

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY

H.P. 1360 - L.D. 1906

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

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

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

**1. Appointment; composition.** The Shellfish Advisory Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 57-G, consists of ~~13~~ 14 members who are appointed by the commissioner as follows:

A. Four members who are commercial shellfish license holders, ~~at least 3 of whom must be primarily soft-shell clam harvesters.~~ In making the appointments under this paragraph, the commissioner shall consider up to 6 recommendations from associations representing the interests of persons who harvest shellfish commercially;

B. Two members who are shellfish aquaculture lease holders. In making the appointments under this paragraph, the commissioner shall consider up to 3 recommendations from associations representing the interests of persons who raise shellfish under aquaculture leases;

C. One member who ~~represents the interests of municipalities with wastewater treatment systems~~ is a municipal official involved in pollution permitting or mitigation;

D. Two members who are licensed wholesale seafood dealers who have been issued a shellfish sanitation certificate by the department pursuant to section 6856, subsection 1. In making the appointments under this paragraph, the commissioner shall consider up to 3 recommendations from associations representing the interests of persons who buy and sell shellfish;

E. One public member with knowledge of and interest in coastal water quality;

F. Two members who are municipal shellfish wardens. ~~In making the appointments under this paragraph, the commissioner shall solicit and consider up to 3 recommendations for these 2 appointments from associations representing the~~

~~interests of persons who protect and help manage municipal shellfish resources officials, including, but not limited to, a municipal shellfish conservation warden or a member of a municipal shellfish management committee, as described in section 6671, subsection 2; and~~

G. One member who has been issued a shellfish depuration certificate under section 6856, subsection 3- or who is designated by the department as an authorized representative of the holder of the shellfish depuration certificate; and

H. One member who has a demonstrated knowledge of biological science and, at a minimum, a bachelor's degree. The commissioner shall make a reasonable effort to appoint a member who has at least 5 years of relevant experience.

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

**Sec. 2. Completion of term.** Notwithstanding the Maine Revised Statutes, Title 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.