

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. 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.

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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.

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1. It proposed to amend the definition of "full-time student" to be used to determine eligibility for obtaining a student lobster and crab fishing license.
2. It proposed to amend the trap tag laws to remove the December 31, 2005 repeal on the build-up provisions and to strike outdated language regarding initial trap tag allocations.
3. It proposed to require that all zones that a person declares on a license application be identified on that person's license and to clarify that a person may not place any traps in a zone that is not identified on that person's license. It proposed to specify that the majority of a person's traps must be determined by the number of trap tags issued, rather than the number of traps fished.
4. It proposed to remove the exemption from an exit ratio for an individual who became eligible for but who had not been issued a Class I, Class II or Class III license prior to January 1, 2000. It also proposed to provide that when a lobster management policy council proposes to the commissioner a change in an established exit ratio, the lobster management policy council may also propose to the commissioner a provision to allow certain individuals to enter the zone in accordance with the previously existing exit ratio.
5. It proposed to provide that the members of the lobster research, education and development board may be reimbursed for travel expenses for board meetings.
6. It proposed to create an exception to allow persons registered for Monhegan Lobster Conservation Area trap tags to work as crew members outside the Monhegan Lobster Conservation Area.
7. It proposed to amend the wholesale seafood license with lobster permit law to prevent individuals from possessing or transporting lobster they have taken unless they possess a Class I, II or III or student lobster and crab fishing license. It proposed to clarify that lobster and crab fishing license holders may transport lobsters they have not taken if they are using the vessel declared on their license.
8. It proposed to amend the lobster tail permit law to prohibit the processing of portions of lobster tails.

Committee Amendment "A" (S-183) proposed to do the following.

1. It proposed to clarify the provision of the bill regarding eligibility for a student license.
2. It proposed to amend the language in the bill regarding trap tag limits to clarify that a license holder is limited to the number of traps allowed under the lowest trap limit for the zones identified on the person's license.
3. It proposed to clarify the language in the bill regarding the lobster management zones that must be identified on a lobster license.
4. It proposed to amend the provision of the bill regarding changes in exit ratios in lobster management zones to provide that for any zone that proposes a change in an existing exit ratio, the commissioner must allow a person who has completed the apprentice program and is on the waiting list by the date the commissioner is notified of the proposed change to enter the zone. The amendment proposed to make this provision apply retroactively to April 1, 2005.
5. It proposed to add a provision to the bill to provide that when a zone proposes an exit ratio for the first time, the zone may propose a provision to exempt from the ratio, upon completion of the apprentice program, a person who has completed at least 92% of the requirements of the program by the date the commissioner is

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notified of the proposed ratio. The amendment proposed to make this provision apply retroactively to October 1, 2004.

6. It proposed to add a provision to the bill to require that 1 of the 3 lobster and crab fishing license holders on the Lobster Advisory Council be a noncommercial license holder.

Enacted law summary

Public Law 2005, chapter 239 amends the laws governing lobster and crab fishing in the following ways:

1. It amends the definition of "full-time student" for determining eligibility for a student lobster and crab fishing license.
2. It removes the December 31, 2005 repeal on the trap tag laws, strikes outdated language regarding initial trap tag allocations and clarifies that the maximum number of trap tags allowed is the number of traps allowed under the lowest trap limit for the zones identified on the person's license.
3. It requires that a lobster and crab fishing license identify the declared lobster zone in which the license holder is authorized to fish a majority of that person's traps and identify all other zones in which the person is authorized to fish. It specifies that a majority of a person's traps must be determined by the number of trap tags issued. It clarifies that a person may not place any traps in a zone that is not identified on that person's license.
4. It provides that, effective April 1, 2005, when a lobster management policy council proposes to the commissioner a change in an established exit ratio, the commissioner shall allow a person to enter the zone if that person has completed the apprentice program and is on the waiting list by the date the commissioner is notified of the proposed change. It provides that, effective October 1, 2004, when a zone proposes an exit ratio for the first time, the zone may propose a provision to exempt from the ratio, upon completion of the apprentice program, a person who has completed at least 92% of the requirements of the program by the date the commissioner is notified of the proposed ratio.
5. It requires that 1 of the 3 lobster and crab fishing license holders on the Lobster Advisory Council be a noncommercial license holder.
6. It provides that the members of the lobster research, education and development board may be reimbursed for travel expenses for board meetings.
7. It creates an exception to allow persons registered for Monhegan Lobster Conservation Area trap tags to work as crew members outside the Monhegan Lobster Conservation Area.
8. It amends the wholesale seafood license with lobster permit law to prevent individuals from possessing or transporting lobster they have taken unless they possess a Class I, II or III or student lobster and crab fishing license. It clarifies that lobster and crab fishing license holders may transport lobsters they have not taken if they are using the vessel declared on their license.
9. It amends the lobster tail permit law to prohibit the processing of portions of lobster tails.