

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

LD 1603

An Act To Establish Harbor Master Standards and Training Requirements

DIED BETWEEN HOUSES

<u>Sponsor(s)</u> DAMON PERCY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 1603 proposed to require a municipality to conduct a background check on a person prior to appointing the person as a harbor master. This bill also proposed to require harbor masters to complete basic, advanced and refresher courses offered by the Maine Harbor Masters Association or its successor organization.

Committee Amendment "A" (S-207) proposed to replace the bill. The amendment proposed to remove the provision of the bill that would require municipal officers to conduct a background check prior to appointing a harbor master. It proposed to amend the provision of the bill regarding training to require a basic harbor master course within one year of appointment but not require any advanced or refresher courses. The amendment proposed to clarify the definition of harbor master and deputy harbor master for the purpose of training requirements. Committee Amendment "A" was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-234) proposed to add an emergency preamble and clause to the bill. Senate Amendment "A" to Committee Amendment "A" was not adopted.

Senate Amendment "B" to Committee Amendment "A" (S-346) proposed to provide that the training required of a harbor master and deputy harbor master under the bill must be paid for by the harbor master or deputy harbor master, not the municipality. The amendment also proposed make the training requirement applicable to harbor masters or deputy harbor masters that are appointed after the effective date of the Act. Senate Amendment "B" to Committee Amendment "A" was not adopted.

LD 1619

Resolve, Regarding Legislative Review of Portions of Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise and Visual Impact Standards, a Major Substantive Rule of the Department of Marine Resources

**RESOLVE 58
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-408
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LD 1619 proposed to provide for legislative review of portions of Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise Standards, a major substantive rule of the Department of Marine Resources.

Committee Amendment "A" (H-408) proposed to correct the title of the rules for which final adoption is authorized.

Enacted law summary

Resolve 2005, chapter 58 approves Chapter 2: Aquaculture Lease Regulations - Lighting Standards and Noise Standards, a major substantive rule of the Department of Marine Resources.

Joint Standing Committee on Marine Resources

Resolve 2005, chapter 58 was passed as an emergency measure effective May 26, 2005.

LD 1635 **An Act To Authorize the Assessment and Collection of Harbor Fees** **DIED BETWEEN HOUSES**

<u>Sponsor(s)</u> DUPLESSIE BRENNAN		<u>Committee Report</u> RE-REF		<u>Amendments Adopted</u>
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LD 1635 proposed to authorize harbor commissions and other entities that regulate harbors to establish and collect a fee of no more than 3¢ per ton per vessel calculated on the gross tonnage of an oceangoing vessel or no more than 25¢ per passenger for a passenger ship on a domestic or international voyage. The bill proposed to exempt from the fee vessels weighing less than 500 gross tons, vessels providing daily service to islands that are part of the State and whose service is funded in whole or in part by the State, military vessels, historic vessels owned or operated by tax-exempt organizations, public vessels, certain coastal or international ferries and vessels seeking harbors of refuge. The bill proposed to restrict the use of revenue from the fees to pay for the administration and services provided by the harbor regulatory body and harbor master, the purchase or maintenance of harbor safety equipment, harbor emergency response capability and harbor security.

The Joint Standing Committee on Marine Resources voted to re-refer this bill to the Joint Standing Committee on Taxation.