

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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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 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.

Joint Standing Committee on Marine Resources

Enacted law summary

Public Law 2001, chapter 190 requires the Commissioner of Marine Resources to annually examine all dams and other artificial obstructions to fish passage within the coastal waters.

LD 630

An Act Concerning Closed Periods for Lobstering

**PUBLIC 123
EMERGENCY**

Sponsor(s)
ETNIER

Committee Report
OTP-AM

Amendments Adopted
H-203

LD 630 proposed to delete language referring to the transfer of lobster traps and clarified that the limitations on summer lobster fishing would not apply to those portions of the coastal waters from the current 3-nautical-mile limit out to the 200-nautical-mile limit as described on United States Government nautical charts.

Committee Amendment "A" (H-203) proposed to delete the provisions in the bill that specified that the limitations on summer lobster fishing do not apply to those portions of the coastal waters from the current 3-nautical-mile limit out to the 200-nautical-mile limit as described on United States Government nautical charts. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 123 removes the prohibition against the transfer of lobster traps during certain nighttime hours during the summer and on weekends during the summer.

Chapter 123 was enacted as an emergency measure effective May 9, 2001.

LD 644

An Act to Amend the Laws Governing the Lobster Tag System

ONTP

Sponsor(s)
USHER

Committee Report
ONTP

Amendments Adopted

LD 644 proposed to require the Commissioner of Marine Resources to adopt rules by January 1, 2002 that would have required tags for lobster traps that were fished in a lobster management zone in which a license holder fished a majority of that license holder's traps that were a different color than tags for traps fished outside of that zone.