

# 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*

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*Rep. William D. Pinkham*

*Rep. Deborah K. McNeil*

*Rep. Howard A. Chick*

*Rep. Kevin M. Muse*

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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](http://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 425 has been carried over to the Second Regular Session.

### LD 449                      An Act to Prevent Damage to Lobsters

PUBLIC 205

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN LEMONT	OTP-AM	H-255

LD 449 proposed to require a lobster trap to have 2 runners that are made out of any material, each 1/4 inch thick and placed on opposite sides of the bottom of the lobster trap.

**Committee Amendment "A" (H-255)** proposed to require lobster traps to have 2 runners on the bottom of the trap, a second layer of material attached to the bottom of the trap or another device designed to minimize damage to lobster claws and approved by the commissioner. It also added a fiscal note to the bill.

#### *Enacted law summary*

Public Law 2001, chapter 205 requires lobster traps to have 2 runners on the bottom of the trap, a second layer of material attached to the bottom of the trap or another device designed to minimize damage to lobster claws and approved by the commissioner.

### LD 468                      An Act to Amend the Lobster Licensing Laws

ONTP

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

LD 468 proposed to allow anyone who had previously held a Class I, Class II or Class III lobster and crab fishing license to obtain the same license.

**Committee Amendment "A" (H-395)**, the minority report, proposed that a person who previously held a lobster and crab fishing license for at least 2 years would be eligible for the same license. It also proposed to add a fiscal note to the bill. This amendment was not adopted.

### **LD 502**                      An Act to Limit Nuisance Claims Against Commercial Fishing Operations and Activities

PUBLIC 99

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT ETNIER	OTP-AM	S-68

## Joint Standing Committee on Marine Resources

LD 502 proposed to create a right-to-fish law that is similar to Maine's right-to-farm law. It provided that a commercial fishing activity or commercial fishing operation was not a nuisance if the activity or operation predated a change in the land use or occupancy of land within one mile of the activity or operation or if the activity or operation conformed to appropriate environmental practices as determined by the Commissioner of Marine Resources. It proposed to direct the Commissioner of Marine Resources to investigate all complaints involving a commercial fishing activity or commercial fishing operation and to recommend changes to comply with appropriate environmental practices. It also provided that failure to apply appropriate environmental practices may have resulted in an action to abate a nuisance.

**Committee Amendment "A" (S-68)** replaced the original bill. It proposed to define "commercial fishing activity" and "commercial fishing operation" and it limited private nuisance actions against those activities and operations that are undertaken in compliance with licensing and permitting requirements and other applicable laws. It excluded finfish aquaculture activities from this protection. It also added a fiscal note to the bill.

### *Enacted law summary*

Public Law 2001, chapter 99 defines "commercial fishing activity" and "commercial fishing operation" and it limits private nuisance actions against those activities and operations that are undertaken in compliance with licensing and permitting requirements and other applicable laws.

**LD 553**                      **An Act to Exempt Seaweed Harvesting from Certain Restrictions**                      **ONTP**

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

LD 553 proposed to add seaweed harvesting to the list of public trust rights in the intertidal lands.

**LD 592**                      **An Act to Ensure that Fishways on Tidal Waters are Working**                      **PUBLIC 190**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HONEY KILKELLY	OTP-AM	H-256

LD 592 proposed to require that the Department of Marine Resources check tidal fishways at least annually. It also required the department to adopt rules to establish a schedule of fines for violations involving the improper operation of a fishway.

**Committee Amendment "A" (H-256)** proposed to require the Commissioner of Marine Resources to annually examine all dams and other artificial obstructions to fish passage within the coastal waters. The amendment also removed the requirement to adopt rules to establish a schedule of fines for violations involving the improper operation of a fishway. The amendment also added a fiscal note to the bill.