

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1172

H.P. 818

House of Representatives, March 18, 1991

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

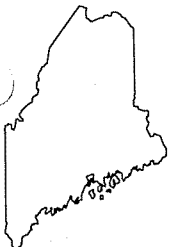
Presented by Representative MITCHELL of Freeport.

Cosponsored by Senator VOSE of Washington, Representative COLES of Harpswell and Representative SKOGLUND of St. George.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Establish a Fund to Promote Lobster Marketing.



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

Sec. 1. 5 MRSA §12004-H, sub-§14 is enacted to read:

| | | |
|--------------------------|----------------------|----------------------|
| <u>14. Lobster</u> | <u>\$75 Per Diem</u> | <u>12 MRSA §6455</u> |
| <u>Promotion Council</u> | <u>Plus Expenses</u> | |

Sec. 2. 12 MRSA c. 619, sub-c. III-A is enacted to read:

SUBCHAPTER III-A

LOBSTER PROMOTION COUNCIL

§6455. Lobster Promotion Council

1. Council established. The Lobster Promotion Council, established in Title 5, section 12004-H, subsection 14 and referred to in this subchapter as the "council," consists of 9 members appointed as follows:

A. From the western district of the State, consisting of lands located between the Piscataquis River and the Kennebec River, 3 members meeting the qualifications in subsection 2;

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

C. 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 qualifications in subsection 2.

The commissioner shall appoint the initial members of the council from among a list of nominees prepared by the Lobster Advisory Council. The commissioner shall appoint one member within each district for an initial term of one year, one member within each district for an initial term of 2 years and one member within each district for an initial term of 3 years. The council shall appoint all subsequent members, by majority vote, for terms of 3 years. A person may not serve more than 2 consecutive 3-year terms as a member of the council. By majority vote, the council shall annually elect a chair from among its members.

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

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

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

2 (1) Has held a valid wholesale shellfish license or
4 lobster transport license for a period of at least 5
 consecutive years; or

6 (2) Is the manager of, or an officer in, a business
8 entity operating in the State that holds a valid
 wholesale shellfish license or lobster transport
 license; and

10 C. One person who is a public member.

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

16 3. Meetings. The council shall meet at least 4 times each
18 calendar year. A quorum of 5 members is required to conduct the
20 business of the council. Additional meetings may be called by
22 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.

24 4. Powers and duties. With the advice and consent of the
26 Lobster Advisory Council, the council may:

28 A. Undertake promotional marketing programs in cooperation
 with the lobster industry;

30 B. Promote national and international markets for lobsters
32 harvested or processed in the State;

34 C. Provide material and technical assistance to persons
 seeking to market lobsters harvested or processed in the
36 State; and

38 D. Conduct other efforts as determined necessary to
40 increase the sales of lobsters harvested or processed in the
 State.

42 5. Fund established; license surcharge assessed. The
44 Lobster Marketing Fund, referred to in this subchapter as the
46 "fund," is established within the department to carry out the
 purposes of this subchapter. The fund is capitalized from the
 following annual surcharges assessed on the following licenses:

48 A. Class I crab and lobster licenses, \$50;

50 B. Class II crab and lobster licenses, \$100;

2 C. Wholesale seafood license, \$150; and

4 D. Lobster transportation license, \$150.

6 A person holding more than one of the licenses listed in this
8 subsection is assessed a surcharge only on the highest
10 surchargeable license held. The commissioner may accept and
12 deposit into the fund additional funding from any source, public
14 or private.

16 The Treasurer of State shall hold all surcharges assessed by this
18 subsection in the fund and invest all money in the fund until
20 disbursement is authorized by the council for the purposes set
22 forth in subsection 6.

24 6. Use of funds. Money in the fund may be used only for
26 the following purposes:

28 A. Reimbursement to the department by the Treasurer of
30 State for costs incurred in the administration of the fund;

32 B. Promotion, advertising and marketing development. The
34 council may implement programs and activities to promote,
36 advertise and develop markets for lobster and may make or
38 enter into contracts with any local, state, federal or
40 private agency, department, firm, corporation, entity or
42 person for those purposes. At least 50% of the money
44 expended from the fund annually must be expended for the
46 purposes set forth in this paragraph; and

48 C. The hiring of staff and payment of administrative and
50 overhead costs associated with the business of the council.
 Any person hired by the council is a state employee, subject
 to the personnel laws of the State. Expenditures for staff
 may not exceed 15% of the annual expenditures of the fund.

Unexpended balances in the fund at the end of the fiscal year may
 not lapse but must be carried forward to be used for the same
 purposes.

7. Report. The council shall report to the Legislature
 biennially on the programs undertaken pursuant to this subchapter
 and on expenditures from the fund. The council shall submit
 copies of the report to the joint standing committees of the
 Legislature having jurisdiction over financial affairs and marine
 resource matters.

Sec. 3. Initial appointment deadline. The Commissioner of Marine
Resources shall appoint all the initial members of the Lobster
Promotion Council no later than 60 days after the effective date
of this Act.

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STATEMENT OF FACT

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6 This bill establishes a 9-member Lobster Promotion Council
8 to promote lobsters and to develop national and international
10 markets for lobsters harvested or processed in the State. Annual
12 surcharges are assessed on crab and lobster licenses, wholesale
 seafood licenses and lobster transportation licenses with
 revenues going to a dedicated account, the Lobster Marketing
 Fund, for use by the council. The bill requires the council to
 report biennially to the Legislature on its activities and on the
 use of the funds.