



# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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**Legislative Document**

**No. 1906**

H.P. 1360

House of Representatives, December 24, 2019

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**An Act To Amend the Laws Governing the Composition of the  
Shellfish Advisory Council**

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

Received by the Clerk of the House on December 20, 2019. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*R. B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative TUELL of East Machias.

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

2           **Sec. 1. 12 MRSA §6038, sub-§1**, as enacted by PL 2007, c. 606, Pt. A, §2, is  
3       amended to read:

4           **1. Appointment; composition.** The Shellfish Advisory Council, referred to in this  
5       section as "the council" and established by Title 5, section 12004-I, subsection 57-G,  
6       consists of 13 voting members and one nonvoting member who are appointed by the  
7       commissioner as follows:

- 8           A. Four members who are commercial shellfish license holders, ~~at least 3 of whom  
9       must be primarily soft-shell clam harvesters.~~ In making the appointments under this  
10      paragraph, the commissioner shall consider up to 6 recommendations from  
11      associations representing the interests of persons who harvest shellfish commercially;
- 12           B. Two members who are shellfish aquaculture lease holders. In making the  
13      appointments under this paragraph, the commissioner shall consider up to 3  
14      recommendations from associations representing the interests of persons who raise  
15      shellfish under aquaculture leases;
- 16           C. One member who ~~represents the interests of municipalities with wastewater  
17      treatment systems~~ is a municipal official involved in pollution permitting or  
18      mitigation;
- 19           D. Two members who are licensed wholesale seafood dealers who have been issued  
20      a shellfish sanitation certificate by the department pursuant to section 6856,  
21      subsection 1. In making the appointments under this paragraph, the commissioner  
22      shall consider up to 3 recommendations from associations representing the interests  
23      of persons who buy and sell shellfish;
- 24           E. One public member with knowledge of and interest in coastal water quality;
- 25           F. Two members who are municipal shellfish ~~wardens~~. ~~In making the appointments  
26      under this paragraph, the commissioner shall solicit and consider up to 3  
27      recommendations for these 2 appointments from associations representing the  
28      interests of persons who protect and help manage municipal shellfish resources  
29      officials, including, but not limited to, a municipal shellfish conservation warden or a  
30      member of a municipal shellfish management committee, as described in section  
31      6671, subsection 2; and~~
- 32           G. One member who has been issued a shellfish depuration certificate under section  
33      6856, subsection 3, or who is designated by the department as an authorized  
34      representative of the holder of the shellfish depuration certificate; and
- 35           H. One nonvoting member who has a demonstrated knowledge of biological science  
36      and, at a minimum, a bachelor's degree.

37       The commissioner shall make appointments so that the composition of the council  
38       reflects a geographic distribution along the coast of the State.

39           **Sec. 2. Completion of term.** Notwithstanding the Maine Revised Statutes, Title  
40      12, section 6038, subsection 1, a person who is a member of the Shellfish Advisory

Council on the effective date of this Act may continue to serve on the council until the expiration of that person's term.

## SUMMARY

This bill changes the composition of the Shellfish Advisory Council by:

1. Eliminating the requirement that 3 of the 4 members who are commercial shellfish license holders be soft-shell clam harvesters;
  2. Expanding the representation from a member representing the interests of municipalities with wastewater treatment systems to a member who is a municipal official involved in pollution permitting or mitigation;
  3. Changing the requirement that 2 members be municipal shellfish wardens to instead provide that 2 members must be municipal shellfish officials, including, but not limited to, a municipal shellfish conservation warden or a member of a municipal shellfish management committee;
  4. Allowing a person who is designated by the Department of Marine Resources as an authorized representative of the holder of a shellfish depuration certificate to be a member; and
  5. Adding a nonvoting member who has a demonstrated knowledge of biological science and holds at least a bachelor's degree.