

# 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*

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Maine State Legislature

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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, 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).

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..... 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
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
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 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.

## *Joint Standing Committee on Marine Resources*

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**

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

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

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**

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

## *Joint Standing Committee on Marine Resources*

**Committee Amendment "A" (S-94)** proposed to replace the bill. The amendment proposed to reestablish the prohibition on dragging in the Taunton River area that ended on March 1, 2005, and extend the prohibition to July 1, 2008. It proposed to provide an exception to the prohibition on dragging for research activities authorized by the Commissioner of Marine Resources and to require the Department of Marine Resources to submit a science-based comprehensive resource management plan for the Taunton River area to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 12, 2007.

**Senate Amendment "A" to Committee Amendment "A" (S-109)** proposed to shift the border of the prohibition on dragging from the Route 1 bridge that connects the towns of Hancock and Sullivan to Sullivan Falls.

### *Enacted law summary*

Public Law 2005, chapter 160 reestablishes the prohibition on dragging in the Taunton River area that ended on March 1, 2005, and extends the prohibition to July 1, 2008. It provides an exception to the prohibition on dragging for research activities that are authorized by the Commissioner of Marine Resources and requires the Department of Marine Resources to submit a science-based comprehensive resource management plan for the Taunton River area to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 12, 2007.

Public Law 2005, chapter 160 was enacted as an emergency measure effective May 20, 2005.

**LD 595**

**An Act To Allow the Department of Marine Resources To Preserve and Protect Burnt Island and Burnt Island Living Lighthouse and To Regulate Their Use**

**PUBLIC 56  
EMERGENCY**

Sponsor(s)  
BISHOP  
DOW

Committee Report  
OTP-AM

Amendments Adopted  
H-105

LD 595 proposed to provide the Commissioner of Marine Resources with the authority to adopt rules to protect and preserve Burnt Island and the Burnt Island Living Lighthouse, as well as rules necessary to successfully implement the Department of Marine Resources' educational and recreational programs conducted on the island.

**Committee Amendment "A" (H-105)** proposed to add an emergency preamble and an emergency clause to the bill.

### *Enacted law summary*

Public Law 2005, chapter 56 provides the Commissioner of Marine Resources with the authority to adopt rules to protect and preserve Burnt Island and the Burnt Island Living Lighthouse, as well as rules necessary to successfully implement the Department of Marine Resources' educational and recreational programs conducted on the island.

Public Law 2004, chapter 56 was enacted as an emergency measure effective April 21, 2005.