

# 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*

*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*

**LD 1758**

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

**PUBLIC 520**

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-647
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LD 1758 proposed to do the following:

1. Change the name of the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund;
2. Create the Marine Fisheries Research and Development Fund;
3. Create a reinstatement fee of \$25 in order for the Department of Marine Resources to rescind a license suspension that is the result of failing to comply with a court order of support;
4. Clarify that it is unlawful to fish for or take lobster from any platform other than a vessel;
5. State that only the licensed owner may use lobster traps, warps, buoys or cars for fishing unless that person has written permission from the Commissioner of Marine Resources;
6. Correct the inadvertent omission of the allocation of one type of lobster license fee;
7. Clarify that it is unlawful for a person to possess, as well as to fish for or take, striped bass except for personal use.
8. Strike an exemption on the prohibition of washing or holding shellfish in closed areas;
9. Reallocate section 6728-A to section 6721-A;
10. Strike language that was repealed during the First Regular Session of the 121st Legislature, but was inadvertently restored in a subsequent bill;
11. Allow the transfer of funds from the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund and allow the transfer of funds from the gas tax fund to the newly created Marine Fisheries Research and Development Fund.

**Committee Amendment "A" (H-647)** proposed to strike the provision from the bill that prohibits the possession of striped bass except for personal use. Additionally, the amendment proposed to strike language that allows a person under certain conditions to wash or keep mussels in closed waters.

#### *Enacted Law Summary*

Public Law 2003, chapter 520 does the following:

## *Joint Standing Committee on Marine Resources*

1. Changes the name of the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund;
2. Creates the Marine Fisheries Research and Development Fund;
3. Creates a reinstatement fee of \$25 in order for the Department of Marine Resources to rescind a license suspension that is the result of failing to comply with a court order of support;
4. Clarifies that it is unlawful to fish for or take lobster from any platform other than a vessel;
5. States that lobster traps, warps, buoys or cars may not be used for fishing by any person other than the licensed owner unless with written permission from the Commissioner of Marine Resources;
6. Corrects the inadvertent omission of the allocation of one type of lobster license fee;
8. Strikes an exemption on the prohibition of washing or holding shellfish in closed areas;
9. Reallocates section 6728-A to section 6721-A;
10. Strikes language that was repealed during the First Regular Session of the 121st Legislature, but was inadvertently restored in a subsequent bill;
11. Allows the transfer of funds from the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund and allows the transfer of funds from the gas tax fund to the newly created Marine Fisheries Research and Development Fund; and
12. Strikes language that allows a person under certain conditions to wash or keep mussels in closed waters.

**LD 1834**

**Resolve, Regarding Legislative Review of Chapter 25.20: Protected Resources, a Major Substantive Rule of the Department of Marine Resources**

**RESOLVE 114  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP

Amendments Adopted

LD 1834 would provide for legislative review of Chapter 25.20: Protected Resources, a major substantive rule of the Department of Marine Resources.

### *Enacted Law Summary*

Resolve 2003, chapter 114 authorizes final adoption of Chapter 25.20: Protected Resources, a major substantive rule of the Department of Marine Resources.

Resolve 2001, chapter 114 was passed as an emergency measure effective March 24, 2004.