

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 142

H.P. 105

House of Representatives, February 14, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MITCHELL of Freeport.

Cosponsored by Senator BRANNIGAN of Cumberland, Representative LOOK of Jonesboro and Senator BRAWN of Knox.

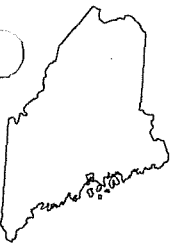
STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act to Amend the Membership of the Advisory Council to the
Department of Marine Resources.**

(AFTER DEADLINE)

(EMERGENCY)



1 **Emergency preamble.** Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
3 as emergencies; and

5 Whereas, implementation of Public Law 1987, chapter 694,
6 section 1 has resulted in an imbalance in the statutorily
7 required representational distribution of the membership of the
8 advisory council to the Department of Marine Resources; and

9 Whereas, in the judgment of the Legislature, these facts
11 create an emergency within the meaning of the Constitution of
12 Maine and require the following legislation as immediately
13 necessary for the preservation of the public peace, health and
14 safety; now, therefore,

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

17 **Sec. 1. 12 MRSA §6024, sub-§1, as amended by PL 1987, c. 694,**
19 **§1, is further amended to read:**

21 **1. Appointment; composition; term; compensation.** The
22 advisory council, established by Title 5, section 12004 ~~12004-I,~~
23 ~~subsection 10 58,~~ shall consist of 9 ~~10~~ members. One member, ~~who~~
24 ~~shall be a nonvoting member,~~ shall be the ~~chairman~~ chair of the
25 Lobster Advisory Council, ex officio. Each other member shall be
26 appointed by the Governor and shall be subject to review by the
27 joint standing committee of the Legislature having jurisdiction
28 over marine resources and to confirmation by the Legislature.
29 ~~Seven~~ Eight of the appointed members shall be selected from
30 persons directly engaged in commercial activities or industries
31 based on marine resources, and one of the appointed members shall
32 be selected from persons who represent recreational fishing
33 interests. The composition of the council shall adequately
34 represent the commercial fisheries' activities over which the
35 department has jurisdiction and shall also reflect a geographical
36 distribution along the coast. All appointed members shall be
37 appointed for a term of 3 years, except a vacancy shall be filled
38 in the same manner as an original for the unexpired portion of
39 the term. No member may serve more than 2 consecutive terms at
40 any one time. Members shall serve until their successors are
41 appointed. Members shall be compensated as provided in Title 5,
42 chapter 379.

43 **Sec. 2. 12 MRSA §6024, sub-§1-A is enacted to read:**

45 **1-A. Appointment; composition; term; compensation.** The
46 advisory council, established by Title 5, section 12004-I,
47 subsection 58, shall consist of 9 members. The chair of the
48 Lobster Advisory Council shall be an ex officio member of the
49 council. Each other member shall be appointed by the Governor
50 and shall be subject to review by the joint standing committee of
51 the Legislature having jurisdiction over marine resources and to

1 confirmation by the Legislature. Seven of the appointed members
3 shall be selected from persons directly engaged in commercial
5 activities or industries based on marine resources. These 7
7 members shall be selected so as to adequately represent, together
9 with the chair of the Lobster Advisory Council, the various
11 aspects of commercial fisheries' activities over which the
13 department has jurisdiction. One of the appointed members shall
15 be selected from persons who represent recreational fishing
17 interests. The composition of the council shall reflect a
19 geographical distribution along the coast. All appointed members
21 shall be appointed for a term of 3 years, except a vacancy shall
23 be filled in the same manner as an original member for the
25 unexpired portion of the term. No appointed member may serve for
27 than 2 consecutive terms at any one time. Appointed members
29 shall serve until their successors are appointed. The chair of
31 the Lobster Advisory Council shall serve until a new chair of the
33 Lobster Advisory Council is chosen. Members shall be compensated
35 as provided in Title 5, chapter 379.

19 **Emergency clause.** In view of the emergency cited in the
21 preamble, section 1 of this Act shall take effect when approved.
23 Section 2 of this Act shall take effective November 6, 1989. The
25 Maine Revised Statutes, Title 12, section 6024, subsection 1, as
amended by this Act shall be repealed on November 6, 1989.

27 STATEMENT OF FACT

29 Last year legislation was enacted which replaced one member
31 of the advisory council to the Department of Marine Resources
33 with the chair of the Lobster Advisory Council as soon as a
35 vacancy appeared on the advisory council. If that legislation is
37 implemented it will create an imbalance in representation of all
39 the various aspects of the commercial or industrial marine
41 resources activities over which the department has jurisdiction.
Adequate representation is required by law. This bill makes the
chair of the Lobster Advisory Council a 10th nonvoting member of
the advisory council until November 1989. When the next
vacancies occur on the advisory council, the chair of the Lobster
Advisory Council becomes a voting member of the advisory council
and the membership returns to 9 members.