

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure the Proper Management of the Sea Urchin Industry

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §6024, sub-§1-A, as amended by PL 1999, c. 85, §2, is further amended to read:

1-A. Appointment; composition; term; compensation. The Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of 15 members. The Chair of the Lobster Advisory Council ~~and~~, the chair of the Marine Recreational Fishing Advisory Council ~~and~~ the chair of the Sea Urchin Zone Council are ex officio members of the council. Each other member is appointed by the Governor and is subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources and to confirmation by the Legislature. ~~Seven~~Six members must be persons who are licensed under this Part to engage in commercial harvesting activities. Those ~~76~~ members are selected by the Governor from names recommended to the Governor by groups representing commercial harvesting interests. Each member must represent a different commercial harvesting activity, except that none of those ~~76~~ members may represent lobster harvesters. The remaining ~~6~~ members must include one public member, 4 persons who hold a nonharvesting-related license under this Part and one person representing the aquaculture industry. The Governor shall select the person to represent the aquaculture industry from among the names recommended by the aquaculture industry. The composition of the council must reflect a geographical distribution along the coast. All appointed members are appointed for a term of 3 years, except a vacancy must be filled in the same manner as an original member for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. The Chair of the Lobster Advisory Council ~~and~~, the chair of the Marine Recreational Fishing Advisory Council ~~and~~ the chair of the Sea Urchin Zone Council shall serve until a new Chair of the Lobster Advisory Council ~~or~~, a new chair of the Marine Recreational Fishing Advisory Council ~~or~~ a new chair of the Sea Urchin Zone Council, respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.

Sec. 2. 12 MRSA §6749-X, sub-§1, as amended by PL 1999, c. 244, §5, is further amended to read:

1. Appointment and election; composition. The Sea Urchin Zone Council, referred to in this section as the "council," established by Title 5, section 12004-I, subsection 57-B, consists of ~~19~~15 members. ~~The commissioner shall appoint the members~~Seven members of the council are elected by the sea urchin industry as follows:

- A. ~~Three~~One sea urchin harvesters~~harvester~~ who ~~hold~~holds a current handfishing sea urchin license for Zone 1;
- B. ~~Three~~One sea urchin harvesters~~harvester~~ who ~~hold~~holds a current handfishing sea urchin license for Zone 2;
- C. ~~Three~~One sea urchin harvesters~~harvester~~ who ~~hold~~holds a current sea urchin draggers license for Zone 1;

- D. ~~Three~~One sea urchin ~~harvesters~~harvester who ~~hold~~holds a current sea urchin draggers license for Zone 2;
- E. ~~Two individuals whose base of operation is located in Zone 1 and who hold either a current sea urchin processor's permit or a current~~One individual who holds a current wholesale seafood license with a sea urchin buyer's permit;
- F. ~~Two individuals whose base of operation is located in Zone 2 and who hold either a current~~One individual who holds a current wholesale seafood license with a sea urchin processor's permit or a current sea urchin buyer's permit; and
- I. ~~Two scientists who have expertise in marine resources management; and~~
- J. One sea urchin harvester who holds a current boat tender's license.

The commissioner shall appoint the remaining 8 members. If possible, those 8 appointees must include, but not be limited to, a marine scientist, an aquaculturalist, a person holding a sea urchin draggers license, a person holding a sea urchin and scallop diving tender license and a person holding a sea urchin hand-raking and trapping license. In making appointments under paragraphs A, B, C and D this subsection, the commissioner shall select members to ensure a geographic distribution of representation from each zone.

Sec. 3. 12 MRSA §6749-X, sub-§1-A is enacted to read:

1-A. Elections. The commissioner shall adopt by rule procedures for conducting the election of members required under subsection 1. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 4. 12 MRSA §6749-X, sub-§2, as enacted by PL 1995, c. 595, §5, is amended to read:

2. Term. Council members serve for 2 years and continue serving until a successor is duly appointed or elected and qualified. When a vacancy occurs of an appointed member, the commissioner shall fill the vacancy by appointing a member from the same category of members listed in subsection 1 as the member who vacated the council. When a vacancy occurs of an elected member, the vacancy must be filled by an election as provided by rule.

Effective September 20, 2007