

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*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).

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

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;

Joint Standing Committee on Marine Resources

5. Amend the definition of "fallow" to allow gear at the lease site; and
6. Add emergency language to make the bill effective upon enactment.

Enacted law summary

Public Law 2005, chapter 535 does the following:

1. It increases the number of acres that can be actively used for aquaculture from an aggregate of 300 acres to an aggregate of 500 acres;
2. It authorizes the Commissioner of Marine Resources to extend the 500-acre limit by rule but limits the total acreage to 1,500 acres per person;
3. It deletes the 12-month minimum fallowing time so that fallows may be of any duration;
4. It gives the Commissioner of Marine Resources the discretion to require a person in aquaculture to submit a fallowing plan and reassessment schedule. Prior to Public Law 2005, chapter 535, a person could be authorized to have up to 500 acres in aquaculture as long as at least 200 acres were fallowed and that person submitted a fallowing plan to the Commissioner of Marine Resources; and
5. It redefines "fallow" to allow gear at the lease site.

Public Law 2005, chapter 535 was enacted as an emergency measure effective April 4, 2006.

LD 2054

An Act To Establish Harbor Master Training Requirements

PUBLIC 525

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2054 was reported out as a committee bill pursuant to H.P. 1190 and would require a person appointed or reappointed a harbor master or a deputy harbor master after August 31, 2006 by a municipality that borders territorial waters to complete a basic harbor master training course within one year after being appointed or reappointed, unless that person had already completed such a course. It would also provide that the training requirement of a harbor master or deputy harbor master would be paid for by the person receiving that training but would also allow the municipality, at its discretion, to reimburse that person for those costs. This bill proposed to clarify that a municipality would retain the authority to require a harbor master or a deputy harbor master appointed by that town to obtain training in addition to the training required by this bill.

House Amendment "A" (H-834) proposed to exempt harbor masters serving in that position on August 31, 2006 from having to complete a basic harbor master training course.

Enacted law summary

Public Law 2005, chapter 525 requires a person appointed or reappointed a harbor master or a deputy harbor master by a municipality that borders territorial waters after August 31, 2006 to complete a basic harbor master training course within one year after being appointed or reappointed, unless the person has already completed