

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Marine Resources*

*July 2006*

**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.  
Rep. Philip A. Cressey, Jr.  
Rep. Kenneth C. Fletcher  
Rep. Harold Ian Emery  
Rep. John Eder*

**Staff:**

*Curtis C. Bentley, Legislative Analyst*

*Office of Policy and Legal Analysis  
13 State House Station  
Augusta, ME 04333  
(207) 287-1670*

# Maine State Legislature



## Office of Policy and Legal Analysis Office of Fiscal and Program Review

### 122nd Maine Legislature Second Regular Session

#### Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 arranged alphabetically by committee name 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. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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:

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
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto).....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

## Joint Standing Committee on Marine Resources

LD 1961

An Act To Create a Tiered Wholesale Seafood Dealer's License

PUBLIC 508  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-802
	ONTP MIN	

LD 1961 proposed to establish a tiered wholesale seafood dealer's license as required by Public Law 2005, chapter 434, section 14 by creating a limited wholesale shellfish harvester's license, which would allow a person holding a commercial shellfish license to sell on the wholesale market only the shellfish taken by the licensee.

**Committee Amendment "A" (H-802)** proposed to allow the holder of a limited wholesale shellfish harvester's license to sell, ship or transport that licensee's shellfish within and beyond the state limits and would set the fee at \$100.

### *Enacted law summary*

Public Law 2005, chapter 508 establishes a tiered wholesale seafood dealer's license by creating a limited wholesale shellfish harvester's license which allows a person holding this license and a commercial shellfish license to sell on the wholesale market only the shellfish taken by the licensee. It allows the licensee to, within or beyond the state limits, sell ship or transport in the wholesale trade the shellfish the licensee has harvested and sets the annual fee for the license at \$100.

Public Law 2005, chapter 508 was enacted as an emergency measure effective March 24, 2006.

LD 2020

An Act Relating to Elver Fishing

PUBLIC 533  
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-847
	ONTP MIN	
	OTP-AM MIN	

LD 2020 proposed to reduce the number of elver fishing licenses that the Department of Marine Resources could issue for the 2006 season and would require the Commissioner of Marine Resources to establish by rule the total number of elver fishing licenses for subsequent years. It would also change the open season for elver fishing by moving it 2 weeks later in the calendar year.

**Committee Amendment "A" (H-847)** proposed to make only those who held an elver fishing license in 2006 eligible to obtain an elver fishing license in subsequent years. It would also require an elver dealer to report the total harvest of elvers received by that dealer annually to the Department of Marine Resources within 30 days of the close of the elver fishing season.

**Committee Amendment "B" (H-848)** proposed to make only those who held an elver fishing license in 2006 eligible to obtain an elver fishing license in subsequent years. It would establish a lottery system to issue elver

## *Joint Standing Committee on Marine Resources*

fishing licenses that were not renewed in 2007 or subsequent years to other eligible persons. It proposed to require elver dealers to report the total harvest of elvers they received to the Department of Marine Resources within 30 days of the close of the elver fishing season. Additionally, this amendment proposed to change the open season for elver fishing by moving it one week later in the calendar year and prohibits the setting of a fyke net within 15 feet of another fyke net.

### ***Enacted law summary***

Public Law 2005, chapter 533 provides that only those who held an elver fishing license in 2006 are eligible to obtain an elver fishing license in subsequent years. It also requires an elver dealer to report the total harvest of elvers received by that dealer annually to the Department of Marine Resources within 30 days of the close of the elver fishing season.

Public Law 2005, chapter 533 was enacted as an emergency measure effective April 4, 2006.

**LD 2049**

**An Act To Amend the Laws Regarding Aquaculture Leases**

**PUBLIC 535  
EMERGENCY**

Sponsor(s)  
PERCY

Committee Report  
OTP-AM

Amendments Adopted  
H-880

**MAR**

LD 2049 proposes to do the following:

1. Delete the 12-month minimum fallow time so that fallows may be of any duration;
2. Create a requirement for a reassessment schedule for a fallowing plan instead of an automatic annual reassessment; and
3. Amend the definition of "fallow" to allow gear at the lease site.

**Committee Amendment "A" (H-880)** proposed to do the following:

1. Increase the number of acres that can be actively used for aquaculture from an aggregate of 300 acres to an aggregate of 500 acres;
2. Authorize the Commissioner of Marine Resources to extend the 500-acre limit by rule but would limit the total acreage to 1,500 acres per person;
3. Delete the 12-month minimum fallowing time so that fallows may be of any duration;
4. Give the Commissioner of Marine Resources the discretion to require a person in aquaculture to submit a fallowing plan and reassessment schedule. Under current law a person may be authorized to have up to 500 acres in aquaculture as long as at least 200 acres are fallowed and that person submits a fallowing plan to the Commissioner of Marine Resources;