



## **120th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2001

Legislative Document

No. 1374

H.P. 1025

House of Representatives, March 5, 2001

An Act to Create the Maine Soft-shell Clam Advisory Council.

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

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND, Clerk

Presented by Representative ETNIER of Harpswell. Cosponsored by Senator SMALL of Sagadahoc.

	Be it enacted by the People of the State of Maine as follows:
2 4	Sec. 1. 5 MRSA §12004-I, sub-§57-E is enacted to read:
4 6 8	57-E.Maine Soft-None12 MRSAMarineshell Clam§6691ResourcesAdvisoryCouncil
10	Sec. 2. 12 MRSA c. 623, sub-c. I, art. 6 is enacted to read:
12	<u>Article 6</u>
14	MAINE SOFT-SHELL CLAM ADVISORY COUNCIL
16	<u>\$6691. Maine Soft-shell Clam Advisory Council</u>
18	
20	1. Responsibility. It is the responsibility of the Maine Soft-shell Clam Advisory Council, as established in Title 5, section 12004-I, subsection 57-E and referred to in this article
22	as the "council," to provide a forum where issues and policies relating to soft-shell clam management and marketing may be
24	discussed openly and freely among all stakeholders and a structure established by which problems and needs can be resolved
26	through teamwork and creative thinking. The council shall gather information at the local level, recommend policy and redistribute
28	information back to the local level.
30	2. Council composition. The council consists of a minimum of 12 but no more than 15 members appointed by the commissioner.
32	In filling positions on the council, the commissioner shall seek recommendations from the soft-shell clam industry, municipalities
34	engaged in soft-shell clam management and department staff associated with shellfish regulation. The commissioner shall
36	request various industry groups or members to submit nominations. The number of nominations must exceed the number of
38	vacant positions. At least 50% of the positions must be filled by persons nominated by the soft-shell clam industry.
40	A. The council must reflect a geographical distribution of
42	the coast to the extent practical.
44	B. At least 4 of the council members must be municipal officials or municipal shellfish committee members.
46	C. At least 7 members must represent the soft-shell clam
48	industry and must include:
50	(1) Two certified shellfish dealers:

-	(a) One representing the depuration industry; and
2	(b) One representing the soft-shell clam industry; and
6	(2) Five licensed shellfish harvesters:
8	(a) Three who hold commercial state shellfish
10	<u>licenses and who also hold municipal commercial</u> shellfish licenses;
12	(b) One of whom holds a state commercial
14	shellfish license and is from a town without a municipal shellfish ordinance; and
16	(c) One recreational harvester who holds a municipal recreational shellfish harvesting
18	license.
20	D. At least 3 members must be chosen from among:
22	(1) The scientific community;
24	(2) Groups that perform public education outreach;
26	(3) Municipal shellfish conservation enforcement agencies; and
28	·
30	(4) Other public members interested in soft-shell clams.
32	The terms of the initial appointees must be staggered in length so that not all terms expire at the same time. The term of
34	office of each member must be determined by lot.
36	Except for the initial appointees, members are appointed for a term of 3 years. A vacancy is filled in the same manner as the
38	original appointment for the unexpired portion of the term. A member may not serve for more than 2 consecutive terms and shall
40	serve until a successor is appointed.
42	3. Powers and duties. The council shall provide a public forum for discussing policy issues, needs assessment and problem
44	solving while maintaining an established link to the soft-shell clam industry. The council shall:
46	
48	A. Provide information and advice to the department concerning the administration of soft-shell clam management;
50	B. Recommend policy relevant to the soft-shell clam industry to the department;

2	C. Recommend legislation based on the issues voiced by the
4	<u>soft-shell clam industry to the council. These issues</u> include, but are not limited to, resource assessment,
т	enforcement of municipal shellfish ordinances, stock
6	enhancement, program communication, funding, research, water
8	<u>guality and marketing;</u>
Ū	D. Establish working groups to address specific tasks and
10	make recommendations on research issues that need
	attention. The council is also responsible for oversight of
12	the working groups;
14	E. Facilitate networking among regions and municipal
	shellfish committees;
16	
18	F. Provide a forum for discussions at the local level through broad geographic representation of all sectors of
10	the soft-shell clam industry on the council. These
20	discussions, both formal and informal, serve to provide
	recommendations for the action of the council; and
22	
	G. In cooperation with the department, encourage
24	educational forums for the soft-shell clam industry and the
26	general public.
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C. The secretary shall cause records of all meetings of the council to be taken and preserved.

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4 8. Working groups. The council, by majority vote, may charter working groups to address problems, tasks or issues the council feels need further attention. At least one member of the б council is required to participate in each working group and is responsible for presenting the decisions of the working group to 8 the council. The council shall provide the working group with a 10 team charter mandate. Actions by the working groups require consensus for approval. 12 Recommendations by a working group to the council must be accepted as presented, or rejected. If changes are desired, the 14 issues must be sent back to the working group. 16 The responsibility of a working group is to establish: 18 A. General meeting rules; and 20 B. Final recommendations and expected results. 22 The manner is which the working group addresses its mission is 24 left to its discretion. Once the primary goals of the working group have been met, the working group shall continue or disband as the members of the working group elect. 26 28 §6692. Soft-shell Clam Management Fund 30 The Soft-shell Clam Management Fund, referred to in this article as the "fund," is established in the department. 32 Balances in the fund may not lapse and must be carried forward and used for the purposes of this section. 34 1. Uses of fund. The commissioner shall use the fund for research related to soft-shell clam management. The fund may be 36 used for support of council activities including compensation for 38 expenses of the council members associated with participation in council activities. 40 2. Sources of revenue. The commissioner may accept and 42 deposit in the fund money from any source, public or private. All money received into the fund must be used for purposes set forth in this section. 44 46 SUMMARY 48 This bill creates the Maine Soft-shell Clam Advisory Council. The bill also establishes the Soft-shell Clam Management Fund. 50