

MAINE STATE LEGISLATURE

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*State Of Maine
121st Legislature*

*Second Regular Session and
Second Special Session*

Bill Summaries

*Joint Standing Committee
on
Marine Resources*

May 2004

Members:

Sen. Dennis Damon, Chair

Sen. Peggy A. Pendleton

Sen. Richard A. 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. Christopher Rector

Rep. Frederick J. Moore III

Staff:

Curtis C. Bentley, Legislative Analyst

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Maine State Legislature



*Office Of Policy And Legal Analysis
Office Of Fiscal And Program Review*

*121st Maine Legislature
Second Regular Session and
Second Special 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/billsumm.htm).

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:

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
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
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 that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

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

Joint Standing Committee on Marine Resources

LD 1279 **Resolve, Related to Aquaculture Leases in Blue Hill Bay** **DIED BETWEEN BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	ONTP MAJ OTP MIN	

LD 1279 proposed to direct the Commissioner of Marine Resources to establish a zone in Blue Hill Bay in which finfish aquaculture leases would be excluded.

LD 1667 **An Act To Repeal the Exception Provision for Certain Imported Lobster under the Laws Governing Lobster Measurement** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A MAYO	ONTP MAJ OTP-AM MIN	

LD 1667 proposed to repeal the provision of law that allowed certain imported lobster to be exempt from the laws governing lobster measurement.

Committee Amendment "A" (H-789), the minority report, proposed to replace the emergency preamble of the bill to more accurately reflect the legislative intent of the bill. (not adopted)

LD 1680 **An Act To Establish Harbor Master Standards and Course Requirements** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER KOFFMAN	ONTP MAJ OTP-AM MIN	

LD 1680 proposed to require a municipality to conduct a background check on a person prior to appointing the person as a harbormaster. This bill also proposed to require harbormasters to complete harbormaster courses offered by the Maine Harbor Masters Association or its successor organization. The bill also proposed to define the term harbormaster.

Committee Amendment "A" (S-483), the minority report, proposed to replace the bill. The amendment proposed to prohibit a person from serving as a harbormaster unless the person had been certified by the Maine Criminal Justice Academy as having completed a basic harbormaster training course within one year of January 1, 2005 or one year after the person had been appointed a harbormaster. The amendment also proposed to require a certified harbormaster to become recertified every 3 years. The amendment proposed to direct the Department of Marine Resources in consultation with the Department of Inland Fisheries and Wildlife and the Maine Criminal Justice

Joint Standing Committee on Marine Resources

Academy and a statewide harbormasters' association to develop the basic and recertification harbormaster training courses by January 1, 2005. (not adopted)

LD 1689

**An Act To Provide Reciprocal Authority to New Hampshire
Marine Patrol Officers To Investigate Potential Terrorist Activities
in Maine Waters**

**PUBLIC 519
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON BULL	OTP-AM	S-364

Public Law 2003, chapter 519 proposed to give New Hampshire marine patrol officers the authority to investigate potential terrorist activities in Maine waters in the Piscataqua River or Portsmouth Harbor. This bill would have taken effect when reciprocal authority was granted to the Maine marine patrol officers in New Hampshire waters.

Committee Amendment "A" (S-364) proposed to add an emergency measure and clarify that when New Hampshire marine patrol officers are investigating potential terrorist activities in Maine waters of the Piscataqua River or Portsmouth Harbor those officers would be entitled to the same immunities granted to Maine marine patrol officers. The amendment also proposed a conditional repealer that would take effect if New Hampshire repealed its reciprocal statutory language. Finally, the amendment proposed to require the Commissioner of Marine Resources to notify the Secretary of State of New Hampshire if this section of law was repealed or amended to significantly alter its application.

Enacted Law Summary

Public 2003, chapter 519 grants New Hampshire marine patrol officers the authority to investigate potential terrorist activities in Maine waters in the Piscataqua River or Portsmouth Harbor and are provided the same immunities granted to Maine marine patrol officers during the course of those activities.

Public 2003, chapter 519 will only take effect if New Hampshire enacts reciprocal authority to the Maine marine patrol officers, in order that they may investigate potential terrorist activities in New Hampshire waters. It also provides that the provisions of this law are repealed if New Hampshire should repeal its reciprocal statutory language.

Public 2003, chapter 519 requires the Commissioner of Marine Resources to notify the Secretary of State of New Hampshire if this section of law is repealed or amended to significantly alter its application.

Public 2003, chapter 519 was enacted as an emergency measure effective February 19, 2004.