

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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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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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

Joint Standing Committee on Marine Resources

liable for the activities of any person who fished from the owner's boat. It also made a variety of technical changes to the marine resources laws to reflect the changing of certain license requirements from licensing individuals to licensing boats.

The bill also proposed to repeal limited-entry provisions in the lobster and sea urchin fisheries.

LD 1649

An Act to Establish a Commercial Green Crab Fishing License

**PUBLIC 186
EMERGENCY**

<u>Sponsor(s)</u> LEMONT LEMOINE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-128
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LD 1649 proposed to establish a new license that allowed an individual to fish for green crabs. Currently, only individuals who possess a lobster and crab fishing license may legally fish for crabs. This bill would have prohibited fishing for green crabs except with gear approved by the Commissioner of Marine Resources. This bill also proposed to establish a dedicated fund into which revenues from the sale of green crab fishing licenses would be deposited.

Committee Amendment "A" (S-128) added an emergency preamble and emergency clause with an effective date of July 1, 2001. It also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 186 establishes a new license that allows an individual to fish for green crabs. It prohibits fishing for green crabs except with gear approved by the Commissioner of Marine Resources and it establishes a dedicated fund into which revenues from the sale of green crab fishing licenses will be deposited. Chapter 186 was enacted as an emergency measure effective July 1, 2001.

LD 1653

An Act Making Technical Changes in the Marine Resources Laws

PUBLIC 272

<u>Sponsor(s)</u> LEMONT LEMOINE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-169
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LD 1653 proposed to make several technical changes to the marine resources laws.

1. It clarified that the term "coastal waters" means marine waters out to the seaward extent of the exclusive economic zone and provided that the term "territorial waters" means marine waters only out to the 3-nautical-mile line described on United States Government nautical charts.
2. It corrected the descriptions of limitations on lobster fishing areas in the Kittery, Pemaquid and Hancock County areas.