

## Joint Standing Committee on Marine Resources

**LD 16**

**An Act to Close Elver Fishing on the West Side of the Orland River**

**PUBLIC 18  
EMERGENCY**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-62
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LD 16 proposed to ban elver fishing on the west bank of the Narramissic River in Orland.

**Committee Amendment "A" (H-62)** proposed to change the title of the bill and to clarify that elver fishing within the west side of the Orland River in Orland is prohibited.

### *Enacted law summary*

Public Law 1999, chapter 18 clarifies that elver fishing within the west side of the Orland River in Orland is prohibited.

Chapter 18 was enacted as an emergency measure effective March 19, 1999.

**LD 129**

**An Act to Prohibit the Harvesting of Elvers**

**CARRIED OVER**

<u>Sponsor(s)</u> HARRIMAN HONEY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 129 proposes 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 142**

**An Act to Eliminate the Student Lobster License**

**ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 142 proposed to eliminate the student lobster and crab fishing license.

**LD 145**

**An Act to Withdraw from the Atlantic States Marine Fisheries Commission and the Atlantic States Marine Fisheries Compact**

**ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP MAJ OTP-AM MIN		<u>Amendments Adopted</u>
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LD 145 proposed to withdraw the State from participation in the Atlantic States Marine Fisheries Compact and the Atlantic States Marine Fisheries Commission.

**Committee Amendment "A" (H-29)**, the minority report of the Joint Standing Committee on Marine Resources, proposed to remove the emergency preamble and emergency clause from the bill. It proposed to add a reference to the section of law that relates to renunciation of the Atlantic States Marine Fisheries Compact. It also proposed to add an appropriation section to the bill to reflect the elimination of the annual dues requirement after withdrawal from the Atlantic States Marine Fisheries Commission. This amendment was not adopted.

**LD 160                      An Act to Establish a Sliding Scale for That Portion of the Lobster License Fee Paid to the Lobster Promotion Council                      ONTP**

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

LD 160 proposed to establish a sliding scale for the surcharge assessed on lobster and crab fishing licenses for deposit in the Lobster Promotion Fund. The amount of the surcharge would be based on the number of lobster trap tags purchased by the license holder.

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

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

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

**LD 203                      An Act to Clarify That a Person Who Fishes for Lobster May Fish in More than One Zone                      ONTP**

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

LD 203 proposed to clarify that a person who fishes for lobsters may not be limited to fishing in only one lobster management zone.

**LD 238                      An Act to Require Criehaven Lobster Fishing Boats to Have Propeller Cages                      ONTP**

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

LD 238 proposed to require that lobster boats operated between June 1st and October 31st in Criehaven waters be equipped with protective propeller cages to prevent the cutting and damaging of warps, ropes and lines associated with lobster traps.

**LD 248**                      **An Act to Implement a Recommendation of the Joint Select Committee on Research and Development to Fund the Governor's Marine Studies Fellowship Program**                      **ONTP**

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

LD 248 proposed to appropriate funds to the Governor's Marine Studies Fellowship Program to provide support for undergraduate and graduate students enrolled in state-chartered colleges and universities to work with researchers in academic institutions, marine industries and marine industry associations.

The provisions of the bill were subsequently amended and incorporated into the Part 2 budget (Public Law 1999, chapter 401).

**LD 298**                      **An Act to Allow Town and Municipal Governments to Add Periwinkles to Their Clam Ordinances**                      **ONTP**

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

LD 298 proposed to permit a municipality to regulate the possession of periwinkles through the municipality's shellfish conservation ordinance. The bill also proposed to include unorganized townships in the definition of "municipality" and to permit unorganized townships to adopt regional shellfish management programs.

**LD 315**                      **An Act to Amend the Laws Governing the Marine Resources Advisory Council**                      **ONTP**

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

LD 315 proposed to expand the Marine Resources Advisory Council from 15 to 17 members by making the chair of the Recreational Marine Advisory Council an ex officio member and by adding a member to represent the charter boat industry.

**LD 316**                      **An Act to Alter Eligibility for New Lobster and Crab Fishing Licenses during the Current Moratorium**                      **ONTP**

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

LD 316 proposed to amend the current moratorium on the issuance of new Class I, Class II or Class III lobster and crab fishing licenses except to those persons who were licensed in the previous calendar year to allow the Commissioner of Marine Resources to grant a Class I, Class II or Class III lobster and crab fishing license to a person who was licensed at any time since January 1, 1996.

**LD 327**

**Resolve, to Study Limited Effort in the Scallop Fishery**

**RESOLVE 16**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT PINKHAM	OTP-AM	S-48 H-216 ETNIER

LD 327 proposed to change the scallop season to December 1st to April 15th from the current season of November 1st to April 15th and to require a minimum 3 1/4-inch ring diameter for scallop drags from December 1, 1999 to April 15, 2001 and a 3 1/2-inch ring diameter after December 1, 2001. The bill proposed to limit scallop drag width to 5 feet, 6 inches from December 1st to December 31st and 10 feet, 6 inches from January 1st to April 15th.

**Committee Amendment "A" (S-48)** proposed to replace the bill with a resolve and change the title. The amendment proposed to require the Commissioner of Marine Resources to study limited effort in the scallop fishery and submit a report with findings and recommendations to the Joint Standing Committee on Marine Resources by January 1, 2000. In developing the findings and recommendations, the commissioner would be required to consult with representatives of the scallop fishing industry and other interested parties. The amendment also proposed to authorize the Joint Standing Committee on Marine Resources to report out legislation during the Second Regular Session of the 119th Legislature regarding limited effort in the scallop fishery.

**House Amendment "A" to Committee Amendment "A" (H-216)** proposed to change the reporting date from January 1, 2000 to December 31, 1999.

*Enacted law summary*

Resolve 1999, chapter 16 requires the Commissioner of Marine Resources to study limited effort in the scallop fishery and submit a report with findings and recommendations to the Joint Standing Committee on Marine Resources by December 31, 1999. In developing the findings and recommendations, the commissioner shall consult with representatives of the scallop fishing industry and other interested parties. The law authorizes the Joint Standing Committee on Marine Resources to report out legislation during the Second Regular Session of the 119th Legislature regarding limited effort in the scallop fishery.

**LD 387**

**An Act to Exempt Persons 70 Years of Age and Older From Paying the Fee for Commercial Shellfish Licenses**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM CASSIDY	OTP-AM	

LD 387 proposed to exempt persons 70 years of age and over from the \$63 fee for a commercial shellfish license.

**Committee Amendment "A" (H-90)** proposed to establish an effective date of May 1, 2000 for the legislation. This amendment was adopted in both the House and the Senate, but the bill and the amendment were later indefinitely postponed.

**LD 388**

**An Act to Prohibit the Dragging for Mussels in Portions of Hancock County and Washington County for Certain Times of the Year**

**ONTP**

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

LD 388 proposed to prohibit a person from dragging for mussels from April 1st to October 31st in certain waters in Hancock County and Washington County. It proposed to exempt from this prohibition people who possess aquaculture leases to grow or harvest mussels in those waters.

**LD 408**

**An Act Regarding the Waiver Process Under the Lobster Apprenticeship Program**

**PUBLIC 281**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM CASSIDY	OTP-AM	H-308

LD 408 proposed to provide four additional cases under which the Commissioner of Marine Resources may grant a waiver from the lobster apprenticeship program. A waiver could be granted when a person documents: a medical reason for not renewing a lobster and crab fishing license in the previous calendar year; that services in the United States Armed Forces prevented that person from participating in the lobster fishery; that the person held a lobster and crab fishing license for at least two consecutive years in the last 10 years; or that at least 50% of that person's income came from harvesting lobsters in one of the previous five years.

The bill also proposed to require the Marine Resources Advisory Council to review waiver requests and recommend approval or denial to the Commissioner of Marine Resources.

**Committee Amendment "A" (H-308)** proposed to repeal on December 31, 1999 the waiver provision that allows the Commissioner of Marine Resources to waive all or part of the practical lobster fishing experience component or the program length component of the lobster apprenticeship program if a person documents to the commissioner that the person obtained practical lobster fishing experience as a sternman.

*Enacted law summary*

Public Law 1999, chapter 281 repeals on December 31, 1999 the waiver provision that allows the Commissioner of Marine Resources to waive all or part of the practical lobster fishing experience component or the program length component of the lobster apprenticeship program if a person documents to the commissioner that the person obtained practical lobster fishing experience as a sternman.

**LD 447**

**An Act to Reinstate the Provision Allowing a Reduction in the Retail Seafood License Fee for Licenses Issued After September 30th**

**ONTP**

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



<u>Sponsor(s)</u> PIEH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-159
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LD 720 proposed to prohibit the taking of soft shell clams while using an artificial breathing device. This bill was submitted on behalf of the Department of Marine Resources.

**Committee Amendment "A" (H-159)** proposed to prohibit the use of an artificial breathing device that allows a person to breathe underwater when fishing for or taking soft shell clams but to exempt the holder of an aquaculture lease from the prohibition when fishing for or taking soft shell clams cultivated on the leased area.

*Enacted law summary*

Public Law 1999, chapter 112 prohibits the use of an artificial breathing device that allows a person to breathe underwater when fishing for or taking soft shell clams but exempts the holder of an aquaculture lease from the prohibition when fishing for or taking soft shell clams cultivated on the leased area.

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-116
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LD 723 proposed to establish in the Department of Marine Resources a dedicated fund intended to be used for projects and programs for development of marine recreation fisheries opportunities. This bill was submitted on behalf of the Department of Marine Resources.

**Committee Amendment "A" (H-116)** proposed to require the Commissioner of Marine Resources to report annually to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the amount of money collected in and all expenditures made from the Marine Recreation Fishing Conservation and Management Fund in the previous fiscal year.

The amendment proposed to establish the Marine Recreational Fishing Advisory Council to advise the commissioner on activities that relate to marine recreational fishing and to make recommendations to the commissioner concerning expenditures from the Marine Recreation Fishing Conservation and Management Fund. The amendment also proposed to replace the current member of the Marine Resources Advisory Council who represents recreational marine fishing interests with the chair of the Marine Recreational Fishing Advisory Council. The amendment proposed to add an allocation section to the bill.

*Enacted law summary*

Public Law 1999, chapter 85 establishes in the Department of Marine Resources a dedicated fund intended to be used for projects and programs for development of marine recreation fisheries opportunities and requires the Commissioner of Marine Resources to report annually to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the amount of money collected in and all expenditures made from the Marine Recreation Fishing Conservation and Management Fund in the previous fiscal year.

The law establishes the Marine Recreational Fishing Advisory Council to advise the commissioner on activities that relate to marine recreational fishing and to make recommendations to the commissioner concerning expenditures from

the Marine Recreation Fishing Conservation and Management Fund. The law also replaces the current member of the Marine Resources Advisory Council who represents recreational marine fishing interests with the chair of the Marine Recreational Fishing Advisory Council.

**LD 757**

**An Act Concerning Recreational Clam Harvesting Licenses**

**PUBLIC 255**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-164
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LD 757 proposed to clarify that municipalities that implement municipal shellfish management programs that include noncommercial licenses must issue them using the same procedures that are applied to the issuance of commercial licenses. This bill was submitted on behalf of the Department of Marine Resources.

**Committee Amendment "A" (S-164)** proposed to require municipalities that implement shellfish conservation programs and that issue recreational shellfish licenses to residents to make available to nonresidents a number of recreational licenses equal to 10% of the number of licenses issued to residents.

The amendment proposed to specify that a certified municipal shellfish conservation warden may arrest violators of the municipality's shellfish ordinances if the warden is authorized by the municipality to make arrests and is trained at the Maine Criminal Justice Academy. The amendment also proposed to specify that a certificate of the clerk of a municipality is admissible as evidence in all courts as proof of the municipal records relating to a shellfish conservation ordinance.

The amendment proposed to add a mandate preamble to the bill.

***Enacted law summary***

Public Law 1999, chapter 255 requires municipalities that implement shellfish conservation programs and that issue recreational shellfish licenses to residents to make available to nonresidents a number of recreational licenses equal to 10% of the number of licenses issued to residents.

The law specifies that a certified municipal shellfish conservation warden may arrest violators of the municipality's shellfish ordinances if the warden is authorized by the municipality to make arrests and trained at the Maine Criminal Justice Academy. The law also specifies that a certificate of the clerk of a municipality is admissible as evidence in all courts as proof of the municipal records relating to a shellfish conservation ordinance.

**LD 801**

**An Act to Strengthen Marine Fisheries Conservation Protection**

**PUBLIC 52**

<u>Sponsor(s)</u> GOLDTHWAIT HONEY		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 801 proposed to add the crime of molesting lobster gear to the list of crimes that can not be resolved by an agreement between the aggrieved party and the defendant that allows the defendant to avoid adjudication and possible conviction. This bill was submitted on behalf of the Department of Marine Resources.

***Enacted law summary***

Public Law 1999, chapter 52 adds the crime of molesting lobster gear to the list of crimes that can not be resolved by a settlement agreement between the aggrieved party and the defendant that allows the defendant to avoid adjudication and possible conviction.

**LD 802**

**An Act to Make Technical Changes in the Marine Resources Laws**

**PUBLIC 26**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT HONEY	OTP	

LD 802 proposed to make the following changes to the marine resource laws. It proposed to add "spouse" to the definition of family member, it proposed to move the provisions regarding sea urchin zone changes to a more applicable statutory section and it proposed to place an exception for lobster meat processed under a lobster tail permit in the section of law that specifies the size and condition of lobster meat in order to make those sections consistent. This bill was submitted on behalf of the Department of Marine Resources.

***Enacted law summary***

Public Law 1999, chapter 26 makes several technical changes to the marine resources laws, including adding "spouse" to the definition of family member, moving the provisions regarding sea urchin zone changes to a more applicable statutory section and placing an exception for lobster meat processed under a lobster tail permit in the section of law that specifies the size and condition of lobster meat in order to make those sections consistent.

**LD 803**

**An Act to Increase the Penalties for Violation of Lobster Conservation Laws**

**PUBLIC 82**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT HONEY	OTP-AM	S-33

LD 803 proposed to increase the monetary fines for conviction for violation of certain lobster conservation laws. This bill was submitted on behalf of the Department of Marine Resources.

**Committee Amendment "A" (S-33)** proposed to increase several of the fines for violation of certain lobster conservation laws beyond the increases proposed in the bill. The amendment proposed a fine of \$2,000 for possession of lobsters that are less than the minimum size or more than the maximum size, if the number of lobsters involved in the violation cannot be determined. It proposed a fine of \$100 per lobster for possession of lobsters caught by any method other than conventional lobster traps. It proposed a fine of \$100 per lobster for possession of egg-bearing lobsters and \$50 per lobster for possession of v-notched lobsters. It proposed a fine of \$500 for each violation of the law against removing extruded eggs from female lobsters plus a fine of \$150 per lobster involved.

***Enacted law summary***

Public Law 1999, chapter 82 increases several of the monetary fines for violation of certain lobster conservation laws, including possession of lobsters that are less than the minimum size or more than the maximum size, possession of

lobsters caught by any method other than conventional lobster traps, possession of egg-bearing lobsters, possession of v-notched lobsters and removal of extruded eggs from female lobsters.

**LD 804**                      **An Act to Prohibit the Appointment of Lobbyists to the New England Fishery Management Council**                      **ONTP**

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

LD 804 proposed to prohibit the Governor from nominating a lobbyist for appointment to the New England Fishery Management Council if that lobbyist is or has been during the previous 24 months employed by an entity whose interests could be affected by the decisions of the council.

**LD 805**                      **An Act to Close Certain Areas to the Harvesting of Herring**                      **ONTP**

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

LD 805 proposed to require the Commissioner of Marine Resources to identify the location of all coastal waters that serve as spawning areas for herring. It also proposed to close those areas to the harvest of herring from August 15th to September 28th.

**LD 816**                      **An Act to Change the Size of Rings on Scallop Drags**                      **ONTP**

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

LD 816 proposed to change the size of the rings on scallop drags that may be used to fish for or take scallops from 3 1/4" to 3 1/2" starting November 1, 1999.

**LD 819**                      **An Act to Provide Funding for the Beals Island Regional Shellfish Hatchery**                      **P & S 47**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER GOLDTHWAIT	OTP-AM	H-44

LD 819 proposed to appropriate \$15,000 to the Department of Marine Resources in each of fiscal years 1999-00 and 2000-01 for the establishment of a grant to the Maine Aquaculture Innovation Center to support the hatching and raising of seed clams at the Beals Island Regional Shellfish Hatchery.

**Committee Amendment "A" (H-44)** proposed to specify that the \$15,000 appropriation would be used to support outreach activities at the Beals Island Regional Shellfish Hatchery rather than the hatching and raising of seed clams.

*Enacted law summary*

Private and Special Law 1999, chapter 47 appropriates \$15,000 to the Department of Marine Resources in each of fiscal years 1999-00 and 2000-01 for the establishment of a grant to support outreach activities at the Beals Island Regional Shellfish Hatchery.

**LD 843                      An Act to Regulate Anchors Used in Elver Fishing                      ONTP**

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

LD 843 proposed to require that a person attach a tag to each anchor used on elver fyke nets. The tag would have to include the person's name and elver fishing license number. The bill also proposed to require that elver fyke net anchors be removed from rivers, streams and brooks when the elver fyke net is removed.

**LD 849                      An Act Regarding Lobster Trap Escape Vent Dimensions                      ONTP**

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

LD 849 proposed to change the lower dimensions for lobster trap escape vents to 1 7/8 inches. It also proposed to repeal the authority of the Commissioner of Marine Resources to adjust by rule lobster trap escape vent dimensions.

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

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

LD 871 proposes 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 finds that a polluted area will 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 finds that the aquaculture project would unreasonably interfere with future fishing uses of the area.

**LD 886**

**Resolve, to Study Lobster Hatcheries**

**RESOLVE 21  
EMERGENCY**

Sponsor(s)  
VOLENIK

Committee Report  
OTP-AM

Amendments Adopted  
H-248

LD 886 proposed to create the Lobster Hatchery Fund, which would be used by the Commissioner of Marine Resources to establish a lobster hatchery in each lobster management zone. The fund would be capitalized by an annual \$25 surcharge on each commercial lobster license.

**Committee Amendment "A" (H-248)** proposed to replace the bill with a resolve, change the title and add an emergency preamble and an emergency clause. The amendment proposed to establish the Committee to Study the Establishment of Lobster Hatcheries, composed of 10 members, and to direct the committee to examine the feasibility and cost of establishing lobster hatcheries and submit a report with findings and recommendations to the Joint Standing Committee on Marine Resources by December 31, 1999. The amendment also proposed to authorize the Joint Standing Committee on Marine Resources to report out legislation during the Second Regular Session of the 119th Legislature regarding lobster hatcheries.

*Enacted law summary*

Resolve 1999, chapter 21 establishes the Committee to Study the Establishment of Lobster Hatcheries, composed of 10 members, and directs the committee to examine the feasibility and cost of establishing lobster hatcheries and submit a report with findings and recommendations to the Joint Standing Committee on Marine Resources by December 31, 1999. The law also authorizes the Joint Standing Committee on Marine Resources to report out legislation during the Second Regular Session of the 119th Legislature regarding lobster hatcheries.

This resolve was enacted as an emergency measure effective May 11, 1999.

**LD 901**

**An Act to Amend the Laws Regarding the Scallop Fishing Season and Scallop Fishing Gear Requirements**

**PUBLIC 94**

Sponsor(s)  
VOLENIK

Committee Report  
OTP-AM

Amendments Adopted  
H-115

LD 901 proposed to shorten the open scallop season by one month. It proposed to require scallop rings to measure 3 1/2 inches in diameter. Current law requires a 3 1/2 inch ring size beginning on November 1, 2001. It also proposed to prohibit scallop fishing on Sundays. In addition, the bill proposed to provide for a uniform open season along the entire Maine coast by repealing the commissioner's authority to adjust the season by rule.

The bill also proposed to adjust the dates of limits on the size of scallop drags by prohibiting use of a drag with a width greater than 5 1/2 feet from December 1st to December 31st and prohibiting use of a drag with a width greater than 10 1/2 feet from January 1st to April 15th.

**Committee Amendment "A" (H-115)** proposed to shorten the open scallop season by one month. It proposed to require scallop rings to measure 3 1/2 inches in diameter beginning on December 1, 2000. The amendment also proposed to eliminate the smaller size limit on scallop drags for the opening month of the season and instead maintain the size limit of 10 feet, 6 inches for the entire open scallop season.

**House Amendment "A" to Committee Amendment "A" (H-127)** proposed to maintain the current open season of November 1st to April 15th for persons taking scallops under a noncommercial scallop license. This amendment was not adopted.

***Enacted law summary***

Public Law 1999, chapter 94 shortens the open scallop season by one month by changing the opening day from November 1st to December 1st. It requires scallop rings to measure 3 1/2 inches in diameter beginning on December 1, 2000. Current law requires a 3 1/2 inch ring size beginning on November 1, 2001. The law also eliminates the smaller size limit on scallop drags for the opening month of the season and instead maintains the size limit of 10 feet, 6 inches for the entire open scallop season.

**LD 905**

**An Act Concerning the 1999 Elver Fishery**

**PUBLIC 7  
EMERGENCY**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-13
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LD 905 proposed to make the following changes to the elver fishing laws:

1. To clarify the definition of an elver dip net;
2. To provide that in 2001 the Department of Marine Resources may not issue an elver fishing license once the season has begun;
3. To specify that the open season for elver fishing is April 1st to May 31st;
4. To specify that the cod end of a fyke net must have a rigid opening during the time when the net is not allowed to be in fishable condition;
5. To specify that it is unlawful to build or use an artificial platform for elver fishing;
6. To establish a separation zone with regard to the placement of fyke nets; and
7. To establish that it is a rebuttable assumption that an individual is molesting the net of another if that individual is not the person to whom the net tag on the net was issued.

This bill was submitted on behalf of the Department of Marine Resources.

**Committee Amendment "A" (S-13)** proposed to do the following:

1. To limit entry into the elver fishery to conserve the resource by specifying that elver fishing licenses may be issued only to people who held elver fishing licenses during the 1996, 1997 and 1998 elver fishing seasons and therefore have shown a long-term interest and investment in the elver fishery;
2. To specify that the open season for elver fishing is March 22nd to May 31st and to clarify that the Department of Marine Resources may not issue an elver fishing license during the open season for elver fishing;
3. To establish a minimum age of 15 years old for elver fishing;
4. To limit the eligibility of nonresidents to purchase elver fishing licenses to those nonresidents from states that allow Maine residents to purchase elver fishing licenses;

5. To strike the requirement in the bill that the cod end of an elver fyke net must be closed during the closed period for elver fishing but to maintain the requirement that the cod end must contain a rigid device with an opening not less than three inches in diameter during the closed period and specify that the opening must not exceed six inches in length;
6. To limit the amount of gear that a person may utilize to a maximum combined total of two elver dip nets, elver fyke nets and Sheldon eel traps. A person may not utilize more than the average number of elver dip nets, elver fyke nets and Sheldon eel traps that person used during the past three elver fishing seasons;
7. To prohibit a person from building or using an artificial platform to fish for elvers and to require a person to immediately release any bycatch caught in an elver fyke net;
8. To clarify placement requirements for elver fyke nets, to authorize a marine patrol officer to open the cod end of a net that is located in violation of those requirements, and to give the Commissioner of Marine Resources authority to adopt rules relating to the placement of elver fishing gear if necessary because of the configuration of a river, stream, brook or other watercourse;
9. To prohibit the tending of another person's gear except with written permission from a marine patrol officer and for the purpose of releasing captured elvers if the person issued a tag for the gear is unable to tend the gear because of a disability or medical condition. It proposed to require that gear be removed from the water if the license holder is unable to tend the gear for more than two weeks;
10. To authorize the Commissioner of Marine Resources not to renew the elver dealer's license of a dealer who does not meet reporting requirements;
11. To require the Commissioner of Marine Resources to submit a report by November 1, 1999 to the Joint Standing Committee on Marine Resources with findings on the 1999 elver harvest and recommendations regarding the 2000 elver fishing season. It proposed to authorize the committee to report out legislation concerning elver fishing during the Second Regular Session of the 119th Legislature; and
12. To require the Commissioner of Marine Resources to revoke the 1999 elver fishing license of any person who has purchased a license but does not meet the new eligibility requirements and to refund all license and gear fees paid by that person. It also proposed to require the commissioner to refund any gear fees paid by a person for gear that person is no longer authorized to utilize.

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

Public Law 1999, chapter 7 does the following.

1. It limits entry into the elver fishery to conserve the resource by specifying that elver fishing licenses may be issued only to people who held elver fishing licenses during the 1996, 1997 and 1998 elver fishing seasons and therefore have shown a long-term interest and investment in the elver fishery.
2. It changes the open season for elver fishing to the period from March 22nd to May 31st and clarifies that the Department of Marine Resources may not issue an elver fishing license during the open season for elver fishing.
3. It establishes a minimum age of 15 years old for elver fishing.
4. It limits the eligibility of nonresidents to purchase elver fishing licenses to those nonresidents from states that allow Maine residents to purchase elver fishing licenses.

5. It requires that the cod end of an elver fyke net contain a rigid device with an opening not less than three inches in diameter during the closed period for elver fishing and specifies that the opening must not exceed six inches in length.
6. It limits the amount of gear that a person may utilize to a maximum combined total of two elver dip nets, elver fyke nets and Sheldon eel traps. A person may not utilize more than the average number of elver dip nets, elver fyke nets and Sheldon eel traps that person used during the past three elver fishing seasons.
7. It prohibits a person from building or using an artificial platform to fish for elvers and requires a person to immediately release any bycatch caught in an elver fyke net.
8. It clarifies placement requirements for elver fyke nets and authorizes a marine patrol officer to open the cod end of a net that is located in violation of those requirements. It also gives the Commissioner of Marine Resources authority to adopt rules relating to the placement of elver fishing gear if necessary because of the configuration of a river, stream, brook or other watercourse.
9. It prohibits the tending of another person's gear except with written permission from a marine patrol officer and for the purpose of releasing captured elvers if the person issued a tag for the gear is unable to tend the gear because of a disability or medical condition. It requires that gear be removed from the water if the license holder is unable to tend the gear for more than two weeks.
10. It authorizes the Commissioner of Marine Resources not to renew the elver dealer's license of a dealer who does not meet reporting requirements.
11. It requires the Commissioner of Marine Resources to submit a report by November 1, 1999 to the Joint Standing Committee on Marine Resources with findings on the 1999 elver harvest and recommendations regarding the 2000 elver fishing season. It authorizes the committee to report out legislation concerning elver fishing during the Second Regular Session of the 119th Legislature.
12. It requires the Commissioner of Marine Resources to revoke the 1999 elver fishing license of any person who has purchased a license but does not meet the new eligibility requirements and to refund all license and gear fees paid by that person. It also requires the commissioner to refund any gear fees paid by a person for gear that person is no longer authorized to utilize.

Chapter 7 was enacted as an emergency measure effective March 11, 1999.

**LD 906**

**An Act to Improve Elver Fishery Management**

**CARRIED OVER**

Sponsor(s)  
GOLDTHWAIT

Committee Report

Amendments Adopted

LD 906 proposes to amend the elver fishing laws in several ways. It proposes to limit people to holding an elver fyke net license or a dip net license, but not both, and to allow only people who held an elver fyke net license during 1996, 1997 and 1998 to be issued an elver fyke net license beginning in 2000. The bill proposes to allow elver fishing only with a dip net beginning with the 2003 season. The bill also proposes to establish a cap on the number of dip net licenses that may be sold in any year beginning with the 2003 season and a mechanism for bringing new people into the fishery as licenses become available through attrition. It proposes to establish a new fee schedule for licenses and for elver fishing gear and to establish the open and closed seasons for the elver fishery for the years 2000, 2001, 2002 and 2003. The bill also proposes to limit the number of eels that an individual may take for personal purposes. This bill was submitted on behalf of the Department of Marine Resources.

**LD 962**

**An Act to Regulate the Dragging of Scallops on the Medomak River**

**ONTP**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 962 proposed to prohibit the dragging for scallops on the Medomak River from April 1st to December 31st of each year.

**LD 974**

**An Act to Amend the Laws Regarding Elver Fishing**

**ONTP**

<u>Sponsor(s)</u> TRAHAN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 974 proposed to establish limits on the purchase of elver fishing licenses. It proposed to prohibit a person from purchasing an elver fishing license unless that person held a license to harvest elvers in 1996, 1997 and 1998. The eligibility requirements would apply to a person who had already purchased a license for the 1999 elver fishing season.

The bill also proposed to set a \$100 fee for each elver fyke net, Sheldon eel trap or dip net that is utilized in addition to the one net or trap that is authorized with the purchase of an elver fishing license.

The bill proposed to allow the Commissioner of Marine Resources to establish days that are closed to elver fishing. It proposed to require the commissioner to use the lunar tide schedule when the commissioner determines those days.

The bill proposed to limit the number of elver fyke nets and Sheldon eel traps that a person may use to the average number of elver fyke nets or Sheldon eel traps that person utilized during the past three elver fishing seasons in which that person participated. It proposed to prohibit a person from using a dip net to harvest elvers, unless that person utilized a dip net in one of the last three elver fishing seasons for which that person held a license, or that person forfeits one elver fyke net or Sheldon eel trap for each dip net used from the average number of elver fyke nets or Sheldon eel traps that person utilized during the past three elver fishing seasons in which that person participated.

The bill proposed to establish two elver fishing zones in the State. Zone 1 would include all coastal waters west of a line that runs approximately down the middle of the Penobscot Bay. The elver fishing season in Zone 1 would be from noon on March 15th to May 31st. Zone 2 would include all coastal waters east of the line. The elver fishing season in Zone 2 would be from noon on April 1st to June 15th. A person would be permitted to fish in either zone during the open season.

The bill also proposed to establish a variety of limitations on the placement of elver gear and the use of elver gear.

The bill proposed to require the Commissioner of Marine Resources to report by August 1, 1999 to the Joint Standing Committee on Marine Resources on the harvest of elvers during the 1999 season and on any recommendations regarding the number of licenses and gear restrictions for the 2000 elver fishing season. The commissioner would be required to convene a meeting with representatives of the elver fishing industry by September 1, 1999 to review the findings of the reports.

**LD 1003****An Act to Allow for Navigation in Areas of Elver Fishing****ONTP**

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

LD 1003 proposed to prohibit a person from setting an elver fyke net or Sheldon eel trap in the middle portion of a river, brook, stream or other watercourse that can be navigated by a vessel. The bill also proposed to require a person who sets an elver fyke net or Sheldon eel trap to mark the locations of the net or trap and all associated lines and anchors so that the locations are clearly visible to the operator of a vessel.

**LD 1079****An Act to Establish a Framework for Management of Emerging Fisheries****PUBLIC 297**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT HONEY	OTP-AM	S-264

LD 1079 proposed to establish authority in the Department of Marine Resources to require an endorsement in conjunction with a commercial fishing license in the event a new or emerging fishery is begun as a means of initiating management to avoid development of the fishery beyond a sustainable level. It proposed to require that the commissioner report the circumstance to the joint standing committee of the Legislature having jurisdiction over marine resources matters. This bill was submitted on behalf of the Department of Marine Resources.

**Committee Amendment "A" (S-264)** proposed to authorize the Commissioner of Marine Resources to investigate conditions affecting marine resources and require an endorsement on a commercial fishing license for a harvester to participate in an emerging fishery that is under increasing pressure that could impact its sustainability. The amendment proposed to authorize the commissioner to control the number of individuals engaged in an emerging fishery by limiting the number of endorsements issued for a specific marine organism. The amendment proposed to require the commissioner to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the status of an emerging fishery within 24 months of the issuance of the first endorsement for that fishery.

***Enacted law summary***

Public Law 1999, chapter 297 authorizes the Commissioner of Marine Resources to investigate conditions affecting marine resources and require an endorsement on a commercial fishing license for a harvester to participate in an emerging fishery that is under increasing pressure that could impact its sustainability. The law authorizes the commissioner to control the number of individuals engaged in an emerging fishery by limiting the number of endorsements issued for a specific marine organism. The law requires the commissioner to report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the status of an emerging fishery within 24 months of the issuance of the first endorsement for that fishery.

**LD 1111****An Act to Clarify the Lobster V-Notch Law****ONTP**

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

LD 1111 proposed to allow a person to possess a v-notch lobster if the notch cut measures 1/8 inch or less into the flipper.

**LD 1113                      An Act to Prohibit Elver Fyke Nets on Certain Rivers                      ONTP**

<u>Sponsor(s)</u> DUNLAP		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1113 proposed to prohibit the use of elver fyke nets on certain portions of the Pennamaquan, Machias, East Machias, Dennys, Narraguagus, Union, Penobscot, Ducktrap, Kennebec, Androscoggin, Saco and York Rivers.

**LD 1115                      An Act to Ensure Safety in the Sale of Shellfish                      DIED BETWEEN BODIES**

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP      MAJ ONTP     MIN		<u>Amendments Adopted</u>
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LD 1115 proposed to limit shellfish harvesters who are not also certified shellfish dealers to selling shellfish they have harvested only to certified dealers or to the final consumer. This bill was submitted on behalf of the Department of Marine Resources.

**LD 1116                      An Act to Clarify Minimum Size Standards for Marine Species under Aquaculture                      PUBLIC 156 EMERGENCY**

<u>Sponsor(s)</u> ETNIER		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> S-124 GOLDTHWAIT
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LD 1116 proposed to expand the exemption for the possession of an organism grown on aquaculture lease sites that is less than the minimum or more than maximum size allowed from finfish only to any marine organism approved for growing on a lease site. The bill also proposed to provide that a special license may authorize the holder to sell, ship or transport a marine organism that is less than the minimum legal size if the organism is grown in a hatchery for stock enhancement or resale for purposes of cultivation or stock enhancement. This bill was submitted on behalf of the Department of Marine Resources.

**Senate Amendment "A" (S-124)** proposed to add an emergency preamble and emergency clause to the bill and to repeal the repeal date for the Salmon Aquaculture Monitoring, Research and Development Fund and the Maine Salmon Aquaculture Advisory Council.

***Enacted law summary***

Public Law 1999, chapter 156 expands the exemption for the possession of an organism grown on aquaculture lease sites that is less than the minimum or more than maximum size allowed from finfish only to any marine organism approved for growing on a lease site. The law also provides that a special license may authorize the holder to sell, ship or transport a marine organism that is less than the minimum legal size if the organism is grown in a hatchery for stock enhancement or resale for purposes of cultivation or stock enhancement. The law also repeals the repeal date for the

Salmon Aquaculture Monitoring, Research and Development Fund and the Maine Salmon Aquaculture Advisory Council.

Chapter 156 was enacted as an emergency measure effective May 12, 1999.

**LD 1139**                      **An Act to Amend the Law for Children of Lobster License Holders**                      **ONTP**

<u>Sponsor(s)</u> ANDREWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1139 proposed to amend the apprentice program for new entrants into Maine's lobster fishery by authorizing the Commissioner of Marine Resources to waive all or part of the practical lobster fishing experience component or the program length for a person who is the child of a lobster and crab fishing license holder and who has obtained practical lobster fishing experience as an unlicensed crew member assisting that license holder.

**LD 1154**                      **An Act to Make November 1st the Opening Day of the Scallop Season throughout the State**                      **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1154 proposed to provide for a uniform open season for scallop fishing along the entire coast of Maine.

**LD 1171**                      **An Act to Provide for Management of the Harvest of Seaweed**                      **PUBLIC 501**

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-114
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LD 1171 proposed to increase seaweed permit fees and to establish the Seaweed Management Fund to be used to research and manage seaweed resources and to enforce laws and rules related to seaweed. The bill also proposed to authorize the Commissioner of Marine Resources to adopt rules regulating the harvest of seaweed.

**Committee Amendment "A" (S-114)** proposed to adjust the seaweed permit fees proposed in the bill by setting a lower fee for the resident seaweed permit and higher fees for the nonresident seaweed permit and the supplemental seaweed permit and establishing a nonresident supplemental seaweed permit. The amendment proposed to strike shipping and selling from the list of activities that may be undertaken with a supplemental seaweed permit. It also proposed to specify that the Commissioner of Marine Resources shall use the Seaweed Management Fund in accordance with an annual plan for expenditures.

The amendment proposed to clarify that the commissioner may adopt rules regulating the harvest of seaweed on a species-specific basis.

The amendment proposed to require the Commissioner of Marine Resources to submit a report by December 31, 1999 to the Joint Standing Committee on Marine Resources regarding seaweed permits and the Seaweed Management Fund. It also proposed to authorize the Joint Standing Committee on Marine Resources to report out legislation regarding seaweed permits and the Seaweed Management Fund to the Second Regular Session of the 119th Legislature.

***Enacted law summary***

Public Law 1999, chapter 501 increases seaweed permit fees and establishes a new nonresident supplemental seaweed permit. The law also establishes the Seaweed Management Fund to be used to research and manage seaweed resources and to enforce laws and rules related to seaweed. The law authorizes the Commissioner of Marine Resources to adopt rules regulating the harvest of seaweed on a species-specific basis. It also requires the Commissioner of Marine Resources to submit a report by December 31, 1999 regarding seaweed permits and the Seaweed Management Fund and authorizes the Joint Standing Committee on Marine Resources to report out legislation regarding seaweed permits and the Seaweed Management Fund to the Second Regular Session of the 119th Legislature.

**LD 1173**

**An Act Regarding Elver Fishing**

**ONTP**

<u>Sponsor(s)</u> PERKINS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1173 proposed to require the Commissioner of Marine Resources to classify elver fishing rivers, brooks and streams as Class I, Class II or Class III elver waters, based on the flow volume of the watercourse. Elver harvesting on Class I and Class II rivers would be limited to dip nets. Municipalities would be able to petition the commissioner to close elver fishing on Class I waters. Elvers could be harvested on Class III waters with elver fyke nets, Sheldon eel traps and dip nets and harvesting on Class III waters would alternate banks each year. The bill proposed to establish separate elver fishing licenses for Class I, Class II and Class III waters.

The bill also proposed to require the Commissioner of Marine Resources to determine the number of dip net licenses that could be issued annually under the licenses for Class I, Class II and Class III waters. If the number of dip net license applications for a license category exceeded the number of license openings for that category, the commissioner would be required to hold a lottery to determine who would obtain a license in that category. A person issued a dip net license could utilize only one dip net.

The bill proposed to require the Commissioner of Marine Resources to establish elver fyke net sites in Class III waters. If more than one person chose a particular site, their names would be entered into a general lottery for elver fyke net sites. A person issued a Class III license could use only two elver fyke nets, two Sheldon eel traps or one elver fyke net and one Sheldon eel trap.

**LD 1288**

**An Act to Establish a Lobster License for 30-year Residents of the State Who are 65 Years of Age or Older**

**ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1288 proposed to establish a lobster and crab fishing license for residents 65 years of age or older who, at the time of application, had been full-time residents of the State for each of the previous 30 years. The holder of a 30-year resident license would be authorized to fish up to 150 lobster traps.

Sponsor(s)  
HARRIMAN  
DAVIDSON

Committee Report  
OTP-AM

Amendments Adopted  
S-145

LD 1316 proposed to prohibit the Commissioner of Marine Resources from issuing an aquaculture lease within municipal boundaries of a municipality with a shellfish conservation program without the written consent of the municipal officers. It also proposed that a criterion that must be met before the commissioner may grant a lease is that the proposed project not unreasonably interfere with potentially viable fisheries.

**Committee Amendment "A" (S-145)** proposed to prohibit the Commissioner of Marine Resources from leasing an area in the intertidal zone for aquaculture within a municipality with a shellfish conservation program without the consent of the municipal officers.

The amendment proposed to add to the criteria for an aquaculture lease to be granted that the proposed project will not unreasonably interfere with public access to a redeemable shellfish resource for the purpose of harvesting, provided the resource is commercially significant and subject to a pollution abatement plan that is reasonably expected to result in the opening of the area to the taking of shellfish within three years.

The amendment also proposed to specify that a municipality with a shellfish conservation program may approve an application to lease areas in the intertidal zone if the lease application is written on a form supplied by the Commissioner of Marine Resources.

*Enacted law summary*

Public Law 1999, chapter 267 prohibits the Commissioner of Marine Resources from leasing an area in the intertidal zone for aquaculture within a municipality with a shellfish conservation program without the consent of the municipal officers.

The law adds to the criteria for an aquaculture lease to be granted that the proposed project will not unreasonably interfere with public access to a redeemable shellfish resource for the purpose of harvesting, provided the resource is commercially significant and subject to a pollution abatement plan that is reasonably expected to result in the opening of the area to the taking of shellfish within three years.

The law also specifies that a municipality with a shellfish conservation program may approve an application to lease areas in the intertidal zone if the lease application is written on a form supplied by the Commissioner of Marine Resources.

Sponsor(s)  
GOLDTHWAIT

Committee Report  
OTP-AM

Amendments Adopted  
H-336 ETNIER  
S-113

LD 1327 proposed to make the language in the statutes regarding the allowable number of lobster traps that may be fished consistent with the rules adopted by the Commissioner of Marine Resources for the lobster management zones following approval at referendum. This bill was submitted on behalf of the Department of Marine Resources.

**Committee Amendment "A" (S-113)** proposed to clarify that the maximum number of traps that may be fished by a Class I, Class II or Class III lobster and crab fishing license holder or tended from a boat is 1,000 before March 1, 2000 and 800 effective March 1, 2000, unless a lower trap limit has been established for a lobster management zone.

**House Amendment "A" (H-336)** proposed to add an emergency preamble and an emergency clause to the bill.

*Enacted law summary*

Public Law 1999, chapter 187 clarifies that the maximum number of traps that may be fished by a Class I, Class II or Class III lobster and crab fishing license holder or tended from a boat is 1,000 before March 1, 2000 and 800 effective March 1, 2000, unless a lower trap limit has been established for a lobster management zone.

Chapter 187 was enacted as an emergency measure effective May 17, 1999.

**LD 1345**

**An Act to Allow Student License Holders to Become Eligible for Commercial Lobster and Crab Fishing Licenses**

**PUBLIC 490**

Sponsor(s)  
ETNIER

Committee Report  
OTP-AM

Amendments Adopted  
H-249

LD 1345 proposed to specify that to be eligible for a student lobster and crab fishing license, an individual must pass an examination given by the Department of Marine Resources. It proposed to specify that in order to enter the lobster apprenticeship program, an individual must have either an apprentice license or a student license. It proposed to repeal on December 31, 2001 the provision authorizing the commissioner to waive part of the practical lobster fishing experience requirement for an applicant for the lobster apprenticeship program based on that person's experience as a holder of a student license. This bill was submitted on behalf of the Department of Marine Resources.

**Committee Amendment "A" (H-249)** proposed to allow an applicant for an apprentice lobster and crab fishing license to designate up to 3 sponsors and to require an applicant for a student license to designate a sponsor. The amendment proposed to specify that a person issued a student license is enrolled in the apprenticeship program.

The amendment proposed to strike from the bill the requirement that a student pass a basic examination in order to be eligible for a student license and instead require the Department of Marine Resources to develop an educational brochure to provide student license holders with a general overview of the laws related to fishing for lobsters.

*Enacted law summary*

Public Law 1999, chapter 490 allows an applicant for an apprentice lobster and crab fishing license to designate up to 3 sponsors. The law also requires an applicant for a student license to designate a sponsor and specifies that a person issued a student license is enrolled in the apprenticeship program. The law requires the Department of Marine Resources to develop an educational brochure to provide student license holders with a general overview of the laws related to fishing for lobsters. The law specifies that in order to enter the lobster apprenticeship program, an individual must have either an apprentice license or a student license and repeals on December 31, 2001 the provision authorizing the commissioner to waive part of the practical lobster fishing experience requirement for an applicant for the lobster apprenticeship program based on that person's experience as a holder of a student license.

**LD 1399**

**An Act to Simplify the Licensing of Seafood Dealers in the State**

**ONTP**

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

LD 1399 proposed to consolidate into one license all wholesale and retail seafood activities. It proposed to repeal the requirement that separate permits be obtained for processing lobster meat, lobster tails and lobster tail parts. It proposed to retain the current limitations on how lobster meat, lobster tails and lobster tail parts may be processed, but to consolidate those provisions from three sections of law into one section.

**LD 1417**

**An Act to Create a Senior Lobster and Crab Fishing License**

**DIED BETWEEN BODIES**

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

LD 1417 proposed to establish a senior lobster and crab fishing license for persons 65 years of age or older who have been residents of this State for five years prior to applying for the license. A person issued a senior license would not be authorized to use more than 150 lobster traps. The license fee would be \$118.

**Committee Amendment "A" (H-128)**, the minority report of the Joint Standing Committee on Marine Resources, proposed to specify that a person issued a senior lobster and crab fishing license may fish for, take, possess, ship, transport and sell lobsters and crabs only while assisting that person's child or grandchild who is the holder of a student license. A senior lobster and crab fishing license would not authorize the holder to tend traps other than those submerged by the holder of a student license. The amendment also proposed to specify that only the holder of a Class I, Class II, Class III or senior lobster and crab fishing license may assist a student license holder. This amendment was not adopted.

**LD 1485**

**An Act Regarding Aquaculture Leases in Salt Pond in Hancock County**

**ONTP**

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

LD 1485 proposed to establish aquaculture lease standards for Salt Pond in Hancock County. The bill proposed to limit aquaculture leases to not more than 8% of the surface area of Salt Pond, to require a performance bond of \$20,000 and an annual lease fee of \$2000 for each aquaculture lease in Salt Pond and to prohibit leases for new or foreign species of fish unless those fish are quarantined for one year prior to introduction and the commissioner certifies that the fish meet all applicable state fish health rules.

**LD 1495**

**Resolve, to Regulate the Use, Operation and Type of Watercraft on Coastal Waters**

**ONTP**

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

LD 1495 proposed to establish a process whereby municipalities could request legislative action to regulate surface water uses on coastal waters abutting that municipality. The resolve also proposed to authorize the Department of Conservation, Bureau of Parks and Lands, the Department of Inland Fisheries and Wildlife and the Maine Land Use Regulation Commission to work together on recommendations for coastal waters that abut land controlled by the Federal Government or the State Government.

**LD 1502**

**Resolve, to Study the Changes in Lobster Morbidity and Mortality**

**RESOLVE 70  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP	S-395 MICHAUD

LD 1502 proposed to direct the Commissioner of Marine Resources to solicit a request for proposal to provide for investigators to study the increase in lobster morbidity and mortality. The bill proposed to appropriate \$100,000 for the investigators to perform their study.

**Senate Amendment "A" (S-395)** proposed to reduce the General Fund appropriation to the Department of Marine Resources to \$70,000.

***Enacted law summary***

Resolve 1999, chapter 70 directs the Commissioner of Marine Resources to solicit a request for proposal to provide for investigators to study the increase in lobster morbidity and mortality. The resolve appropriates \$70,000 for the investigators to perform their study.

Chapter 70 was enacted as an emergency measure effective June 11, 1999.

**LD 1526**

**Resolve, to Establish a Task Force to Study Limited Entry in the Shrimp Fishery**

**RESOLVE 69  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	OTP-AM	H-307

LD 1526 proposed to establish the Task Force to Study Limited Entry in the Shrimp Fishery. The task force would consist of 7 members, including 2 who harvest shrimp with drags, 2 who harvest shrimp with traps, a person from the University of Maine System with expertise in marine biology, a Legislator and a representative of the Department of Marine Resources with expertise in the shrimp fishery. The bill proposed to require the task force to report its findings and recommendations by February 1, 2000.

**Committee Amendment "A" (H-307)** proposed to add an emergency preamble and clause to the resolve. The amendment proposed to change the membership of the Task Force to Study Limited Entry in the Shrimp Fishery to consist of 7 members of the shrimp industry and one employee of the Department of Marine Resources. The amendment

proposed to require the task force to convene its first meeting by June 1, 1999 and to report its findings and conclusions to the Joint Standing Committee on Marine Resources by November 15, 1999.

The amendment proposed to specify that members of the task force serve without compensation and to authorize the Commissioner of Marine Resources to accept and administer any outside funds contributed to support the work of the task force. The amendment proposed to appropriate \$3,000 to the department to fund the costs associated with staffing the task force.

***Enacted law summary***

Resolve 1999, chapter 69 establishes the Task Force to Study Limited Entry in the Shrimp Fishery for the purpose of studying whether access to the Gulf of Maine shrimp fishery should be limited for the purpose of conserving the shrimp resource. The task force, consisting of 7 members of the shrimp industry and one employee of the Department of Marine Resources, is required to submit its findings and conclusions by November 15, 1999. The law appropriates \$3,000 to the Department of Marine Resources to fund the costs associated with staffing the task force.

Chapter 69 was enacted as an emergency measure effective June 11, 1999.

**LD 1581**

**An Act to Revise the Laws Regarding Shellfish**

**ONTP**

Sponsor(s)  
COWGER  
KILKELLY

Committee Report  
ONTP

Amendments Adopted

LD 1581 proposed to prohibit municipal shellfish ordinances from establishing shellfish licenses based on residency.

**LD 1624**

**An Act to Amend the Lobster Trap Escape Vent Laws**

**PUBLIC 142  
EMERGENCY**

Sponsor(s)  
ETNIER

Committee Report  
OTP-AM

Amendments Adopted  
H-247

LD 1624 proposed to amend the location of the escape vent on lobster traps to allow the rectangular vent to be placed on the top of the trap over the head of the parlor section.

**Committee Amendment "A" (H-247)** proposed to clarify that the rectangular escape vent on a lobster trap may be placed on the top of the trap if it is placed over the head of an end parlor section.

***Enacted law summary***

Public Law 1999, chapter 142 clarifies that the rectangular escape vent on a lobster trap may be placed on the top of the trap if it is placed over the head of an end parlor section.

Chapter 142 was enacted as an emergency measure effective May 7, 1999.

**LD 1628**

**An Act to Change the Provisions of the Lobster License Apprentice Program**

**ONTP**

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

LD 1628 proposed to allow the Commissioner of Marine Resources to waive one year of the lobster apprentice program for each three years the applicant has of practical lobster fishing experience as a holder of a Class I lobster and crab fishing license.

**LD 1634**

**An Act to Allow Certain Aquaculture Activities by Rule**

**CARRIED OVER**

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

LD 1634 proposes 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.

**LD 1827**

**An Act to Establish the North Atlantic Cold Water Observatory**

**CARRIED OVER**

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

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

**LD 1829**

**An Act to Establish a License for the Marine Shrimp Fishery**

**PUBLIC 491**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT HONEY	OTP-AM	S-153

LD 1829 proposed to establish a commercial shrimp permit for the commercial shrimp fishery and to require a person to hold both a commercial fishing license and a commercial shrimp permit in order to fish for shrimp. It proposed to establish the Shrimp Management Fund into which proceeds from the sale of a commercial shrimp permit would be deposited. The bill also proposed to require a person to hold a wholesale seafood license with a shrimp permit in order to buy, sell, ship or transport shrimp

The bill proposed to provide that if reporting in the fishery is required, failure to provide reports would be cause for nonrenewal of a shrimp permit or a wholesale seafood license with a shrimp permit. This bill was submitted on behalf of the Department of Marine Resources.

**Committee Amendment "A" (S-153)** proposed to establish a commercial shrimp license for the commercial shrimp fishery. It proposed to specify that a member of the Passamaquoddy Tribe is not required to hold a state commercial shrimp license if the member holds a tribal license to conduct the activities authorized under the state license.

The amendment proposed to specify that the Shrimp Management Fund must be used for research and assessment related to management of the shrimp fishery. It also proposed to strike from the bill the requirement that 50% of the fee for the wholesale seafood license with a shrimp permit be deposited in the Shrimp Management Fund. The amendment proposed to clarify that rules adopted by the Commissioner of Marine Resources related to submission of data by license holders are routine technical rules.

The amendment proposed to specify that the sections of the bill establishing a wholesale seafood license with a shrimp permit would take effect on April 1, 2000 and that a wholesale seafood license with a shrimp permit would expire on March 31st of each year. The amendment also proposed to specify that the section of the bill establishing a commercial shrimp license would take effect on January 1, 2000.

The amendment also proposed to allocate funds for costs related to the management of the shrimp fishery.

***Enacted law summary***

Public Law 1999, chapter 491 establishes a commercial shrimp license for the commercial shrimp fishery. It also establishes the Shrimp Management Fund into which proceeds from the sale of a commercial shrimp license must be deposited and requires that the Commissioner of Marine Resources use the fund for research and assessment related to management of the shrimp fishery. Chapter 491 also requires a person to hold a wholesale seafood license with a shrimp permit in order to buy, sell, ship or transport shrimp.

**LD 1836**

**An Act Concerning the Sea Urchin Fishery**

**PUBLIC 244**

Sponsor(s)  
ETNIER

Committee Report  
OTP-AM

Amendments Adopted  
H-306

LD 1836 proposed to make the following changes to the laws regarding the sea urchin fishery:

1. It proposed to eliminate the personnel restriction regarding the use of the sea urchin research fund;
2. It proposed to provide that failure to report required data may result in ineligibility to renew licenses;
3. It proposed to add possession of sea urchins on a boat during a closed day as an unauthorized activity;
4. It proposed to direct the Commissioner of Marine Resources to suspend the sea urchin license of a license holder upon conviction of violating the sea urchin fishing season;
5. It proposed to direct the Commissioner of Marine Resources to suspend a sea urchin license upon conviction of violating the zone harvesting laws;
6. It proposed to place conditions on changing zones so that the number of license holders changing from Zone 1 to Zone 2 would equal the number of license holders changing from Zone 2 to Zone 1;
7. It proposed to change the membership of the Sea Urchin Zone Council from including a processor and a buyer from Zone 1 and a processor and a buyer from Zone 2 to including two individuals in Zone 1 who have either a processor's or buyer's permit and two individuals in Zone 2 who have either a processor's or buyer's permit; and
8. It proposed to specify that the zone council may seek advice from knowledgeable scientists with regard to research needs.

This bill was submitted on behalf of the Department of Marine Resources.

**Committee Amendment "A" (H-306)** proposed to clarify that if a sea urchin buyer or processor fails to maintain a log book or report required data, the Commissioner of Marine Resources may deny an application for renewal of that person's wholesale seafood license with a sea urchin buyer's permit or wholesale seafood license with a sea urchin processor's permit.

The amendment also proposed to add an allocation section to the bill to allocate funds to support the activities of the Sea Urchin Zone Council.

*Enacted law summary*

Public Law 1999, chapter 244 makes the following changes to the laws regarding the sea urchin fishery: it directs the Commissioner of Marine Resources to suspend the sea urchin fishing license of a license holder convicted of violating the sea urchin fishing season or the zone harvesting laws; it adds possession of sea urchins on a boat during a closed day as an unlawful activity; it provides that failure to report required data may result in ineligibility to renew a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit; it eliminates the personnel restriction regarding the use of the sea urchin research fund; it places conditions on changing zones so that the number of license holders changing from Zone 1 to Zone 2 equals the number of license holders changing from Zone 2 to Zone 1; it changes the membership of the Sea Urchin Zone Council; and it specifies that the zone council may seek advice from knowledgeable scientists with regard to research needs.

**LD 1982**

**An Act to Establish a Lobster Trap Tag Freeze to Limit Effort in the Lobster Fishery**

**PUBLIC 397**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	H-580
	OTP-AM B	
	ONTP C	

LD 1982 proposed to implement one of the recommendations of the Lobster Advisory Council regarding reduced fishing effort in the lobster fishery. It proposed to establish a freeze on the issuance of lobster trap tags by prohibiting the Commissioner of Marine Resources from issuing a number of lobster trap tags each year to a lobster and crab fishing license holder that is greater than the number of trap tags the license holder had purchased as of November 20, 1998 for the 1998 license year. The bill proposed to establish an appeals process for individuals who are denied trap tags because of the freeze. The bill proposed to repeal the trap tag freeze on December 31, 2001.

**Committee Amendment "B" (H-580)**, the minority report of the Joint Standing Committee on Marine Resources, proposed to specify that a person who has held a student lobster and crab fishing license for 3 consecutive years and who is at least 18 years of age or a high school graduate is eligible for a Class I, Class II or Class III lobster and crab fishing license. The amendment proposed to repeal that provision on December 31, 2001.

The amendment proposed to establish limits on the purchase of lobster trap tags based on the number of trap tags purchased by a Class I, Class II or Class III lobster and crab fishing license holder as of November 20, 1998 for the 1998 license year. The amendment proposed to limit those who purchased 200 or fewer trap tags to 300 trap tags in the initial license year, building up to the trap limit for the zone in which they fish at a rate of 100 trap tags per year. It limits those who purchased more than 200 trap tags to a buildup of 100 trap tags per year, up to the trap limit for the zone in which they fish.

The amendment proposed to establish an initial limit of 300 trap tags for a license holder who is issued a Class I, Class II or Class III license for the first time after meeting the requirements of the apprentice program and to allow that

license holder to build up at a rate of 100 trap tags per year, up to the trap limit for the zone in which that license holder fishes.

The amendment proposed to establish an initial limit for a license holder who is issued a Class I, Class II or Class III license on appeal of either the number of trap tags purchased by the person in 1996, 1997 or 1998 or 300 trap tags if the person did not hold a license in 1996, 1997 or 1998 and to allow that license holder to build up at a rate of 100 trap tags per year, up to the trap limit for the zone in which that license holder fishes.

The amendment also proposed to establish an appeals process for certain individuals who are denied trap tags because of the limits. The amendment proposed to repeal the trap tag limit provisions on December 31, 2001.

The amendment proposed to require the Lobster Advisory Council to report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource, and it proposed to authorize the Joint Standing Committee on Marine Resources to report out legislation to the Second Regular Session of the 119th Legislature regarding limited effort in the lobster fishery.

**Committee Amendment "A" (H-579)**, the majority report of the Joint Standing Committee on Marine Resources, contained the same provisions as the minority report, except that it proposed to establish a freeze on the purchase of lobster trap tags at the number of trap tags purchased by a Class I, Class II or Class III lobster and crab fishing license holder as of November 20, 1998 for the 1998 license year, with 3 exceptions. A license holder who is issued a license for the first time after meeting the requirements of the apprentice program or who is issued a license after having held a student license for 3 consecutive years would be limited to a number of trap tags that is not greater than 1/2 the trap limit established by rule for the zone in which the person fishes a majority of that person's traps. A license holder who is issued a license on appeal would be limited to either the number of trap tags purchased by the person in 1996, 1997 or 1998 or a number of trap tags that is not greater than 1/2 the trap limit established by rule for the zone in which the person fishes a majority of that person's traps if the person did not hold a license in 1996, 1997 or 1998.

This amendment was not adopted.

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

Public Law 1999, chapter 397 specifies that a person who has held a student lobster and crab fishing license for 3 consecutive years and who is at least 18 years of age or a high school graduate is eligible for a Class I, Class II or Class III lobster and crab fishing license. The law repeals that provision on December 31, 2001.

The law establishes limits on the purchase of lobster trap tags based on the number of trap tags purchased by a Class I, Class II or Class III lobster and crab fishing license holder as of November 20, 1998 for the 1998 license year. The law limits those who purchased 200 or fewer trap tags to 300 trap tags in the initial license year, building up to the trap limit for the zone in which they fish at a rate of 100 trap tags per year. It limits those who purchased more than 200 trap tags to a buildup of 100 trap tags per year, up to the trap limit for the zone in which they fish.

The law establishes an initial limit of 300 trap tags for a license holder who is issued a Class I, Class II or Class III license for the first time after meeting the requirements of the apprentice program and allows that license holder to build up at a rate of 100 trap tags per year, up to the trap limit for the zone in which that license holder fishes. It establishes an initial limit for a license holder who is issued a Class I, Class II or Class III license on appeal of either the number of trap tags purchased by the person in 1996, 1997 or 1998 or 300 trap tags if the person did not hold a license in 1996, 1997 or 1998 and allows that license holder to build up at a rate of 100 trap tags per year, up to the trap limit for the zone in which that license holder fishes.

The law also establishes an appeals process for certain individuals who are denied trap tags because of the limits. It repeals the trap tag limit provisions on December 31, 2001.

The law requires the Lobster Advisory Council to report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource, and it authorizes the Joint Standing Committee on Marine Resources to report out legislation to the Second Regular Session of the 119th Legislature regarding limited effort in the lobster fishery.

**LD 1992**

**An Act to Limit Entry into the Lobster Fishery by Zone**

**PUBLIC 508**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-629
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LD 1992 proposed to authorize a lobster management policy council to propose limits on new zone entrants to a lobster management zone and to authorize the Commissioner of Marine Resources to adopt rules establishing those limits. The limits would be based on an exit ratio of licenses that were not renewed to new zone entrants.

The bill proposed to require the commissioner to maintain a waiting list of people who have requested to fish a majority of their traps in a limited-entry zone and to authorize people as new zone entrants in chronological order in accordance with the exit ratio.

The bill proposed to establish for new zone entrants who have met the requirements of the apprentice program a trap tag limit of the average number of trap tags in the zone. Those license holders could increase their trap tags by 10% each year.

The bill also proposed to require the Lobster Advisory Council to report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource.

**Committee Amendment "A" (H-629)** proposed to clarify the process by which rules establishing limited entry for a lobster management zone may be proposed and adopted and to authorize the Commissioner of Marine Resources to establish by rule procedures to implement limited entry by zone.

The amendment proposed to authorize a person to request up to 2 limited-entry zones that the person wishes to declare as that person's declared lobster zone and to specify that the person would be taken off the waiting list of the 2nd zone if authorized to declare one of the zones as that person's declared lobster zone. The amendment proposed to require a person to declare a zone within 30 days after receiving notification by certified mail that the person is authorized to do so. If the person failed to declare a zone within that 30-day period, that person would be taken off the waiting list.

The amendment proposed to strike the section of the bill that would have established a trap tag limit for new zone entrants who have met the requirements of the apprentice program.

The amendment also proposed to strike the requirement that the Lobster Advisory Council report to the Joint Standing Committee on Marine Resources by February 1, 2000 on methods to limit effort in the lobster fishery for the purpose of conserving the lobster resource.

#### *Enacted law summary*

Public Law 1999, chapter 508 authorizes a lobster management policy council to propose limits on new zone entrants to the lobster management zone and authorizes the Commissioner of Marine Resources to adopt rules establishing limits on new zone entrants upon receipt of a proposal from a lobster management policy council. The limits would be based on an exit ratio between the number of licenses that were not renewed and the number of new zone entrants. The law requires the commissioner to maintain a waiting list of people who have requested to fish a majority of their traps in a

limited-entry zone and to authorize people as new zone entrants in chronological order in accordance with the exit ratio for that zone.

**LD 1993**

**An Act to Establish an Appeals Process for Lobster Fishing License Denial**

**PUBLIC 330  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-396
	OTP-AM MIN	

LD 1993 proposed to implement one of the recommendations of the Lobster Advisory Council regarding limited entry into the lobster fishery. It proposed to establish a Lobster License Appeals Board composed of 3 members appointed by the Commissioner of Marine Resources to review appeals from individuals who are denied a lobster and crab fishing license because they do not meet the eligibility requirements for a license. The board would make recommendations to the commissioner regarding the approval or denial of an appeal, and the commissioner would make the final decision on an appeal.

**Committee Amendment "A" (H-396)**, the majority report of the Joint Standing Committee on Marine Resources, proposed to add an emergency preamble and an emergency clause to the bill. The amendment proposed to establish an appeals process for people who were denied a Class I, Class II or Class III lobster and crab fishing license because they did not possess a 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 met certain criteria, including having held a lobster and crab fishing license for five consecutive years within the previous 15 years and not having possessed one in the previous year because of an illness or medical condition; service in the United States Armed Forces or United States Coast Guard; or a license suspension.

The amendment proposed to repeal the provision that made a person eligible for a Class I, Class II or Class III lobster and crab fishing license if the person did not possess a license in the previous calendar year because the commissioner had suspended the person's license for the previous calendar year. Instead, the amendment proposed to authorize the person to appeal a license denial under those circumstances.

The amendment proposed to require the Department of Marine Resources to develop a proposed appeals process to be used when a license is denied under any limited-entry fishery and to submit a report to the Joint Standing Committee on Marine Resources by January 15, 2000. The amendment also proposed to authorize the Joint Standing Committee on Marine Resources to report out legislation to the Second Regular Session of the 119th Legislature regarding a license appeals process.

**Committee Amendment "B" (H-397)**, the minority report of the Joint Standing Committee on Marine Resources, contained the same provisions as the majority report and also proposed to authorize the Commissioner of Marine Resources to waive all or part of the practical lobster fishing experience component of the apprentice program on appeal if the person documented that the person obtained practical lobster fishing experience as a holder of a Class I, Class II or Class III lobster and crab fishing license. The commissioner could waive up to half the experience requirement for each three years of experience documented. This amendment was not adopted.

***Enacted law summary***

Public Law 1999, chapter 330 establishes an appeals process for people who are denied a Class I, Class II or Class III lobster and crab fishing license because they did not possess a 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 held a lobster and crab fishing license for five consecutive years within the previous 15 years and not having possessed

one in the previous year because of an illness or medical condition; service in the United States Armed Forces or United States Coast Guard; or a license suspension.

The law repeals the provision that made a person eligible for a Class I, Class II or Class III lobster and crab fishing license if the person did not possess a license in the previous calendar year because the commissioner had suspended the person's license for the previous calendar year. Instead, the law authorizes the person to appeal a license denial under those circumstances.

The law requires the Department of Marine Resources to develop a proposed appeals process to be used when a license is denied under any limited-entry fishery and to submit a report to the Joint Standing Committee on Marine Resources by January 15, 2000. The law authorizes the Joint Standing Committee on Marine Resources to report out legislation to the Second Regular Session of the 119th Legislature regarding a license appeals process.

Chapter 330 was enacted as an emergency measure effective May 25, 1999.

**LD 2062**                      **An Act to Require Fishing Boats Rather than Individuals to Be Licensed for Salt Water Commercial Ventures**                      **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2062 proposed to require that boats, instead of individuals, be licensed for harvesting marine organisms. It proposed to allow any person to fish for a marine organism from a boat that is licensed for the harvesting of that marine organism. It proposed to require the owner of the boat to be on board the boat when it is used for fishing, with exemptions to that requirement under certain circumstances. The owner would be liable for the activities of any person who fished from the owner's boat. The bill proposed to make a variety of technical changes to the marine resources laws to reflect the changing of certain license requirements from licensing individuals to licensing boats.

The bill also proposed to repeal limited-entry provisions in the lobster and sea urchin fisheries.

**LD 2198**                      **An Act to Fund the Costs Associated with Determining Eligibility for Certain Marine Resources Licenses**                      **PUBLIC 309**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-517
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LD 2198 proposed to authorize the use of money in the Lobster Management Fund, the Eel and Elver Management Fund and the Sea Urchin Research Fund to fund costs associated with determining eligibility to participate in the lobster fishery, the elver fishery and the sea urchin fishery.

**Committee Amendment "A" (H-517)** proposed to add an allocation section and a fiscal note to the bill.

***Enacted law summary***

Public Law 1999, chapter 309 authorizes the use of money in the Lobster Management Fund, the Eel and Elver Management Fund and the Sea Urchin Research Fund to fund costs associated with determining eligibility to participate in the lobster fishery, the elver fishery and the sea urchin fishery.

**LD 2236**

**An Act to Amend the Laws Relating to the Location of Lobster Trap  
Escape Vents**

**PUBLIC 274  
EMERGENCY**

Presented by  
GOLDTHWAIT  
ETNIER

Committee Report  
OTP

Amendments Adopted

LD 2236 proposed to amend the laws relating to the location of escape vents on lobster traps to allow circular vents to be placed on the top of the trap over the head of an end parlor section. This bill was reported out of committee pursuant to Joint Rule 205.

*Enacted law summary*

Public Law 1999, chapter 274 amends the laws relating to the location of escape vents on lobster traps to allow circular vents to be placed on the top of the trap over the head of an end parlor section. Chapter 274 was enacted as an emergency measure effective May 20, 1999.

**SP 613**

**JOINT ORDER Relative to Establishing the Commission to  
Review Municipal Shellfish Conservation Programs**

**ONTP**

Sponsor(s)  
LAWRENCE  
WHEELER G  
LEMONT

Committee Report  
ONTP

Amendments Adopted

SP 613 proposed to establish the Commission to Review Municipal Shellfish Conservation Programs. The joint order proposed to require the 9 member commission to study the distribution of municipal shellfish licenses between residents and nonresidents of a municipality and to report its findings and any proposed legislation to the Joint Standing Committee on Marine Resources.