	--	------------------------------------

LD 379 proposed to allow a person who is licensed by the United States Coast Guard to operate a passenger-carrying vessel that is documented, licensed and inspected by the Coast Guard to fish for or take lobster when the owner or family member is not on board of the vessel. It also proposed to require the owner to notify the commission in writing annually prior to the vessel being used to fish for or take lobsters.

Committee Amendment "A" (H-254) proposed to add a requirement that by June 30, 2001 the owner of the vessel must document that the vessel was used to fish for lobster with paying passengers on board in 1995, 1996 and 1997. It also allowed a person authorized under the paragraph to fish for lobster with a replacement vessel. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 195 allows a person who is licensed by the United States Coast Guard to operate a passenger-carrying vessel that is documented, licensed and inspected by the Coast Guard to fish for lobster when the owner or family member is not on board the vessel. By June 30, 2001 the owner of the vessel must document that the vessel was used to fish for lobster with paying passengers on board in 1995, 1996 and 1997. Chapter 195 also allows an authorized person to fish for lobster with a replacement vessel and it requires the vessel owner to notify the commissioner in writing annually prior to the vessel being used to fish for lobsters.

Chapter 195 was enacted as an emergency measure effective May 16, 2001.

LD 382

An Act to Reauthorize and Expand the Lobster Promotion Council

PUBLIC 226

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-390
-----------------------------	--	-----------------------------------	--	------------------------------------

LD 382 proposed to capitalize the Lobster Promotion Fund through surcharges on lobster and crab licenses through the year 2003. It also proposed to increase the surcharges on various licenses used to capitalize the Lobster Promotion Fund by \$25.

Committee Amendment "A" (H-390) proposed to continue to capitalize the Lobster Promotion Fund through surcharges on lobster and crab licenses through the year 2005. The amendment also proposed to increase the surcharge on each license used to capitalize the fund by 25%. This amendment also added an allocation section and a fiscal note to the bill.

Joint Standing Committee on Marine Resources

Enacted law summary

Public Law 2001, chapter 226 continues to capitalize the Lobster Promotion Fund through surcharges on lobster and crab licenses through the year 2005. The amendment also increases the surcharge on each license used to capitalize the fund by 25%.

LD 410 **An Act to Provide Noncommercial Combination Lobster and Scallop Licenses to Persons Over 70 Years of Age** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCDONOUGH SHOREY	OTP-AM MAJ ONTP MIN	H-392

LD 410 proposed to provide for free licenses to fish for lobster, crab, shellfish or scallops to persons 70 years of age or older provided that they met the requirements of the license to be issued.

Committee Amendment "A" (H-392) proposed to create a noncommercial combination lobster and scallop license for people 70 years of age or older. It would have allowed a license holder to engage in the licensed activities authorized pursuant to a noncommercial lobster and crab fishing license and a noncommercial scallop license. The noncommercial combination lobster and scallop license would have expired on December 31st of each year. The license fee would have been \$10. It also added a fiscal note to the bill.

LD 424 **An Act to Restrict Atlantic Halibut Fishing in State Waters** **ONTP**

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

LD 424 proposed to set restrictions on the taking and possessing of Atlantic halibut. It also proposed to prohibit the taking or possessing of Atlantic halibut that were less than 36 inches in length and set a limit on the number of Atlantic halibut that could be taken in any one day. A violation of the limits would have been a civil violation with a penalty of not less than \$100 nor more than \$500.

LD 425 **An Act to Restrict the Use of Gill Nets** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY KILKELLY		

LD 425 proposes to place certain restrictions on the use of gill nets in Maine's tidal waters.