

## Joint Standing Committee on Marine Resources

**LD 129**                      **An Act to Prohibit the Harvesting of Elvers**                      **ONTP**

<u>Sponsor(s)</u> HARRIMAN HONEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
--	--	---------------------------------	--	---------------------------

LD 129 proposed to prohibit the harvesting of elvers by making it illegal to take, possess or sell eel that is less than 6 inches in length.

**LD 173**                      **An Act to Outlaw the Use of Fyke Nets in the Taking of Elvers**                      **ONTP**

<u>Sponsor(s)</u> RUHLIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
-----------------------------	--	---------------------------------	--	---------------------------

LD 173 proposed to prohibit the use of fyke nets to fish for or take elvers.

**LD 871**                      **An Act to Amend the Process for Granting Aquaculture Leases**                      **ONTP**

<u>Sponsor(s)</u> SMALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
----------------------------	--	---------------------------------	--	---------------------------

LD 871 proposed to require the Department of Marine Resources, in considering the issuance of aquaculture leases in areas in which pollution has created conditions that adversely affect traditional fisheries, to make an assessment of any pollution abatement activities that may be occurring and when the area may be suitable again for traditional fisheries. If the department found that a polluted area would be sufficiently cleansed to support fishing uses within a year of the application, it would be required to make this finding clear in all notices of the hearing on the lease. The department could not issue a lease for a polluted area if the area would be suitable for fishing uses within one year of the application and the department found that the aquaculture project would unreasonably interfere with future fishing uses of the area.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM MAJ ONTP MIN	S-543 S-745 MICHAUD

LD 906 proposed to establish a limitation on the number of elver fishing licenses that may be sold in any year and a mechanism for bringing new people into the elver fishery as licenses become available through attrition. It proposed to establish a fee schedule for licenses and for elver fishing gear, to establish the amount of elver fishing gear that may be used in the years 1999, 2000, 2001 and 2002 and to specify that in the year 2003, only dip nets may be used in the elver fishery. It proposed to specify the open and closed seasons for the elver fishery for the years 2000, 2001, 2002 and 2003 and to increase the number of eels that an individual may take for personal purposes.

**Committee Amendment "A" (S-543)**, the majority report of the committee, proposed to replace the provisions in the bill. The amendment proposed to specify that all elver fishing license fees accrue to the Eel and Elver Management Fund and to apply that change retroactively to January 1, 2000. The amendment proposed to provide funds for 2 positions to enable research and management of the elver fishery and for enforcement.

**Senate Amendment "A" to Committee Amendment "A" (S-745)** proposed to replace the committee amendment and instead to provide a one-time General Fund appropriation of \$25,000 to support the operational costs of research and management of the elver fishery.

#### *Enacted law summary*

Private and Special Law 1999, chapter 94 makes a one-time appropriation of \$25,000 to support the operational costs of research and management of the elver fishery.

Private and Special Law 1999, chapter 94 was enacted as an emergency measure effective May 10, 2000.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM	S-508

LD 1634 proposed to allow the Commissioner of Marine Resources to approve by rule certain limited-purpose aquaculture lease applications for commercial research and development or scientific research.

**Committee Amendment "A" (S-508)** proposed to establish a limited-purpose aquaculture license that would authorize the license holder to utilize approved aquaculture gear to engage in certain aquaculture activities and specify the criteria for a license. The amendment proposed to prohibit a person from molesting approved aquaculture gear and to establish penalties for cutting or damaging gear. The amendment proposed to require the Commissioner of Marine Resources to adopt rules implementing the new license provisions. The amendment also proposed to establish the Aquaculture Research Fund.

***Enacted law summary***

Public Law 1999, chapter 567 establishes a limited-purpose aquaculture license that authorizes the license holder to utilize approved aquaculture gear to engage in certain aquaculture activities and specifies the criteria for a license. The law prohibits a person from molesting approved aquaculture gear and establishes penalties for cutting or damaging gear. The law also establishes the Aquaculture Research Fund.

**LD 1827                      An Act to Establish the North Atlantic Cold Water Observatory                      ONTP**

<u>Sponsor(s)</u> LAWRENCE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
-------------------------------	--	---------------------------------	--	---------------------------

LD 1827 proposed to establish the North Atlantic Cold Water Observatory to research the conditions of the North Atlantic Ocean, including its fisheries and climate.

**LD 2341                      An Act to Limit Lobster Management Zones to State Coastal Waters                      DIED BETWEEN BODIES**

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

LD 2341 proposed to limit lobster management zones to 3 nautical miles from the coastline of the State.

**Committee Amendment "A" (H-949)**, the majority report of the committee, proposed to clarify how rules adopted for lobster management zones would apply if the zones were limited to the 3-mile nautical line as described on nautical charts. A lobster license holder would not be required to fish a majority of that person's traps within the license holder's declared lobster management zone when fishing beyond the 3-mile nautical line. A license holder would be subject to the most restrictive rules regarding the number of lobster traps allowed on a trawl and the time of day when lobster fishing may occur adopted for any zone in which the license holder fishes only when fishing inside the 3-mile nautical line. A license holder would be subject to the most restrictive rules regarding the number of lobster traps fished adopted for any zone in which the license holder fishes when that license holder is fishing inside the 3-mile nautical line and would be subject to the rules for the license holder's own zone when fishing beyond the 3-mile nautical line.

LD 2351

**An Act Concerning the Possession of Marine Organisms by Aquaculturists Outside of the Harvest Season**

**PUBLIC 575**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER HONEY	OTP-AM	H-809

LD 2351 proposed to exempt an aquaculture leaseholder from any requirement that a particular marine organism not be harvested or otherwise possessed during a closed season.

**Committee Amendment "A" (H-809)** proposed to clarify that an aquaculture leaseholder is exempt from any requirement regarding the time of taking or possessing any marine organism cultivated on the leased area.

*Enacted law summary*

Public Law 1999, chapter 575 exempts an aquaculture leaseholder from any requirement regarding the time of taking or possessing any marine organism cultivated on the leased area.

LD 2356

**An Act Regarding Elver Fishing Licenses**

**PUBLIC 534  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-503

LD 2356 proposed to implement the recommendations of the Department of Marine Resources regarding the 2000 elver fishery. It proposed to freeze the number of elver fishing licenses and gear at 1999 levels. The bill also proposed to raise the fees for elver fishing licenses to \$120 for residents and \$421 for nonresidents and specifies that all license fees accrue to the Eel and Elver Management Fund.

The bill proposed to repeal the provision that authorizes a person to use one net or trap to fish for elvers without paying a gear fee and to change the gear fees to \$25 per elver dip net and \$75 per elver fyke or Sheldon eel trap. These changes to the elver license and gear fees would increase funding to the Eel and Elver Management Fund to support further research on the eel and elver fishery.

**Committee Amendment "A" (S-503)** proposed to replace the bill and change the eligibility requirements for elver fishing licenses as follows. It proposed to limit the total number of elver fishing licenses in any year to 827. It proposed to authorize a person who held an elver fishing license in the previous calendar year to be issued a license. It proposed to authorize a person who held an elver fishing license in any 2 of the years 1996, 1997 and 1998 to enter a lottery for an elver fishing license for the 2000 elver season. It proposed to require the Commissioner of Marine Resources to hold a lottery for 2000 licenses by March 15, 2000 and to limit the number of licenses that may be awarded through that lottery to 86. It proposed to authorize anyone to enter a lottery for an elver fishing license for the 2001 elver season and subsequent seasons and to specify that the number of persons awarded eligibility in a lottery may not cause the total number of elver fishing licenses issued to exceed 827.

The amendment proposed to authorize a person who held an elver fishing license in the previous calendar year to use the type and amount of gear that person was authorized to use during the previous elver fishing season. It proposed to authorize a person issued a license for the 2000 elver season based on the lottery to use an amount of gear based on that person's historical average amount of gear, but not more than 2 nets or traps. It proposed to authorize a person issued a license for the 2001 elver season or subsequent seasons based on the lottery to use one net or one trap.

***Enacted law summary***

Public Law 1999, chapter 534 limits the total number of elver fishing licenses in any year to 827 and changes the eligibility requirements for elver fishing licenses. It authorizes a person who held an elver fishing license in the previous calendar year to be issued a license and it authorizes a person who held an elver fishing license in any 2 of the years 1996, 1997 and 1998 to enter a lottery for an elver fishing license for the 2000 elver season. It requires the Commissioner of Marine Resources to hold a lottery for 2000 licenses and limits the number of licenses that may be awarded through that lottery to 86. It authorizes anyone to enter a lottery for an elver fishing license for the 2001 elver season and subsequent seasons and specifies that the number of persons awarded eligibility in a lottery may not cause the total number of elver fishing licenses issued to exceed 827.

The law authorizes a person who held an elver fishing license in the previous calendar year to use the type and amount of gear that person was authorized to use during the previous elver fishing season. It authorizes a person issued a license for the 2000 elver season based on the lottery to use an amount of gear based on that person's historical average amount of gear, but not more than 2 nets or traps. It authorizes a person issued a license for the 2001 elver season or subsequent seasons based on the lottery to use one net or one trap.

Public Law 1999, chapter 534 was enacted as an emergency measure effective February 23, 2000.

**LD 2372**

**An Act to Regulate the Sea Cucumber Fishery**

**PUBLIC 672  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT VOLENIK	OTP-AM	S-542

LD 2372 proposed to regulate the season and harvesting method for the sea cucumber industry and to provide for research on the sea cucumber and the appropriate level of harvesting for a sustainable fishery.

**Committee Amendment "A" (S-542)** proposed to close the sea cucumber fishery to harvesting from July 1st to September 30th of each year. The amendment proposed to prohibit the use of a drag to fish for sea cucumbers that exceeds 5 feet, 6 inches in width and to require the Commissioner of Marine Resources to adopt rules no later than September 30, 2000 that describe the type of drag that may be used to fish for or take sea cucumbers.

The amendment proposed to establish, but not fund, the Sea Cucumber Management Fund to be used to research and manage the State's sea cucumber fishery and to enforce the laws related to sea cucumbers. The amendment proposed to authorize the joint standing committee of the Legislature having jurisdiction

over marine resources matters to report out a bill regarding regulation of the sea cucumber fishery to the Second Regular Session of the 120th Legislature.

***Enacted law summary***

Public Law 1999, chapter 672 regulates the season and harvesting method for the sea cucumber industry by closing the sea cucumber fishery to harvesting from July 1st to September 30th of each year and prohibiting the use of a drag to fish for sea cucumbers that exceeds 5 feet, 6 inches in width. It requires the Commissioner of Marine Resources to adopt rules that describe the type of drag that may be used to fish for or take sea cucumbers. The law establishes, but does not fund, the Sea Cucumber Management Fund to be used to research and manage the State's sea cucumber fishery and to enforce the laws related to sea cucumbers.

Public Law 1999, chapter 672 was enacted as an emergency measure effective April 12, 2000.

**LD 2451**

**An Act to Prohibit Dragging in a Portion of the Taunton River Area**

**PUBLIC 576  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM	OTP MAJ	H-821 SKOGLUND
GOLDTHWAIT	ONTP MIN	

LD 2451 proposed to prohibit a person from fishing with a drag in the coastal waters inland of the Route 1 bridge that connects the towns of Hancock and Sullivan in Hancock County.

**House Amendment "A" (H-821)** proposed to add a repeal date of March 1, 2005 to the prohibition contained in the bill. This amendment also proposed to require the Department of Marine Resources to submit a report by February 1, 2004 to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding whether the prohibition on dragging in the Taunton River area remains necessary or advisable.

***Enacted law summary***

Public Law 1999, chapter 576 prohibits a person from fishing with a drag in the coastal waters inland of the Route 1 bridge that connects the towns of Hancock and Sullivan in Hancock County until March 1, 2005. The law requires the Department of Marine Resources to submit a report by February 1, 2004 to the Legislature regarding whether the prohibition on dragging in the Taunton River area remains necessary or advisable.

Public Law 1999, chapter 576 was enacted as an emergency measure effective March 22, 2000.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK	OTP-AM	H-827

LD 2464 proposed to change the process for establishing aquaculture sites through public hearings held jointly by the Department of Marine Resources and the municipality in which the site would be established.

**Committee Amendment "A" (H-827)** proposed to require the Commissioner of Marine Resources, upon determining that an application for an aquaculture lease is complete, to send a copy of the completed application and notice of hearing to the known riparian owners within 1,000 feet of the proposed lease and to the municipalities in which or adjacent to which the lease is proposed. The amendment proposed to require the lease applicant to give at least 2 weeks' notice of the hearing on the lease by advertising in a newspaper of general circulation, stating the location, date, time and purpose of the hearing and indicating how a copy of the application and the department site review may be obtained. The amendment also proposed to require the Department of Marine Resources to submit a report by January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding its ongoing review of the aquaculture lease process.

***Enacted law summary***

Public Law 1999, chapter 591 amends the aquaculture lease process by requiring the Commissioner of Marine Resources, upon determining that an application for an aquaculture lease is complete, to send a copy of the completed application and notice of hearing to the known riparian owners within 1,000 feet of the proposed lease and to the municipalities in which or adjacent to which the lease is proposed and by requiring the lease applicant to give at least 2 weeks' notice of the hearing on the lease by advertising in a newspaper of general circulation. The law also requires the Department of Marine Resources to submit a report by January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding its ongoing review of the aquaculture lease process.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	

LD 2543 proposed to implement the recommendation of the Task Force to Study Limited Entry in the Shrimp Fishery. The bill proposed to repeal the current commercial shrimp license, replace it with a shrimp trap license and a shrimp drag license and establish eligibility requirements for those licenses based on historical participation in the shrimp fishery between 1994 and 1999. The bill proposed to establish an appeals process for a person who is denied a shrimp trap license or a shrimp drag license because that person does not meet the eligibility requirements. The bill proposed to limit the exemption for fishing for or possessing shrimp for personal use to no more than one peck of shrimp in one day without a license. The bill also proposed to establish the Task Force to Continue Study of a Limited Entry System for the Maine Shrimp Fishery to study issues associated with a long-term limited entry system for the shrimp fishery.

LD 2562

**An Act to Grandfather Apprentices in the Lobstering Program for Lobster Management Zone G Entry**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G CASSIDY	ONTP	

LD 2562 proposed to expand the eligibility criteria for a limited-entry lobster management zone to allow a person to be issued a Class I, Class II or Class III lobster and crab fishing license that authorizes that person to fish a majority of that person’s lobster traps in zone G if that person was enrolled in the apprentice lobster fishing program as of September 19, 1999 and was licensed as an apprentice to fish in zone G.

LD 2577

**An Act to Alter Eligibility for Lobster and Crab Fishing Licenses for Persons Who are 65 Years of Age or Older**

PUBLIC 658

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-950

LD 2577 proposed to implement one of the recommendations of the Lobster Advisory Council relating to limiting effort in the lobster fishery. The bill proposed to repeal the provision that allows a person who did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year to be issued a Class I, Class II or Class III lobster and crab fishing license if that person is 65 years of age or older and has previously held a lobster and crab fishing license. This bill also proposed to resolve a conflict in the current law.

**Committee Amendment "A" (H-950)**, the majority report of the committee, proposed to remove language from the bill correcting a conflict.

***Enacted law summary***

Public Law 1999, chapter 658 repeals the provision that allows a person who did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year to be issued a Class I, Class II or Class III lobster and crab fishing license if that person is 65 years of age or older and has previously held a lobster and crab fishing license.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-1042
	OTP-AM MIN	

LD 2583 proposed to implement one of the recommendations of the Lobster Advisory Council relating to limiting effort in the lobster fishery. The bill proposed to clarify the procedure for a person to request to declare a limited-entry zone as that person's declared lobster zone by specifying that a person who holds a Class I, Class II or Class III lobster and crab fishing license shall indicate that person's request to the Commissioner of Marine Resources in writing by December 15th of the previous licensing year and that a person who does not hold a license must be eligible for a license by December 15th of the previous licensing year. The date of eligibility for a license would be the date of that person's request to declare a limited-entry zone for purposes of the chronological waiting list maintained by the commissioner.

**Committee Amendment "A" (H-1042)**, the majority report of the committee, proposed to replace the bill and add an emergency clause and an emergency preamble. The amendment proposed to authorize a lobster management policy council that is proposing to limit new zone entrants to the zone to also propose to the Commissioner of Marine Resources to adopt rules allowing apprentice or student lobster and crab fishing license holders who became eligible for a Class I, Class II or Class III license prior to January 1, 2000 to be issued a license that identifies the limited-entry zone as that person's declared lobster zone.

The amendment proposed to clarify the process for a person to request to declare a limited-entry zone as the person's declared lobster zone and to require the Commissioner of Marine Resources to create a waiting list for a zone at the time the commissioner closes the zone pending rulemaking to establish an exit ratio for that zone. The amendment also proposed to establish a process for people who became eligible for a Class I, Class II or Class III lobster and crab fishing license prior to the effective date of this legislation to be put on a waiting list according to the date they became eligible.

**Committee Amendment "B" (H-1043)**, the minority report of the committee, differed from the majority report by proposing to authorize a lobster management policy council that is proposing to limit new zone entrants to the zone to also propose to the Commissioner of Marine Resources to adopt rules allowing apprentice or student lobster and crab fishing license holders who held an apprentice or student license as of September 19, 1999, as well as those who became eligible for a Class I, Class II or Class III license prior to January 1, 2000, to be issued a license that identifies the limited-entry zone as that person's declared lobster zone. This amendment was not adopted.

***Enacted law summary***

Public Law 1999, chapter 693 authorizes a lobster management policy council that is proposing to limit new zone entrants to the zone to also propose to the Commissioner of Marine Resources the adoption of rules allowing apprentice or student lobster and crab fishing license holders who became eligible for a Class I, Class II or Class III license prior to January 1, 2000 to be issued a license that identifies the limited-entry zone as that person's declared lobster zone.

The law clarifies the process for a person to request to declare a limited-entry zone as the person's declared lobster zone and requires the Commissioner of Marine Resources to create a waiting list for a zone at the

time the commissioner closes the zone pending rulemaking to establish an exit ratio for that zone. The law also establishes a process for people who became eligible for a Class I, Class II or Class III lobster and crab fishing license prior to the effective date of this legislation to be put on a waiting list according to the date they became eligible.

Public Law 1999, chapter 693 was enacted as an emergency measure effective April 13, 2000.

**LD 2584**

**An Act to Establish an Appeals Process for License Denial Under Limited-entry Fisheries**

**PUBLIC 643  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-1003

LD 2584 proposed to establish an appeals process for a person denied a license in a limited-entry fishery, including a lobster and crab fishing license, an elver fishing license and a sea urchin harvesting license, and to repeal the current process for a person to appeal the denial of a lobster and crab fishing license. The bill proposed to establish the License Appeals Board to consider appeals on an individual basis and make recommendations to the Commissioner of Marine Resources regarding the issuance of the license on appeal. The commissioner would make the final decision to approve or deny the appeal. The bill proposed to specify that the commissioner may issue a license on appeal only if the person appealing the license denial has historically participated in the fishery and there was either a medical condition, a period of military service or a license suspension that prevented that person from meeting the eligibility requirements for the license. The bill proposed to authorize the commissioner to transfer the lobster and crab fishing license and trap tags of a deceased or disabled license holder upon recommendation by the License Appeals Board to a member of the license holder's family if the family member fished with the license holder and the family would suffer undue financial hardship if the license and trap tags were not transferred.

**Committee Amendment "A" (H-1003)** proposed to replace the bill and add an emergency preamble and an emergency clause to the bill. The amendment proposed to change the appeals process for a person who is denied a Class I, Class II or Class III lobster and crab fishing license because that person did not possess a license in the previous calendar year and to establish an appeals process for a person who is denied a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license because that person did not possess the same license in the previous calendar year. The amendment proposed to authorize the Commissioner of Marine Resources to issue a license on appeal if the person meets certain criteria, including having been prevented from meeting the eligibility requirements because of a substantial illness or medical condition or a period of military service and having documented landings while in possession of a license within one year prior to the onset of the illness or medical condition or within one year prior to entering military service.

The amendment proposed to restore the provision that authorized a Class I, Class II or Class III lobster and crab fishing license to be issued to a person who did not possess the license in the previous calendar year because the commissioner had suspended the person's license for a length of time that included the previous calendar year. The amendment proposed to require a person whose Class I, Class II or Class III lobster and crab fishing license has been suspended for more than one year to appear in person before the commissioner prior to being issued a Class I, Class II or Class III lobster and crab fishing license.

The amendment proposed to authorize a lobster and crab fishing license holder who was issued 300 or fewer trap tags for the 2000 license year because that person had purchased no trap tags as of November 20, 1998 because of a substantial illness or medical condition or a period of military service to appeal to the commissioner for additional trap tags.

The amendment proposed to authorize a person who is issued a Class I, Class II or Class III lobster and crab fishing license on appeal based on a substantial illness or medical condition or after a license suspension to declare a limited-entry zone as that person's declared lobster zone if the person was authorized to fish a majority of that person's lobster traps in that zone in the most recent year in which the person held a license. The person would not be counted for the purposes of the exit ratio or the number of new zone entrants that may be authorized for that zone.

The amendment proposed to repeal the current medical exception and license transfer provisions for handfishing sea urchin licenses, sea urchin dragging licenses and sea urchin hand-raking and trapping licenses.

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

Public Law 1999, chapter 643 changes the appeals process for a person who is denied a Class I, Class II or Class III lobster and crab fishing license because that person did not possess a license in the previous calendar year and establishes an appeals process for a person who is denied a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license because that person did not possess the same license in the previous calendar year. The law authorizes the Commissioner of Marine Resources to issue a license on appeal if the person meets certain criteria, including having been prevented from meeting the eligibility requirements because of a substantial illness or medical condition or a period of military service and having documented landings while in possession of a license within one year prior to the onset of the illness or medical condition or within one year prior to entering military service.

The law restores the provision that authorized a Class I, Class II or Class III lobster and crab fishing license to be issued to a person who did not possess the license in the previous calendar year because the commissioner had suspended the person's license for a length of time that included the previous calendar year. The law requires a person whose Class I, Class II or Class III lobster and crab fishing license has been suspended for more than one year to appear in person before the commissioner prior to being issued a Class I, Class II or Class III lobster and crab fishing license.

The law authorizes a lobster and crab fishing license holder who was issued 300 or fewer trap tags for the 2000 license year because that person had purchased no trap tags as of November 20, 1998 because of a substantial illness or medical condition or a period of military service to appeal to the commissioner for additional trap tags.

The law authorizes a person who is issued a lobster and crab fishing license on appeal based on a substantial illness or medical condition or after a license suspension to declare a limited-entry zone as that person's declared lobster zone if the person was authorized to fish a majority of that person's lobster traps in that zone in the most recent year in which the person held a license. The person may not be counted for the purposes of the exit ratio or the number of new zone entrants that may be authorized for that zone.

The law repeals the current medical exception and license transfer provisions for handfishing sea urchin licenses, sea urchin dragging licenses and sea urchin hand-raking and trapping licenses.

Public Law 1999, chapter 643 was enacted as an emergency measure effective April 7, 2000.

**LD 2618**

**An Act to Implement the Recommendations of the Joint Standing Committee on Marine Resources Relating to the Review of the Maine Sardine Council Under the State Government Evaluation Act**

**PUBLIC 678  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1033 ETNIER H-963

LD 2618 proposed to implement the recommendations made by the Joint Standing Committee on Marine Resources as a result of the committee's review of the Maine Sardine Council under the State Government Evaluation Act. The bill proposed to retroactively repeal the sardine excise tax on February 1, 2000 and terminate the Maine Sardine Council on March 31, 2000. The bill proposed to require the Maine Sardine Council to remit \$5,000 to the State Treasurer to be credited to the marine research fund at the Department of Marine Resources and to require the transfer of the remaining assets as of March 31, 2000 to the 3 packers represented on the Maine Sardine Council according to their share of the total quantity of sardines, kippers, steaks and other canned herring products packed during calendar years 1998 and 1999.

**Committee Amendment "A" (H-963)** proposed to require the State Auditor to perform audit procedures rather than an audit on the financial records of the Maine Sardine Council prior to the dissolution of the council. The amendment proposed to repeal the sardine excise tax on March 1, 2000 rather than February 1, 2000 and to require all accrued net assets of the council as of April 15, 2000 to be transferred as a refund of taxes paid to the 3 packers with representatives on the council as of January 31, 2000. The amendment proposed to strike the provision that would have required the council to remit \$5,000 to the State Treasurer to be credited to the marine research fund.

The amendment proposed to specify that the council shall cease its operations and activities on March 31, 2000 and to repeal the laws establishing the council, effective April 15, 2000.

**House Amendment "A" to Committee Amendment "A" (H-1033)** proposed to provide that the termination of the Maine Sardine Council applies retroactively to March 31, 2000.

***Enacted law summary***

Public Law 1999, chapter 678 implements the recommendations made by the Joint Standing Committee on Marine Resources as a result of the committee's review of the Maine Sardine Council under the State Government Evaluation Act. The law retroactively requires the council to cease its operations and activities on March 31, 2000 and repeals the laws establishing the council, effective April 15, 2000. The

law retroactively repeals the sardine excise tax on March 1, 2000. The law requires all accrued net assets of the council as of April 15, 2000 to be transferred as a refund of taxes paid to the 3 packers with representatives on the council as of January 31, 2000 according to their share of the total quantity of sardines, kippers, steaks and other canned herring products packed during calendar years 1998 and 1999.

Public Law 1999, chapter 678 was enacted as an emergency measure effective April 12, 2000.



## LD INDEX

LD 129.....	1	LD 2372 .....	5
LD 173.....	1	LD 2451 .....	6
LD 871.....	1	LD 2464 .....	7
LD 906.....	2	LD 2543 .....	7
LD 1634.....	2	LD 2562 .....	8
LD 1827.....	3	LD 2577 .....	8
LD 2341.....	3	LD 2583 .....	9
LD 2351.....	4	LD 2584 .....	10
LD 2356.....	4	LD 2618 .....	12