

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
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Rep. Herbert Adams
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Rep. Harold Ian Emery
Rep. John Eder*

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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

LD 1449

**An Act To Amend Maine's Shellfish Laws To Maintain
Compliance with Federal Law and Protect Maine's Shellfish
Industry**

PUBLIC 434

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	OTP-AM MAJ	H-351
MAYO	ONTP MIN	H-436 PERCY S-190 DAMON

LD 1449 proposed to make changes to the shellfish harvesting statutes to bring Maine law into compliance with the U.S. Food and Drug Administration, National Shellfish Sanitation Program regulations.

1. It proposed to change the activities permitted under commercial shellfish licenses, mahogany quahog licenses, quahog licenses, hand-raking mussel licenses and mussel boat licenses to limit those license holders to selling only to wholesale seafood license holders certified under the Maine Revised Statutes, Title 12, section 6856.
2. It proposed to eliminate the ability of a commercial shellfish license holder to shuck shellfish in the license holder's home and to sell those shucked shellfish from the home in the retail trade. It also proposed to eliminate the ability of a commercial shellfish license holder to send shellfish by common carrier.
3. It proposed to require retail seafood license holders, including restaurants, to purchase shellstock and shucked shellfish only from wholesale seafood license holders certified under Title 12, section 6856.
4. It proposed to authorize the Commissioner of Marine Resources to adopt rules to establish requirements for retail seafood license holders concerning sanitation and quality control standards, methods for handling, shipping and transporting shellfish, records and reports, labeling of shipments and protecting public health.
5. It proposed to correct an inaccurate reference to the annual date on which shellfish sanitation certificates expire.
6. It proposed to add mahogany quahogs, other quahogs, hand-raked mussels and dragged mussels to the licenses under which the holder must tag shellstock with a harvester's tag. It proposed to eliminate the exemption of shellfish license holders certified under Title 12, section 6856 from having to tag their shellfish at the time of harvest.
7. It proposed to allow the Department of Marine Resources to make the summary description of municipal shellfish ordinances available to the public in ways other than publication in a trade or industry journal.
8. It proposed to repeal the seafood products inspection program.

Committee Amendment "A" (H-351) was the majority report. The amendment proposed to add an appropriations and allocations section to the bill.

House Amendment "A" (H-436) proposed to require the Department of Marine Resources to develop a tiered wholesale seafood dealer's license based on the amount of seafood that a wholesale seafood dealer handles and to report back to the Joint Standing Committee on Marine Resources with its recommendations, including any proposed legislation, no later than January 13, 2006.

Joint Standing Committee on Marine Resources

Senate Amendment "A" (S-190) proposed to allow a holder of a commercial shellfish license to sell shellstock from that license holder's home in the retail trade.

Enacted law summary

Public Law 2005, chapter 434 makes changes to the shellfish harvesting statutes to bring Maine law into compliance with the U.S. Food and Drug Administration, National Shellfish Sanitation Program regulations.

1. It changes the activities permitted under commercial shellfish licenses, mahogany quahog licenses, quahog licenses, hand-raking mussel licenses and mussel boat licenses to limit those license holders to selling only to wholesale seafood license holders certified under the Maine Revised Statutes, Title 12, section 6856.
2. It eliminates the ability of a commercial shellfish license holder to shuck shellfish in the license holder's home and to sell those shucked shellfish from the home in the retail trade but allows a commercial shellfish license holder to sell shellstock from that license holder's home in the retail trade. It also eliminates the ability of a commercial shellfish license holder to send shellfish by common carrier.
3. It requires retail seafood license holders, including restaurants, to purchase shellstock and shucked shellfish only from wholesale seafood license holders certified under Title 12, section 6856.
4. It authorizes the Commissioner of Marine Resources to adopt rules to establish requirements for retail seafood license holders concerning sanitation and quality control standards, methods for handling, shipping and transporting shellfish, records and reports, labeling of shipments and protecting public health.
5. It corrects an inaccurate reference to the annual date on which shellfish sanitation certificates expire.
6. It adds mahogany quahogs, other quahogs, hand-raked mussels and dragged mussels to the licenses under which the holder must tag shellstock with a harvester's tag. It eliminates the exemption of shellfish license holders certified under Title 12, section 6856 from having to tag their shellfish at the time of harvest.
7. It allows the Department of Marine Resources to make the summary description of municipal shellfish ordinances available to the public in ways other than publication in a trade or industry journal.
8. It repeals the seafood products inspection program.
9. It requires the Department of Marine Resources to develop a tiered wholesale seafood dealer's license based on the amount of seafood that a wholesale seafood dealer handles and to report back to the Joint Standing Committee on Marine Resources with its recommendations, including any proposed legislation, no later than January 13, 2006.

LD 1510

An Act To Amend the Lobster Fishing Laws of Maine

PUBLIC 239

<u>Sponsor(s)</u> DAMON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-183
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LD 1510 proposed to amend the law governing lobster and crab fishing in the following ways.