

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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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 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.

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Committee Amendment "B" (S-404), the minority 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. It proposed to establish the state endangered or state threatened marine species list and add 8 marine species that are already federally listed as endangered or threatened species to that list. Additionally, it proposed to give the Commissioner of Marine Resources the authority to designate a marine species as state endangered or state threatened if the Commissioner of Marine Resources determined, based on a criteria set out in statute, that the marine species needed protection. This amendment also proposed authorize the Commissioner of Marine Resources to establish programs necessary for the protection of listed state endangered or state 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. (not adopted)

House Amendment "A" to Committee Amendment "A" (H-741) proposes to require the Commissioner of Marine Resources to submit a written report by January 1st of each year 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 inland fisheries and wildlife matters describing the status of all current and planned programs, activities and rules of the department pertaining to the conservation or management of state endangered or state threatened marine species. Additionally, it proposed to require the Commissioner of Inland Fisheries and Wildlife to include the joint standing committee of the Legislature having jurisdiction over marine resources matters when that commissioner submits an annual report on threatened and endangered species to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters, as required by current law. Finally, it proposed to require both commissioners to send notice to the Legislature by January 1st of each year that the reports have been delivered.

Enacted Law Summary

Public Law 2003, chapter 573 does the following:

1. Gives the Commissioner of Marine Resources authority over the State's endangered or threatened marine species. It establishes the state endangered or state threatened marine species list and designates as endangered or threatened 8 marine species that are already federally listed as endangered or threatened species;
2. Authorizes the Commissioner of Marine Resources to recommend to the Legislature that a marine species be listed if that species is already federally listed as an endangered or threatened species. It provides that the Legislature has sole authority to include a marine species in or remove a marine species from the list;
3. Authorizes 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;
4. Requires the Commissioner of Marine Resources to submit a written report by January 1st of each year 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 inland fisheries and wildlife matters describing the status of all current and planned programs, activities and rules of the department pertaining to the conservation or management of state endangered or state threatened marine species; and
5. Requires the Commissioner of Inland Fisheries and Wildlife to include the joint standing committee of the Legislature having jurisdiction over marine resources matters when the commissioner submits the commissioner's annual report on threatened and endangered species to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters, as required by current law and

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requires both commissioners to send notice to the Legislature by January 1st of each year that the reports have been delivered.

Public Law 2003, chapter 573 was enacted an emergency measure effective on March 24, 2004 except those sections of the Act that amend the Maine Revised Statutes, Title 12, sections 12801 and 12803 that are effective on July 30, 2004.

LD 1749

An Act To Provide for the Assessment of the Mahogany Quahog Resource

**PUBLIC 593
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL DAMON	OTP-AM	H-769

LD 1749 proposed to change the name of the Toxin Monitoring Fund to the "Mahogany Quahog Monitoring Fund" and would expand the allowable uses of the fund to include conducting stock assessments of the mahogany quahog resource.

Committee Amendment "A" (H-769) proposed that beginning July 1, 2004, 58% of the total revenue from the \$1.20 per bushel fee for mahogany quahogs or \$56,000, whichever is greater, be credited to the Mahogany Quahog Monitoring Fund and 42% or the remainder, as applicable, to the General Fund. It also proposed to require the Department of Marine Resources to conduct mahogany quahog stock assessments starting no later than January 1, 2005 and to report biennially to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the progress of the stock assessments and the status of the Mahogany Quahog Monitoring Fund starting January 1, 2006.

Enacted Law Summary

Public Law 2003, chapter 593 changes the name of the Toxin Monitoring Fund to the "Mahogany Quahog Monitoring Fund" and expands the allowable uses of the fund to include conducting stock assessments of the mahogany quahog resource.

Public Law 2003, chapter 593 provides that, beginning July 1, 2004, 58% of the total revenue from the \$1.20 per bushel fee for mahogany quahogs or \$56,000, whichever is greater, must be credited to the Mahogany Quahog Monitoring Fund and 42% or the remainder, as applicable, to the General Fund.

Public Law 2003, chapter 593 also requires the Department of Marine Resources to conduct mahogany quahog stock assessments starting no later than January 1, 2005 and to report biennially to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the progress of the stock assessments and the status of the Mahogany Quahog Monitoring Fund starting January 1, 2006.

Public Law 2003, chapter 593 was enacted as an emergency measure effective April 6, 2004.