

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*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*

*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  
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*

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.