

MAINE STATE LEGISLATURE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 818, L.D. 1172, Bill, "An Act to Establish a Fund to Promote Lobster Marketing"

Amend the bill by striking the title and substituting the following:

'An Act Establishing a Lobster Promotion Council'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, the Lobster Advisory Council must begin its work as early as possible in order to finish by December 31, 1991; and

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

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

Sec. 1. Lobster Promotion Council established. The Lobster Promotion Council is established. The council consists of one ex officio, nonvoting member and 9 voting members appointed as follows:

1. From the western district of the State consisting of lands located between the Piscataqua River and the Kennebec River, 3 members meeting the qualifications in section 2;

2. From the midcoast district of the State, consisting of all lands located between the Kennebec River and Penobscot River, 3 members meeting the qualifications in section 2; and

3. From the eastern district of the State, consisting of all lands located between the Penobscot River and the St. Croix River, 3 members meeting the requirements in section 2.

The Commissioner of Marine Resources shall appoint members of the council from among a list of nominees prepared by the Lobster Advisory Council. The commissioner shall make all appointments within 60 days after the effective date of this Act. By majority vote, the council shall elect a chair from among its members. The commissioner is an ex officio nonvoting member of the council.

Sec. 2. Qualifications of members. From each district, 3 members must be appointed who meet the following criteria:

1. One person who is a full-time harvester and who has held a valid lobster and crab fishing license for a least 5 consecutive years;

2. One person who is a dealer or pound operator and who:

A. Has held a valid wholesale shellfish license or lobster transport license for a period of at least 5 consecutive years; or

B. Is the manager of, or an officer in, a business entity operating in the State that holds a valid wholesale shellfish license or lobster transport license; and

3. One person who is a member of the public.

A person is eligible for appointment to the council from a district only if that person is a resident of the district or if that person's place of business is located within the district.

Sec. 3. Meetings. The council shall meet at least 4 times prior to December 31, 1991. A quorum of 5 voting members is required to conduct the business of the council. Additional meetings may be called by the chair. If 3 or more members of the council submit to the chair a written request for a meeting, the chair shall call a meeting to be held no sooner than 7 days after receipt of the written request.

Sec. 4. Duties; report. The council shall submit a lobster promotion and marketing plan to the Joint Standing Committee on Marine Resources by January 1, 1992. The plan must identify the market areas most likely to provide the greatest return on any promotional investment made by the state lobster industry and

2 recommend the most effective media and promotional efforts to be
3 used in those markets. The plan must include a 2-year projected
4 budget for that marketing effort showing both projected marketing
5 and promotional expenditures and any identifiable new revenues to
6 the lobster industry resulting from the promotional efforts. In
7 preparing its plan, the council shall seek the advice of
8 established private marketing firms and may solicit proposals
9 from those firms to implement the lobster promotion and marketing
10 plan. After reviewing the council's plan, the Joint Standing
11 Committee on Marine Resources may report out any legislation to
12 the Second Regular Session of the 115th Legislature to implement
13 a marketing plan.

14 **Sec. 5. Compensation.** Members of the Lobster Advisory
15 Council shall serve without compensation. Clerical support for
16 the council must be provided by the Department of Marine
17 Resources.

18 **Emergency clause.** In view of the emergency cited in the
19 preamble, this Act takes effect when approved.

22 **FISCAL NOTE**

24 This bill establishes a Lobster Promotion Council consisting
25 of 9 voting members and the Commissioner of Marine Resources as a
26 nonvoting member. Members of the council will serve without
27 compensation. All costs associated with the council including
28 the requirement to submit a lobster promotion and marketing plan
29 to the Joint Standing Committee on Marine Resources by January 1,
30 1992 will be absorbed within available resources of the
31 Department of Marine Resources.'

34 **STATEMENT OF FACT**

36 This amendment replaces the bill. The amendment changes the
37 bill's title and adds an emergency preamble and emergency clause.

38 This amendment strikes provisions in the original bill that
39 established the permanent Lobster Promotion Council funded
40 through surcharges imposed on licenses issued by the Department
41 of Marine Resources. Those provisions are replaced in this
42 amendment by a temporary council charged specifically with
43 developing a lobster marketing and promotion plan. In this
44 amendment, the council is required to prepare a lobster promotion
45 and marketing plan, including a projected 2-year promotion budget
46 and to submit that plan to the Legislature by January 1, 1992.

47 This amendment also adds a fiscal note to the bill.
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