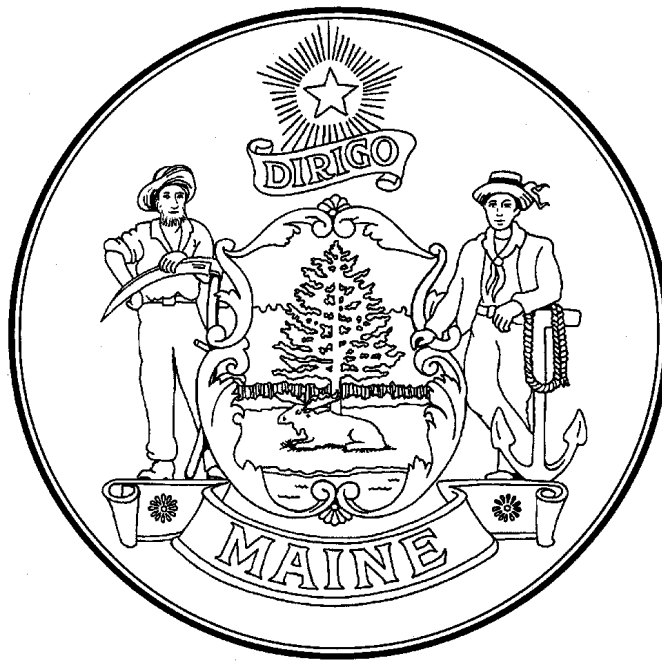


# MAINE STATE LEGISLATURE

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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:**

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*Augusta, ME 04333*

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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](http://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 1701**

### **An Act To Amend the Fees of Special Licenses under the Marine Resources Laws**

**ONTP**

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

LD 1701 proposed to increase the filing fee for applying for a special license from \$50 to \$100, and the annual fee for a special license from \$25 to \$50. The bill proposed to strike language that waived the application-filing fee for a special license for raising and selling Pacific salmon. In addition, it proposed to change the way that license holders were charged for additional names on the license, from a per-individual charge to a flat fee for up to a given number of names. Currently, the Commissioner of Marine Resources may waive the filing fee for state-funded institutions; this bill proposed to add the same language to allow the commissioner to also waive the annual fee for such institutions. This bill also proposed to add a penalty provision creating a civil violation, which is in addition to the general authority of the Department of Marine Resources to suspend licenses.

**LD 1702**

### **An Act To Provide for Department of Marine Resources Jurisdiction Over Certain Sections of the State's Endangered Species Program**

**PUBLIC 573  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ OTP-AM MIN	H-741 BULL S-403

LD 1702 proposed to give the Commissioner of Marine Resources the authority to recommend endangered or threatened marine species to the Legislature for designation on the state endangered or state threatened species list.

The bill also proposed to give the commissioner temporary authority to designate a marine species found in the State as a state endangered or state threatened species if that species was listed as an endangered or threatened species by the United States Secretary of the Interior.

**Committee Amendment "A" (S-403)**, the majority report, proposed to replace the bill. It proposed to give the Commissioner of Marine Resources authority over the State's endangered or threatened marine species. The amendment proposed to establish the state endangered or state threatened marine species list and to designate as endangered or threatened 8 marine species that are already federally listed as endangered or threatened species. Additionally, it proposed to give the Commissioner of Marine Resources the authority to recommend to the Legislature that a marine species be listed if that species was already federally listed as an endangered or threatened species. The amendment proposed to give the Legislature the exclusive ability to list a marine species as a state-listed endangered or threaten. Additionally, this amendment proposed to authorize the Commissioner of Marine Resources to establish programs necessary for the protection of state-listed endangered or threatened marine species and to enter into agreements with other governmental and nongovernmental entities for such purposes. Finally, the amendment proposed to add an emergency preamble and emergency clause.