

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*State Of Maine  
120th Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Marine Resources*

*May 2002*

**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:**

*Susan Z. Johannesman, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**120th Legislature**  
**Second Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 2002**

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 arranged alphabetically by committee name 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:

<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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</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 Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

**Patrick T. Norton, Interim Director**  
**Offices located in Room 215 of the Cross Office Building**

## Joint Standing Committee on Marine Resources

LD 1996

### An Act to Establish Educational Requirements for Granting Noncommercial Lobster Licenses

PUBLIC 581

<u>Sponsor(s)</u> ETNIER EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-935
----------------------------------------	-----------------------------------	------------------------------------

LD 1996 proposed to direct the Commissioner of Marine Resources to establish an educational program for training applicants for noncommercial and crab fishing licenses and to require that, beginning in 2003, applicants for noncommercial lobster and crab fishing licenses successfully complete the course and pass a written test. Under this bill, a surcharge would be collected from persons taking the course sufficient to cover the costs to the department in providing the program. Surcharges collected would be deposited in the Lobster Management Fund.

**Committee Amendment "A" (H-935)** proposed to require that, beginning in 2003, applicants for noncommercial lobster and crab fishing licenses successfully complete a written examination if the applicant has not either previously passed the examination or previously held a commercial lobster license. It also required the Department of Marine Resources to provide to each applicant a pamphlet of all the laws and rules relating to a noncommercial lobster and crab fishing license. Under this amendment, a surcharge would be collected from persons taking the written examination sufficient to cover the costs to the department of producing the pamphlet and producing and grading the examinations. Surcharges collected would be deposited in the Lobster Management Fund. It also added a fiscal note to the bill.

#### *Enacted law summary*

Public Law 2001, chapter 581 requires that, beginning in 2003, applicants for noncommercial lobster and crab fishing licenses successfully complete a written examination if the applicant has not either previously passed the examination or previously held a commercial lobster license. It also requires the Department of Marine Resources to provide to each applicant a pamphlet of all the laws and rules relating to a noncommercial lobster and crab fishing license. A surcharge will be collected from persons taking the written examination sufficient to cover the costs to the department of producing the pamphlet and producing and grading the examinations. Surcharges collected will be deposited in the Lobster Management Fund.

**LD 2118**

### An Act to Implement the Recommendations of the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing

PUBLIC 595

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-934
-------------------	-----------------------------------	------------------------------------

LD 2118 proposed to implement some of the recommendations of the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing. It proposed to direct the Executive Department, State Planning Office to review the structure and effectiveness of coastal management in Maine; create a working group of state agencies that deal with water-access issues; and direct the Department of Marine Resources to study the value of creating a seafood innovation, marketing and research fund.

## Joint Standing Committee on Marine Resources

**Committee Amendment "A" (H-934)** proposed to clarify that the working group of agencies that is established in the bill is charged with tracking coastal water access, rather than water access statewide. It clarified the activities of the working group and changed the annual reporting requirement to biennial reporting. The amendment also proposed to direct the Land and Water Resources Council, instead of the State Planning Office, to conduct a review of coastal management in the State. It also directed the Land and Water Resources Council to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters and the joint standing committee of the Legislature having jurisdiction over natural resources matters.

The amendment also added a fiscal note to the bill.

### *Enacted law summary*

Public Law 2001, chapter 595 implements some of the recommendations of the Committee to Study the Loss of Commercial Fishing Waterfront Access and Other Economic Development Issues Affecting Commercial Fishing. It directs the Land and Water Resources Council to review the structure and effectiveness of coastal management in Maine; it creates a working group of state agencies that deal with coastal water-access issues; and it directs the Department of Marine Resources to study the value of creating a seafood innovation, marketing and research fund.

**LD 2152**

**An Act to Allow Qualified Shellfish Harvesters to Continue to Sample Water Quality**

**PUBLIC 587  
EMERGENCY**

Sponsor(s)  
ETNIER  
SMALL

Committee Report  
OTP-AM

Amendments Adopted  
H-933

LD 2152 proposed to provide that a commercial shellfish license holder who complies with the shellfish sanitation program's quality assurance and quality control training and certification requirements as administered by the Department of Marine Resources may serve as a volunteer water quality sampler for the department.

**Committee Amendment "A" (H-933)** proposed to add an emergency preamble and an emergency clause to the bill.

### *Enacted law summary*

Public Law 2001, chapter 587 provides that a commercial shellfish license holder who complies with the shellfish sanitation program's quality assurance and quality control training and certification requirements as administered by the Department of Marine Resources may serve as a volunteer water quality sampler for the department.

Chapter 587 was enacted as an emergency measure effective April 1, 2002.