

# MAINE STATE LEGISLATURE

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*M*  
*R.D.S.*

L.D. 723

DATE: 3-29-99

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**MARINE RESOURCES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 516, L.D. 723, Bill, "An Act to Establish a Marine Recreation Fishing Conservation and Management Fund"

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

**'An Act to Establish a Marine Recreation Fishing Conservation and Management Fund and a Marine Recreational Fishing Advisory Council'**

Further amend the bill by inserting before section 1 the following:

**'Sec. 1. 5 MRSA §12004-I, sub-§57-D is enacted to read:**

<b>57-D.</b>	<u>Marine</u>	<u>None</u>	<u>12 MRSA</u>
<u>Marine</u>	<u>Recreational</u>		<u>§6033</u>
<u>Resources</u>	<u>Fishing</u>		
	<u>Advisory</u>		
	<u>Council</u>		

**Sec. 2. 12 MRSA §6024, sub-§1-A, as amended by PL 1995, c. 382, §2, is further amended to read:**

**1-A. Appointment; composition; term; compensation.** The Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of 15 members. The Chair of the Lobster Advisory Council ~~is-an~~ and the chair of the Marine Recreational Fishing Advisory Council are ex officio ~~member members~~ of the council. Each other member is appointed by the Governor and is subject to review by the joint standing committee of the Legislature having jurisdiction over marine

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resources and to confirmation by the Legislature. Seven members  
 2 must be persons who are licensed under this Part to engage in  
 commercial harvesting activities. Those 7 members are selected  
 4 by the Governor from names recommended to the Governor by groups  
 representing commercial harvesting interests. Each member must  
 6 represent a different commercial harvesting activity, except that  
 none of those 7 members may represent lobster harvesters. The  
 8 remaining 7 6 members must include ~~one person who represents~~  
~~recreational marine fishing interests~~, one public member, 4  
 10 persons who hold a nonharvesting-related license under this Part  
 and one person representing the aquaculture industry. The  
 12 Governor shall select the person to represent the aquaculture  
 industry from among the names recommended by the aquaculture  
 14 industry. The composition of the council must reflect a  
 geographical distribution along the coast. All appointed members  
 16 are appointed for a term of 3 years, except a vacancy must be  
 filled in the same manner as an original member for the unexpired  
 18 portion of the term. An appointed member may not serve for more  
 than 2 consecutive terms. Appointed members serve until their  
 20 successors are appointed. The Chair of the Lobster Advisory  
 Council and the chair of the Marine Recreational Fishing Advisory  
 22 Council shall serve until a new Chair of the Lobster Advisory  
 Council or a new chair of the Marine Recreational Fishing  
 24 Advisory Council, respectively, is chosen. Members are  
 compensated as provided in Title 5, chapter 379.'

Further amend the bill in section 1 in that part designated  
 28 "**§6032.**" in the first paragraph in the last line (page 1, line 18  
 in L.D.) by inserting after the following: "fund." the following:  
 30 'By February 1st of each year, the commissioner shall report to  
the joint standing committee of the Legislature having  
 32 jurisdiction over marine resource matters on the amount of money  
collected in the fund and all expenditures made from the fund in  
 34 the previous fiscal year.'

Further amend the bill by inserting after section 1 the  
 following:

'Sec. 2. 12 MRSA §6033 is enacted to read:

**§6033. Marine Recreational Fishing Advisory Council**

**1. Appointment; composition.** The Marine Recreational  
 44 Fishing Advisory Council, referred to in this section as the  
"council" and established by Title 5, section 12004-I, subsection  
 46 57-D, consists of 9 members. The commissioner shall appoint the  
members as follows:

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2 A. Four members representing the State's recreational marine  
3 fisheries. These members must reflect a geographical  
4 distribution along the coast;

5 B. Three members representing the party charter boat  
6 industry;

7 C. One member representing tackle shop owners; and

8 D. One member representing the commercial fishing industry.

9  
10  
11 2. Term. A council member serves for a 3-year term and  
12 continues serving until a successor is duly appointed and  
13 qualified. An appointed member may not serve for more than 2  
14 consecutive terms. In the case of a vacancy, the commissioner  
15 shall fill promptly the vacancy.

16  
17 3. Quorum. A quorum is a majority of the current members  
18 of the council.

19  
20 4. Chair and officers. The council shall annually elect  
21 one of its members to serve as chair for a one-year term. The  
22 council may select other officers and designate their duties.

23  
24 5. Meetings. The council shall meet at least 4 times a  
25 year. It may also meet at other times at the call of the chair  
26 or the chair's designee or the commissioner or the commissioner's  
27 designee.

28  
29 6. Purpose. The council shall advise the commissioner on  
30 activities of the department that relate to marine recreational  
31 fishing and shall make recommendations to the commissioner  
32 concerning expenditures from the Marine Recreation Fishing  
33 Conservation and Management Fund for the purposes described in  
34 section 6032. The council may investigate problems affecting  
35 marine recreational fishing and make recommendations to the  
36 commissioner and the Marine Resources Advisory Council concerning  
37 its investigations. The council may review current recreational  
38 fishing research programs and plans for research and submit to  
39 the commissioner and the Marine Resources Advisory Council,  
40 annually, its recommendations on those programs and plans.

41  
42 **Sec. 3. Transition.** The Commissioner of Marine Resources  
43 shall make all appointments necessary under this Act not later  
44 than 90 days following the effective date of this Act.  
45 Notwithstanding the Maine Revised Statutes, Title 12, section  
46 6033, subsection 2, the commissioner shall make initial  
47 appointments to the Marine Recreational Fishing Advisory Council  
48 so that 3 members serve for one year, 3 members serve for 2 years  
49 and 3 members serve for 3 years.

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**Sec. 4. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

**1999-00**                      **2000-01**

**MARINE RESOURCES,  
DEPARTMENT OF**

**Bureau of Resource  
Management**

All Other    \$500                      \$500

Provides for the allocation of funds from the Marine Recreation Fishing Conservation and Management Fund to support activities related to the management and development of marine recreational fisheries.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the summary the following:

**FISCAL NOTE**

**1999-00**                      **2000-01**

**APPROPRIATIONS/ALLOCATIONS**

Other Funds    \$500                      \$500

Authorizing the Commissioner of Marine Resources to accept funds from any source for the Marine Recreation Fishing Conservation and Management Fund will result in additional dedicated revenues collected by the department. The amounts can not be determined at this time. This bill includes Other Special Revenue funds allocations of \$500 in each of fiscal years 1999-00 and 2000-01 for the Department of Marine Resources to support activities related to the management and development of marine recreational fisheries.

**2018**

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2 The Department of Marine Resources will incur some minor  
3 additional costs to submit a required report to the Legislature.  
4 These costs can be absorbed within the department's existing  
5 budgeted resources.'

6  
7  
8

**SUMMARY**

9 This amendment requires the Commissioner of Marine Resources  
10 to report annually to the joint standing committee of the  
11 Legislature having jurisdiction over marine resource matters on  
12 the amount of money collected in and all expenditures made from  
13 the Marine Recreation Fishing Conservation and Management Fund in  
14 the previous fiscal year.

15 The amendment establishes the Marine Recreational Fishing  
16 Advisory Council to advise the commissioner on activities that  
17 relate to marine recreational fishing and to make recommendations  
18 to the commissioner concerning expenditures from the Marine  
19 Recreation Fishing Conservation and Management Fund. The  
20 amendment also replaces the current member of the Marine  
21 Resources Advisory Council who represents recreational marine  
22 fishing interests with the chair of the Marine Recreational  
23 Fishing Advisory Council. The amendment also adds an allocation  
24 section to the bill. Finally, the amendment adds a fiscal note  
25 to the bill.  
26

**COMMITTEE AMENDMENT**