

# 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](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**  
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## Joint Standing Committee on Marine Resources

**LD 1374**

**An Act to Create the Maine Soft-shell Clam Advisory Council**

**ONTP**

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

LD 1374 proposed to create the Maine Soft-shell Clam Advisory Council and to establish the Soft-shell Clam Management Fund.

**LD 1392**

**An Act to Set the Mussel Size Limit**

**ONTP**

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

LD 1392 proposed to set the size limit of a mussel at 2 inches.

**LD 1428**

**An Act to Amend the Aquaculture Leasing Law**

**CARRIED OVER**

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

LD 1428 proposes to provide citizens and other interested parties 10 days following the completion of the aquaculture lease hearing to submit further evidence and testimony. It also proposes to provide that this period may be extended for a period beyond 10 days if agreed to by the parties. The bill also proposes to change the Department of Marine Resources' site review period from the period from April 1st to November 15th to the period from June 15th to September 15th.

LD 1428 has been carried over to the Second Regular Session.

**LD 1483**

**An Act to Expand the Options for a Lobster Management Zone**

**PUBLIC 282**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK GOLDTHWAIT	OTP-AM MAJ ONTP MIN	H-391

LD 1483 proposed to allow a lobster management policy council to propose to the Commissioner of Marine Resources rules for a zone that increase the minimum length of time an apprentice must be enrolled in the lobster apprentice program; require a sponsor of an apprentice to have held a lobster and crab fishing license for at least 5 years; add a course work requirement to the apprentice program; allow apprentices to only enter the zone if they apprenticed in that zone; and require a one-year, 2-year or 3-year delay in transfers into the zone from other zones.

## Joint Standing Committee on Marine Resources

**Committee Amendment "A" (H-391)** proposed to change the additions to the authority of lobster management policy councils proposed in the bill into a pilot program for Zone C. The amendment repealed the pilot program June 1, 2004. It also added a fiscal note to the bill.

### *Enacted law summary*

Public Law 2001, chapter 282 establishes a pilot program for Zone C. It allows a lobster management policy council for Zone C to propose to the Commissioner of Marine Resources rules for Zone C that increase the minimum length of time an apprentice must be enrolled in the lobster apprentice program; require a sponsor of an apprentice to have held a lobster and crab fishing license for at least 5 years; add a course work requirement to the apprentice program; allow apprentices to only enter Zone C if they apprenticed in Zone C; and require a one-year, 2-year or 3-year delay in transfers into Zone C from other zones. Chapter 282 also repeals the pilot program June 1, 2004.

**LD 1489**                      **Resolve, to Create a Task Force to Make Recommendations Regarding Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing**                      **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM    MAJ ONTP       MIN	H-394

LD 1489 proposed to establish the Task Force to Make Recommendations Regarding Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing.

**Committee Amendment "A" (H-394)** proposed to add 2 legislative members to the task force for a total of 4 members of the Legislature and remove 2 fishing industry members for a total of 2 members representing the fishing industry. Chair selection was amended and appointing authorities were identified. The amendment also proposed to remove the duty to review right-to-fish issues. It also added a fiscal note to the resolve.

The provisions of LD 1489 and Committee Amendment “A” were incorporated into Joint Order H.P. 1384.

**LD 1555**                      **An Act to Require Fishing Boats Rather than Individuals to be Licensed for Saltwater Commercial Ventures**                      **ONTP**

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

LD 1555 proposed to require that boats, instead of individuals, be licensed for harvesting marine organisms. It would have allowed any person to fish for a marine organism from a boat that was licensed for the harvesting of that marine organism. It would have required the owner of the boat to be on board the boat when it was used for fishing and provided exemptions to that requirement under certain circumstances. The owner would have been