

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Marine Resources*

July 2003

Members:

Sen. Dennis Damon, Chair

Sen. Peggy A. Pendleton

Sen. Richard Bennett

Rep. Thomas D. Bull, Chair

Rep. Nancy B. Sullivan

Rep. Walter E. Ash, Jr.

Rep. Edward R. Dugay

Rep. Leila J. Percy

Rep. Kevin M. Muse

Rep. Deborah K. McNeil

Rep. Jeff Kaelin

Rep. Leonard Earl Bierman

Rep. Frederick J. Moore III

Staff:

Curtis C. Bentley, 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 Office Of Fiscal And Program Review

121st Maine Legislature First Regular Session

Summary Of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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).

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 PURSUANT TO HP 1212</i>	<i>Bills carried over to the 2nd 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>P&S XXX</i>	<i>Chapter # of enacted Private & 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 that the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is September 13, 2003.

David C. Elliott, Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Marine Resources

4. Dedicate federal funds received as reimbursement for the assistance of marine patrol officers in enforcing federal safety and security zones to the watercraft fund of the Department of Marine Resources; and
5. Add an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2003, chapter 60 authorizes the Department of Marine Resources to provide safety and security services in the coastal waters when conditions warrant, and coordinate these services with local, state and federal agencies. It requires the department to enter into a memorandum of agreement with the United States Coast Guard before providing assistance in enforcing federal safety and security zones and dedicates any federal funds received as reimbursement for providing assistance to the department's watercraft fund.

Public Law 2003, chapter 60 was enacted as an emergency measure effective April 18, 2003.

LD 1389

An Act To Create a Marine Harvesting Demonstration License

PUBLIC 169

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON BULL	OTP-AM	S-69

LD 1389 proposed to create a new license to permit individuals to engage in limited fishing activities in order to demonstrate marine harvesting techniques as part of a commercial operation. It would not allow any portion of the catch to be sold, given away or transported. It would require that all organisms be liberated alive into the area from which they were taken. Additionally, it would require that in order to be eligible for this license, an individual must demonstrate knowledge of the lobster fishery by passing the lobster and crab fishing written examination or have held a Class I, Class II or Class III lobster and crab fishing license and landed lobster under that license.

Committee Amendment "A" (S-69) proposed to replace the bill. It proposed to create a new marine harvesting demonstration license to permit individuals to engage in limited fishing activities in order to demonstrate marine harvesting techniques as part of a commercial operation. It would not allow any portion of the catch to be sold, given away or transported and would require that all organisms be liberated alive into the area from which they were taken. It also proposed to clarify that the person who actually handles lobster gear pursuant to this license must be the holder of the license. Additionally, it would prohibit a person from using a different vessel than the vessel named for use under a marine harvesting license or from conducting commercial harvesting activities with that boat unless otherwise provided by the Department of Marine Resources. In order to demonstrate the harvest of lobster and crabs under this license, a person would have to pass a lobster and crab fishing written examination or have held a Class I, Class II or Class III lobster and crab fishing license and landed lobster under that license. The proposed amendment would take effect on January 1, 2004 and would require the department to report to the Joint Standing Committee of Marine Resources by January 1, 2006 regarding the implementation and effectiveness of this license.

Enacted Law Summary

Public Law 2003, chapter 169 creates a new license to permit individuals to engage in limited fishing activities in order to demonstrate marine harvesting techniques as part of a commercial operation. It requires that all organisms captured pursuant to this license be released alive into the area from which they were taken. Additionally, it

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requires that an applicant for the license must pass a written examination or have held a Class I, Class II or Class III lobster and crab fishing license and landed lobster under that license.

LD 1396 **Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations, a Major Substantive Rule of the Department of Marine Resources** **RESOLVE 20 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-206
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LD 1396 proposed to provide for legislative review of portions of Chapter 2: Aquaculture Lease Regulations, a major substantive rule of the Department of Marine Resources.

Committee Amendment "A" (H-206) proposed to remove the requirement from the Department of Marine Resources' rules that harbor masters provide information on ecologically significant flora and fauna in areas near proposed aquaculture lease sites.

Enacted Law Summary

Resolve 2003, chapter 20 provides for legislative review of portions of Chapter 2: Aquaculture Lease Regulations, a major substantive rule of the Department of Marine Resources and amends those rules to remove the requirement that harbor masters provide the Department of Marine Resources with information on ecological significant flora and fauna in areas near proposed aquaculture lease sites.

Resolve 2003, chapter 20 was passed as an emergency measure effective May 15, 2003.

LD 1415 **An Act To Decriminalize Unlicensed Shellfish Digging** **PUBLIC 284**

<u>Sponsor(s)</u> BULL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-264
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LD 1415 proposed to change a violation of digging shellfish without a municipal shellfish license from a criminal to a civil violation and proposed to impose a fine of not less than \$100 nor more than \$500 for the offense.

Committee Amendment "A" (H-264) proposed to clarify that harvesting shellfish from a closed area is a Class D crime. It also proposed allow for the maximum fine and period of incarceration possible under a Class D crime for harvesting shellfish in closed areas.

Enacted Law Summary

Public Law 2003, chapter 284 changes the penalties for digging shellfish without a municipal shellfish license from a criminal to a civil violation and imposes a fine of not less than \$100 or more than \$500 for each violation. It also clarifies that harvesting shellfish from a closed area is a Class D crime and allows for the maximum fine and period of incarceration possible for harvesting shellfish in closed areas.