



131st MAINE LEGISLATURE

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Legislative Document

No. 2064

H.P. 1326

House of Representatives, December 13, 2023

**An Act to Amend the Laws Regarding Certain Advisory Councils
and Boards Related to the Department of Marine Resources**

Submitted by the Department of Marine Resources pursuant to Joint Rule 203.

Received by the Clerk of the House on December 11, 2023. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HEPLER of Woolwich.

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

2 **Sec. 1. 12 MRSA §6024, sub-§1-A**, as amended by PL 2023, c. 207, §4, is further
3 amended to read:

4 **1-A. Appointment; composition; term; compensation.** The Marine Resources
5 Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of 17
6 members. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone
7 Council ~~and~~, the chair of the Shellfish Advisory Council and the chair of the Aquaculture
8 Advisory Council are ex officio members of the council. Each other member is appointed
9 by the Governor and is subject to review by the joint standing committee of the Legislature
10 having jurisdiction over marine resources matters and to confirmation by the Legislature.
11 Five members must be persons who are licensed under this Part to engage in commercial
12 harvesting activities. Those 5 members are selected by the Governor from names
13 recommended to the Governor by groups representing commercial harvesting interests.
14 Each member must represent a different commercial harvesting activity, except that none
15 of those 5 members may represent lobster harvesters. The remaining ~~9~~ 8 members must
16 include one member who is listed on the saltwater recreational fishing registry established
17 in section 6312 and does not hold a state marine harvesting license, one public member,
18 one member who is a member of a federally recognized Indian nation, tribe or band in the
19 State, 4 persons who hold a nonharvesting-related license under this Part, and one person
20 representing recreational saltwater anglers ~~and one person representing the aquaculture~~
21 ~~industry. The Governor shall select the person to represent the aquaculture industry from~~
22 ~~among the names recommended by the aquaculture industry.~~ The Governor shall select
23 the member who is a member of a federally recognized Indian nation, tribe or band in the
24 State based on the joint recommendation of the tribal governments of the Mi'kmaq Nation,
25 the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the
26 Passamaquoddy Tribe at Sipayik and the Penobscot Nation. If the tribal governments do
27 not make a unanimous joint recommendation, the Governor shall appoint a member of a
28 federally recognized Indian nation, tribe or band in the State and rotate the appointment
29 among members of each federally recognized Indian nation, tribe or band in the State. The
30 composition of the council must reflect a ~~geographical~~ geographic distribution along the
31 coast. All appointed members are appointed for a term of 3 years, except a vacancy must
32 be filled in the same manner as an original member for the unexpired portion of the term.
33 An appointed member may not serve for more than 2 consecutive terms. Appointed
34 members serve until their successors are appointed. The chair of the Lobster Advisory
35 Council, the chair of the Sea Urchin Zone Council ~~and~~, the chair of the Shellfish Advisory
36 Council and the chair of the Aquaculture Advisory Council shall serve until a new chair of
37 the Lobster Advisory Council, a new chair of the Sea Urchin Zone Council ~~or~~, a new chair
38 of the Shellfish Advisory Council or a new chair of the Aquaculture Advisory Council,
39 respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.

40 **Sec. 2. 12 MRSA §6080**, as repealed by PL 2011, c. 344, §19 and reenacted by c.
41 598, §9, is amended to read:

42 **§6080. Aquaculture Advisory Council**

43 **1. Appointment; composition.** The Aquaculture Advisory Council, referred to in this
44 section as ~~the "council"~~ "the council" and established by Title 5, section 12004-I, subsection
45 57-C, consists of ~~5~~ 7 members who are appointed by the commissioner as follows. ~~The~~

1 commissioner or the commissioner's designee is a nonvoting, ex officio member of the
2 council. The commissioner shall appoint 4 members from the State's aquaculture industry.
3 No more than 2 of the appointed members may represent similar segments of the State's
4 aquaculture industry.

5 A. The commissioner shall appoint at least 5 and up to 7 members from the aquaculture
6 industry. The commissioner shall ensure both geographic representation and
7 representation of multiple sectors of the aquaculture industry in making appointments
8 under this paragraph.

9 B. The commissioner may appoint up to 2 members who are members of the public
10 with expertise in matters related to the work of the council.

11 In making appointments, the commissioner may consider nominations from the council and
12 from associations representing the interests of persons involved in the aquaculture industry.

13 **2. Term.** Council members serve for 3 years and continue serving until a successor is
14 duly appointed and qualified. A member may not serve more than 2 consecutive terms. In
15 the case of a vacancy, the commissioner shall promptly fill the vacancy.

16 **3. Purpose.** The council shall make recommendations to the commissioner and the
17 joint standing committee of the Legislature having jurisdiction over marine resources
18 matters concerning expenditures from the Aquaculture Management Fund for the purposes
19 described under section 6072-D and concerning other matters of interest to the aquaculture
20 industry.:

21 A. Matters of interest to the aquaculture industry, including, but not limited to, the
22 leasing and licensing process, seed source, animal health, gear, compliance and
23 research; and

24 B. Expenditures from the Aquaculture Management Fund for the purposes described
25 in section 6072-D, subsection 4.

26 The council shall bring forward to the commissioner matters of concern to the aquaculture
27 industry and assist the commissioner with the dissemination of information to members of
28 the aquaculture industry.

29 **4. Chair and officers Officers.** ~~The officers of the council annually shall choose one~~
30 ~~of its members to serve as chair for a one-year term. The council may select other officers~~
31 ~~and designate their duties as the chair and vice-chair. The term of the officers is one year.~~
32 The council shall elect a member of the council for each officer position at the first regular
33 meeting of each year.

34 **5. Meetings.** The council shall meet at least ~~one~~ twice each year, and the meetings
35 may not be held within the same quarter. It may also meet at other times at the call of the
36 chair ~~or the chair's designee~~ or the commissioner ~~or the commissioner's designee~~. The
37 council may conduct a meeting by means of a conference call linking 2 or more members
38 of the council.

39 **7. Compensation.** Council members are entitled to expenses according to Title 5,
40 chapter 379, which are paid from the Aquaculture Management Fund established in section
41 6072-D.

42 **Sec. 3. 12 MRSA §6465, sub-§2,** as amended by PL 2021, c. 491, §3, is further
43 amended to read:

1 certain associations to one that consists of individuals representing certain sectors of the
2 lobster industry as well as individuals representing the Maine Lobster Marketing
3 Collaborative and the Lobster Advisory Council.