

# 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:**

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# 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](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>CARRIED OVER PURSUANT TO HP 1212</i> .....         | <i>Bills carried over to the 2<sup>nd</sup> 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 &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>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 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*

**LD 1471**

**An Act To Correct Certain Errors and Inconsistencies in Laws  
Relating to Marine Resources**

**PUBLIC 248**

|                           |  |                                |  |   |
|---------------------------|--|--------------------------------|--|---|
| <u>Sponsor(s)</u><br>BULL |  | <u>Committee Report</u><br>OTP |  | <u>Amendments Adopted</u><br>H-247 BULL |
|---------------------------|--|--------------------------------|--|---|

LD 1471 proposed to:

1. Correct a reference to a federal agency;
2. Eliminate a reference to shrimp in the laws relating to emerging fisheries;
3. Clarify that the violation of a rule adopted by the Commissioner of Marine Resources would be a civil violation for which a fine of not less than \$100 may be adjudged;
4. Correct an inconsistency with regard to the processing of scallops. It proposed to clarify that scallop harvesters may process, possess, ship, transport or sell only shucked scallops. It also proposed to require that a person, except a person authorized by either of the scallop harvester licenses who processes, possesses, buys, ships, transports or shucks shellfish or whole scallops, to have a shellfish sanitation certificate to process, sell, ship, transport or shuck shellfish or whole scallops;
5. Make a violation of the laws relating to sea urchins is a criminal violation, unless otherwise specified;
6. Clarify that the commercial shrimp license would pertain only to the northern shrimp species;
7. Stipulate that it would be a violation of law to engage in certain shellfish and whole scallop activities without a shellfish sanitation certificate or a depuration certificate; and
8. Change all references to regulations to conform to the rule-making process provided in the Maine Revised Statutes, Title 5, chapter 375.

**House Amendment "A" (H-247)** proposed to change a reference to a "regulation" to a reference to a "rule" consistent with changes made in the bill.

***Enacted Law Summary***

Public Law 2003, chapter 248 makes changes to the laws relating to marine resources as follows:

1. It corrects a reference to a federal agency;
2. It eliminates a reference to shrimp in the laws relating to emerging fisheries;
3. It clarifies that the violation of a rule adopted by the Commissioner of Marine Resources is a civil violation for which a fine of not less than \$100 may be adjudged;
4. It corrects an inconsistency with regard to the processing of scallops. It clarifies that scallop harvesters may process, possess, ship, transport or sell only shucked scallops. It requires that a person, except a person

## *Joint Standing Committee on Marine Resources*

authorized by either of the scallop harvester licenses who processes, possesses, buys, ships, transports or shucks shellfish or whole scallops, must have a shellfish sanitation certificate to process, sell, ship, transport or shuck shellfish or whole scallops;

5. It provides that, unless otherwise specified, a violation of the laws relating to sea urchins is a criminal violation;
6. It clarifies that the commercial shrimp license pertains only to the northern shrimp species;
7. It stipulates that it is a violation of law to engage in certain shellfish and whole scallop activities without a shellfish sanitation certificate or a depuration certificate; and
8. It changes all references to regulations to conform to the rule-making process provided in the Maine Revised Statutes, Title 5, chapter 375;

**LD 1519**

**Resolve, To Establish a Task Force on the Planning and Development of Marine Aquaculture in Maine**

**RESOLVE 40  
EMERGENCY**

Sponsor(s)  
BULL

Committee Report  
OTP-AM

Amendments Adopted  
H-281  
H-327 BULL

LD 1519 proposed to establish the Task Force on the Planning and Development of Marine Aquaculture in Maine to develop recommendations on how to balance the range of potential uses of state waters and plan for the growth of marine aquaculture while considering all reasonable constraints and opportunities.

**Committee Amendment "A" (H-281)** proposed to create the 11-member Stakeholder Advisory Panel, which would be charged with reviewing the draft report of the task force on the Planning and Development of Marine Aquaculture in Maine and making recommendations to the task force on that draft report before the task force submits its final report to the Joint Standing Committee on Marine Resources. Additionally, the task force would be required to periodically consult with the advisory panel regarding the issues identified in the resolve. It proposed that the Speaker of the House of Representatives and the President of the Senate would appoint members of the advisory panel.

It also proposed to add 3 additional items to be considered by the task force. It amends the resolve to allow the task force to submit legislation to the Second Regular Session of the 121st Legislature to implement the recommendations in its final report.

Finally, it proposed to require the task force to consider all pertinent scientific data in developing its report and would require the Commissioner of Marine Resources to use funds from existing department resources for costs associated with this resolve.

**House Amendment "A" to Committee Amendment "A" (H-327)** proposed to clarify that the municipal appointee for the Stakeholder Advisory Panel be a "municipal official."