

MAINE STATE LEGISLATURE

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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. MacFarland

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:

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

<u>57-E.</u>	<u>Maine Soft-</u>	<u>None</u>	<u>12 MRSA</u>
<u>Marine</u>	<u>shell Clam</u>		<u>§6691</u>
<u>Resources</u>	<u>Advisory</u>		
	<u>Council</u>		

Sec. 2. 12 MRSA c. 623, sub-c. I, art. 6 is enacted to read:

Article 6

MAINE SOFT-SHELL CLAM
ADVISORY COUNCIL

§6691. Maine Soft-shell Clam Advisory Council

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 as the "council," to provide a forum where issues and policies relating to soft-shell clam management and marketing may be discussed openly and freely among all stakeholders and a structure established by which problems and needs can be resolved through teamwork and creative thinking. The council shall gather information at the local level, recommend policy and redistribute information back to the local level.

2. Council composition. The council consists of a minimum of 12 but no more than 15 members appointed by the commissioner. In filling positions on the council, the commissioner shall seek recommendations from the soft-shell clam industry, municipalities engaged in soft-shell clam management and department staff associated with shellfish regulation. The commissioner shall request various industry groups or members to submit nominations. The number of nominations must exceed the number of vacant positions. At least 50% of the positions must be filled by persons nominated by the soft-shell clam industry.

A. The council must reflect a geographical distribution of the coast to the extent practical.

B. At least 4 of the council members must be municipal officials or municipal shellfish committee members.

C. At least 7 members must represent the soft-shell clam industry and must include:

(1) Two certified shellfish dealers:

- 2 (a) One representing the depuration industry; and
- 4 (b) One representing the soft-shell clam industry; and
- 6 (2) Five licensed shellfish harvesters:
 - 8 (a) Three who hold commercial state shellfish licenses and who also hold municipal commercial shellfish licenses;
 - 12 (b) One of whom holds a state commercial shellfish license and is from a town without a municipal shellfish ordinance; and
 - 14 (c) One recreational harvester who holds a municipal recreational shellfish harvesting 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 (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 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 original appointment for the unexpired portion of the term. A member may not serve for more than 2 consecutive terms and shall 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 solving while maintaining an established link to the soft-shell clam industry. The council shall:

- 44 A. Provide information and advice to the department concerning the administration of soft-shell clam management;
- 46 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 soft-shell clam industry to the council. These issues
6 include, but are not limited to, resource assessment,
 enforcement of municipal shellfish ordinances, stock
 enhancement, program communication, funding, research, water
 quality and marketing;

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10 D. Establish working groups to address specific tasks and
12 make recommendations on research issues that need
 attention. The council is also responsible for oversight of
 the working groups;

14 E. Facilitate networking among regions and municipal
16 shellfish committees;

18 F. Provide a forum for discussions at the local level
20 through broad geographic representation of all sectors of
22 the soft-shell clam industry on the council. These
 discussions, both formal and informal, serve to provide
 recommendations for the action of the council; and

24 G. In cooperation with the department, encourage
26 educational forums for the soft-shell clam industry and the
 general public.

28 4. Meetings. The council shall hold regular meetings and
30 may hold special meetings at any time. There must be at least 2
 meetings annually, preferably one every 6 months.

32 5. Quorum. All actions taken by the council require a
34 quorum to be present and voting. A quorum of the council is 7
36 members. The council shall attempt to make decisions by
 consensus. When this is not possible or practical, then a 2/3
 vote of the members is required for an action to pass.

38 6. Staff. The department shall provide staff support for
 the council.

40 7. Officers. The council shall elect one of its members as
42 chair, one as vice-chair and one as secretary, all for a term of
44 one year, at the first regular meeting of each year. The
 officers have the following duties:

46 A. The chair shall call and preside at all meetings of the
 council;

48 B. The vice-chair shall call and preside at all meetings of
50 the council in the chair's absence; and

