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Date: (Filing No. H-)

MARINE RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1236, L.D. 1791, Bill, “An Act To Continue the Maine Lobster Marketing Collaborative”

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 5 MRSA §12004-H, sub-§14, as amended by PL 2013, c. 309, §1, is further amended to read:

14.
Maine Lobster Marketing Collaborative \$55 Per Diem Plus Expenses 12 MRSA §6455

This subsection is repealed October 1, 2021.

Sec. 2. 12 MRSA §6455, sub-§2-B is enacted to read:

2-B. Executive committee. The collaborative shall establish an executive committee of no fewer than 5 members, who are appointed by a majority vote of the collaborative. The collaborative shall specify in its bylaws when the executive committee may act on behalf of the collaborative with regard to oversight of collaborative staff, daily operations of the collaborative and addressing unexpected expenditures to be made by the collaborative. The bylaws must specify what constitutes a quorum of the executive committee and how many votes are necessary for the executive committee to take a valid action. In addition to any other restrictions adopted by the collaborative, the executive committee may not act on behalf of the collaborative to:

- A. Adopt or amend an annual budget;
- B. Adopt or amend an annual marketing plan;
- C. Hire or terminate the employment of the executive director of the collaborative; or
- D. Amend the bylaws of the collaborative.'

COMMITTEE AMENDMENT

1 Amend the bill in section 1 in paragraph D in the first line (page 1, line 4 in L.D.) by
2 striking out the following: "2020" and inserting the following: '2021'

3 Amend the bill in section 1 in paragraph D by adding after subparagraph (7) a new
4 paragraph blocked to paragraph D to read:

5 'Beginning January 1, 2019, the surcharges assessed under this paragraph are
6 voluntary and the commissioner may not refuse to issue a license based upon the
7 applicant's nonpayment of the surcharge.'

8 Amend the bill by inserting after section 2 the following:

9 '**Sec. 3. 12 MRSA §6455, sub-§9** is enacted to read:

10 **9. Repeal.** This section is repealed October 1, 2021.'

11 Amend the bill by inserting after section 3 the following:

12 '**Sec. 4. Report.** The Commissioner of Marine Resources shall investigate whether
13 the surcharges assessed under the Maine Revised Statutes, Title 12, section 6455,
14 subsection 5-A on a wholesale seafood license with lobster permits or a supplemental
15 lobster transportation license may be amended to reflect the amount of lobster bought,
16 sold, shipped or transported by the license holder or a class of license holders. The
17 commissioner shall provide a report of recommendations to amend the surcharges to the
18 joint standing committee of the Legislature having jurisdiction over marine resources
19 matters by January 15, 2019. The joint standing committee may report out legislation to
20 the First Regular Session of the 129th Legislature based upon the report.'

21 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
22 section number to read consecutively.

23 SUMMARY

24 This amendment, which is the minority report of the committee, establishes an
25 executive committee of the Maine Lobster Marketing Collaborative to take certain
26 actions on behalf of the collaborative and specifies which actions are prohibited. The
27 amendment retains the provision in the bill that removes the October 1, 2018 repeal of the
28 section of law that establishes the collaborative and instead changes the repeal date to
29 October 1, 2021. The amendment continues through 2021 the surcharge amounts on
30 various types of licenses to fund the collaborative that have been in place since 2016,
31 except that this amendment makes those surcharges voluntary for years 2019 to 2021.
32 The amendment directs the Commissioner of Marine Resources to investigate whether
33 the surcharges assessed on a wholesale seafood license with lobster permits or a
34 supplemental lobster transportation license may be amended to reflect the amount of
35 lobster bought, sold, shipped or transported by the license holder or a class of license
36 holders and to provide a report of recommendations to the joint standing committee of the
37 Legislature having jurisdiction over marine resources matters by January 15, 2019.