

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.
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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, 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.

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municipal shellfish conservation ordinance, for harvesting without a license or for harvesting in violation of a license restriction.

Committee Amendment "A" (S-147) proposed to retain the substance of the bill. The amendment proposed to make no change to the provision of the bill that would authorize municipal shellfish wardens to enforce the state law that prohibits the taking of shellfish from areas closed to harvesting by state regulation. The amendment proposed to make technical changes to clarify the provisions of the bill regarding criminal and civil penalties for municipal shellfish ordinance violations, for harvesting without a license and for license violations. The amendment proposed to clarify the meaning of "commercial license holders" and "recreational license holders" in the bill for the application of different penalties to these 2 groups.

Enacted law summary

Public Law 2005, chapter 171 grants certified municipal shellfish conservation wardens the authority to enforce the state law that prohibits taking shellfish from areas closed by state regulation. It clarifies that the penalties for harvesting from a closed area provided under Title 12, section 6671 are for harvesting from an area that has been closed by a municipality for conservation purposes. The law establishes different fine schedules for recreational harvesters and commercial harvesters for harvesting from an area closed by a municipality for conservation purposes, for harvesting without a municipal shellfish license and for harvesting shellfish in violation of a license restriction. The law also specifies that a court may not suspend a fine that has been imposed and may not impose a penalty other than monetary payment of the fine imposed for a violation of a municipal shellfish conservation ordinance, for harvesting without a license or for harvesting in violation of a license restriction.

LD 1209 **Resolve, To Create the Task Force To Study Commercial Lobster Fishing in Offshore Waters** **ONTP**

| | | | | |
|-------------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> BARTLETT | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|-------------------------------|--|---------------------------------|--|---------------------------|

LD 1209 proposed to establish the Task Force to Study Commercial Lobster Fishing in Offshore Waters to identify, investigate and make recommendations to address problems facing persons who hold Maine lobster and crab fishing licenses who fish for lobster in federal waters, with particular attention to issues related to fishing in federal Offshore Lobster Management Area 3. The bill proposed to require the task force to submit a report by January 1, 2006 and to authorize the task force to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature.

LD 1213 **An Act To Exempt Fisheries with Fewer than 20 Employees from the Department of Marine Resources Statistics-gathering Requirements** **ONTP**

| | | | | |
|-----------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> SCHATZ | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|-----------------------------|--|---------------------------------|--|---------------------------|

LD 1213 proposed to exempt fisheries with fewer than 20 employees from all data collection requirements imposed by the Department of Marine Resources. Under current law, the department is authorized to collect

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statistical data with respect to fisheries from any source regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight and areas in which fishing was conducted and to refuse the renewal of a license until a license holder complies with data collection requirements.

LD 1231 **An Act To Require Noncommercial Lobster Fishing License Holders To Participate in the Conservation Efforts of the Commercial Lobster Industry** **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|----------------------------------|---------------------------|
| PERCY DAMON | ONTP MAJ OTP-AM MIN | |

LD 1231 proposed to require a noncommercial lobster or crab fishing license holder or applicant to meet the limited-entry requirements currently in place for commercial lobster or crab fishing license holders and applicants.

Committee Amendment "A" (H-405) proposed to replace the bill and was the minority report of the committee. The amendment proposed to establish limited-entry provisions for noncommercial lobster fishing. For each lobster management zone for which an exit ratio has been established to limit new entrants to the commercial lobster fishery, the amendment proposed to require the Commissioner of Marine Resources to adopt an equal exit ratio to apply to entry into a zone for noncommercial license holders. The amendment also proposed to establish procedures for application, waiting lists and authorization of new entry of noncommercial lobster license holders into a limited-entry zone parallel to the existing limited-entry procedures for commercial lobster fishing. Committee Amendment "A" was not adopted.

LD 1250 **An Act Regarding Shellfish Harvesting** **PUBLIC 233**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| EDMONDS | OTP-AM | S-170 |

LD 1250 proposed to increase from 50¢ to \$1 the amount a person holding a shellfish depuration certificate must pay for each bushel of soft-shell clams.

Committee Amendment "A" (S-170) proposed to replace the bill. The amendment proposed to establish a reduced shellfish license fee for persons 70 years of age or older. The amendment proposed to set the reduced fee at \$57.50, which is 50% of the standard shellfish license fee.

Enacted law summary

Public Law 2005, chapter 233 establishes a reduced shellfish license fee for persons 70 years of age or older. The reduced fee is \$57.50, which is 50% of the standard shellfish license fee. This is modeled on the Class I lobster license fee law, which provides a similar discount for persons 70 years of age or older.