# MAINE STATE LEGISLATURE

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## State Of Maine 122nd Legislature

# First Regular Session and First Special Session

### **Bill Summaries**

### Joint Standing Committee on Marine Resources

### August 2005

### Members:

Sen. Dennis S. Damon, Chair Sen. Nancy B. Sullivan Sen. Mary Black Andrews

Rep. Leila J. Percy, Chair Rep. Walter E. Ash, Jr. Rep. Herbert Adams Rep. Edward R. Dugay Rep. Jeff Kaelin Rep. H. Stedman Seavey, Jr. Rep. Philip A. Cressey, Jr. Rep. Kenneth C. Fletcher Rep. Harold Ian Emery Rep. John Eder

### Staff:

Lucia Nixon, Legislative Analyst

Office of Policy and Legal Analysis 13 State House Station Augusta, ME 04333 (207) 287-1670

### Maine State Legislature



### OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

# 122nd Legislature First Regular Session and First Special Session

# Summary of Legislation Considered by the Joint Standing Committees August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 organized by committees 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included at the back of the document. A separate publication, <u>History and Final Disposition of Legislative Documents</u>, 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).

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:

CARRIED OVER	Bill Carried Over to Second Regular Session
CON RES XXX	
CONF CMTE UNABLE TO AGREE	
DIED BETWEEN BODIES	
DIED IN CONCURRENCE	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT	
EMERGENCY	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PAS	SAGE Emergency hill 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	Bill failed to get majority vote Bill imposing local mandate failed to get 2/3 vote Ruled out of order by the presiding officers; bill died Bill Indefinitely Postponed Ought Not To Pass report accepted Committee report Ought To Pass In New Draft
<i>OTP ND</i>	
OTP ND/NT	
P&S XXX	
PUBLIC XXX	
RESOLVE XXX	
UNSIGNED	Bill held by Governor
VETO SUSTAINED	

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is *June 29, 2005*; and for non-emergency legislation enacted in the First Special Session is *September 17, 2005*.

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proposed to add an appropriations and allocations section to the bill. Committee Amendment "A" was not adopted.

Committee Amendment "B" (H-407) was the minority report of the committee. The amendment proposed to direct the Commissioner of Marine Resources to initiate rulemaking to establish 10 open days in Zone 1 and 45 open days in Zone 2 for the upcoming 2005-2006 sea urchin harvesting season. The amendment also proposed to direct the commissioner to initiate rulemaking, following the 2005-2006 season, to establish the number of open days for the 2006-2007 season based on the recommendations of the Task Force To Study Sea Urchin Fishery Management. The amendment proposed to create the task force to examine the current management structure and strategies of the sea urchin fishery and to make recommendations regarding short-term and long-term management options including the sea urchin harvesting season and the number of open days. The amendment also proposed to require the task force to submit a report to the Joint Standing Committee on Marine Resources and the Legislative Council by February 1, 2006, and to authorize the committee to report out a bill to the Second Regular Session of the 122nd Legislature following its review of the task force's report. This amendment also proposed to add an appropriations and allocations section to the bill. Committee Amendment "B" was not adopted.

### LD 513 An Act To Amend the Hours for Lobster Fishing

ONTP

Sponsor(s)	Committee Report	Amendments Adopted
PINGREE	ONTP	_
DAMON		

LD 513 proposed to change the end date of the annual period during which there is a prohibition on raising or hauling a lobster trap after dark from October 31st to October 1st. Under current law, it is unlawful to raise or haul any lobster trap during the period 1/2 hour after sunset until 1/2 hour before sunrise from June 1st to October 31st.

LD 527

#### An Act To Regulate the Use of Alternative Bait in Marine Fisheries

PUBLIC 203 EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM	S-148
DUGAY		

LD 527 proposed to authorize the Commissioner of Marine Resources to regulate the use of alternative bait in marine fisheries.

Committee Amendment "A" (S-148) proposed to retain the provision of the bill that would authorize the Commissioner of Marine Resources to adopt rules to regulate the use of alternative bait. The amendment proposed to define alternative bait as bait that does not naturally originate from the ocean. The amendment proposed to add an emergency preamble making the rule-making authority effective upon enactment. The amendment also proposed to add a provision of law to prohibit the use of offal as bait for lobster or crabs, effective January 1, 2006. The amendment proposed to define offal as the carcass, waste parts, renderings or

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remains of a wild or domestic animal that is not a marine organism, except for animal hide from which the hair has been removed.

### Enacted law summary

Public Law 2005, chapter 203 authorizes the Commissioner of Marine Resources to regulate the use of alternative bait in marine fisheries and defines alternative bait as bait that does not naturally originate from the ocean. Effective January 1, 2006, the law prohibits the use of offal as bait for lobster or crabs. The law defines offal as the carcass, waste parts, renderings or remains of a wild or domestic animal that is not a marine organism, except for animal hide from which the hair has been removed.

Public Law 2005, chapter 203 was enacted as an emergency measure effective May 20, 2005.

### LD 536 An Act To Create a Scallop Spat License

**ONTP** 

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	ONTP	

LD 536 proposed to create a scallop spat harvesting license that would allow the licensee to harvest, possess, ship, transport or sell scallop spat. The bill also proposed to permit a scallop spat license holder to possess undersize scallops raised from scallop spat harvested pursuant to a scallop spat license.

# LD 558 An Act To Protect the Recreational Harvesting of Surf Clams in Saco Bay

**ONTP** 

Sponsor(s) CLOUGH SULLIVAN Committee Report ONTP Amendments Adopted

LD 558 proposed to prohibit the fishing for or taking of surf clams using mechanical harvesting techniques within 300 yards as measured from the mean high tide mark within the coastal waters in the towns of Saco, Old Orchard Beach and Scarborough.

## LD 576 An Act To Reestablish the Ban on Dragging in the Taunton River Area

PUBLIC 160 EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
DAMON	OTP-AM	S-109 DAMON
		S-94

LD 576 proposed to extend the ban on dragging in the Taunton River area from March 1, 2005 until March 1, 2010.