

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:

<i>CARRIED OVER</i>	<i>Bill Carried Over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

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

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LD 969

An Act to Permit Intrafamily Transfer of Lobster Tags

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKENNEY KILKELLY	ONTP MAJ OTP MIN	

LD 969 proposed to require the Department of Marine Resources to establish by rule provisions for allowing the transfer of lobster trap tags from a grandparent or parent to a grandchild or child.

LD 973

An Act to Restrict Daily Sea Urchin Taking

ONTP

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

LD 973 proposed to limit the amount of sea urchins a person could harvest to 25 standard totes per day. The proposed forfeiture for violating the limit was not less than \$500 nor more than \$1,000.

LD 1010

An Act to Manage the Sea Urchin Fishery

PUBLIC 327

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT LEMOINE	OTP-AM	S-125

LD 1010 proposed to make changes to the laws regarding the sea urchin fishery. It proposed to allow Sea Urchin Zone Council members to be reimbursed for expenses only. It required the Commissioner of Marine Resources to suspend the sea urchin fishing license for one year from the date of a license holder's conviction for fishing in a closed area. It established a rebuttable presumption that anyone diving from a boat with sea urchins aboard is diving for sea urchins. It required the Commissioner of Marine Resources to establish by rule open days for sea urchin harvesting for Zone 1 and Zone 2 after consultation with the Sea Urchin Zone Council. The bill also proposed to make it unlawful for a person to harvest sea urchins on a day not designated as an open day. It required the Commissioner of Marine Resources to adopt rules to establish conservation areas for the purpose of sea urchin research and made fishing for sea urchins in those areas a violation. It proposed to strike the provision that would repeal Title 12, chapter 623, subchapter II-C, article 3, and made conforming changes in contemplation of the law continuing past 2001. It reduced the surcharge for a sea urchin processor's permit from \$2500 to \$1000. It authorized use of the Sea Urchin Research Fund for reimbursement for travel expenses for Sea Urchin Zone Council members.

Committee Amendment "A" (S-125) proposed to incorporate the provisions of L.D. 1682 into the bill. It changed the licensing provisions for sea urchin dragging. Beginning in January 2002, it proposed to license individuals rather than licensing the activities of a boat. Also beginning in January 2002, the amendment proposed

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to require an individual who holds a sea urchin dragging license to be aboard the boat named on that license when fishing for sea urchins. It also made exemptions for temporary illness or disability on the part of the licensee or temporary changes due to boat accident or mechanical failure. A "grandfathering" exemption was proposed to allow a person who held more than one sea urchin dragging license to continue to do so until the current boat named on that license changed.

The amendment also proposed to change the sea urchin lottery system to a limited entry system. It also instructed the Commissioner of Marine Resources to adopt rules to establish a limited entry system.

Enacted law summary

Public Law 2001, chapter 327 changes the licensing provisions for sea urchin dragging. Beginning in January 2002, individuals will be licensed rather than the activities of a boat. It allows for a one-time change to the named individual on a sea urchin dragging license to coincide with the owner of the boat named on that license in 2000. Also beginning in January 2002, chapter 327 requires an individual who holds a sea urchin dragging license to be aboard the boat named on that license when fishing for sea urchins. It also makes exemptions for temporary illness or disability on the part of the licensee or temporary changes due to boat accident or mechanical failure. A "grandfathering" exemption is added to allow for a person who currently holds more than one sea urchin dragging license to continue to do so until the current boat named on that license changes.

Chapter 327 also changes the sea urchin lottery system to a limited entry system and instructs the Commissioner of Marine Resources to adopt rules to establish a limited entry system for sea urchins.

Chapter 327 also makes the following changes to the laws regarding the sea urchin fishery:

1. It allows Sea Urchin Zone Council members to be reimbursed for expenses only.
2. It requires the Commissioner of Marine Resources to suspend the sea urchin fishing license for one year from the date of a license holder's conviction for fishing in a closed area.
3. It establishes a rebuttable presumption that anyone diving from a boat with sea urchins aboard is diving for sea urchins.
4. It requires the Commissioner of Marine Resources to establish by rule open days for sea urchin harvesting for Zone 1 and Zone 2 after consultation with the Sea Urchin Zone Council and repeals the current provision governing open days. The bill also makes it unlawful for a person to harvest sea urchins on a day not designated as an open day.
5. It requires the Commissioner of Marine Resources to adopt rules to establish conservation areas for the purpose of sea urchin research and makes fishing for sea urchins in those areas a violation subject to the penalties under the Maine Revised Statutes, Title 12, section 6749-Y.
6. It strikes the provision that would repeal Title 12, chapter 623, subchapter II-C, article 3, "Emergency Limitations; Sea Urchin Fishery," and makes conforming changes in contemplation of the law continuing past 2001.
7. It reduces the surcharge for a sea urchin processor's permit from \$2500 to \$1000.

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8. It authorizes use of the Sea Urchin Research Fund for reimbursement for travel expenses for Sea Urchin Zone Council members.

LD 1027 An Act to Set the Lobster License Sale Date ONTP

<u>Sponsor(s)</u> LEMOINE LEMONT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1027 proposed to prohibit the sale of lobster and crab fishing licenses after September 30th for the current licensing year.

LD 1036 An Act to Create a State Program for the Testing of Marine Dredge Spoils and Disposal of Contaminated Spoils CARRIED OVER

<u>Sponsor(s)</u> QUINT RAND	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1036 proposes to create a program under the Department of Marine Resources for funding the testing of dredge spoils and the proper disposal of contaminated spoils.

LD 1036 has been carried over to the Second Regular Session.

LD 1091 An Act Concerning the Lobster Management Fund PUBLIC 93

<u>Sponsor(s)</u> LEMONT LEMOINE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-67
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LD 1091 proposed to remove the dollar limitation with regard to support for the Lobster Advisory Council. The bill also proposed to allow money from the Lobster Management Fund to be used to support the Lobster Advisory Council.

Committee Amendment "A" (S-67) added an allocation section and a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 93 removes the dollar limitation with regard to support for the Lobster Advisory Council. Chapter 93 also allows money from the Lobster Management Fund to be used to support the Lobster Advisory Council.