

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1440

S.P. 478

In Senate, March 26, 2003

An Act To Establish the Commercial Fishing Safety Council

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAMON of Hancock.

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

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

6 57-E. Commercial None 12 MRSA
Marine Fishing §6034
8 Resources Safety
Council

10 **Sec. 2. 12 MRSA §§6034 and 6035** are enacted to read:

12 **§6034. Commercial Fishing Safety Council**

14 1. Appointment; composition. The Commercial Fishing Safety
16 Council, referred to in this section as "the council" and
18 established by Title 5, section 12004-I, subsection 57-E,
consists of 17 members, 15 of whom are appointed by the Governor
and subject to confirmation by the Legislature as follows:

20 A. One member who is a license holder under this Part and a
22 member of the Lobster Advisory Council, recommended by the
chair of the Lobster Advisory Council;

24 B. One member who is a license holder under this Part and a
26 member of the Marine Resources Advisory Council, recommended
by the chair of the Marine Resources Advisory Council;

28 C. One member who is a license holder under this Part and a
30 member of the Sea Urchin Zone Council, recommended by the
chair of the Sea Urchin Zone Council;

32 D. Five members who are license holders under this Part and
34 who each represent a different commercial marine harvesting
activity than the other members of the council, recommended
36 by commercial marine harvesting and aquaculture interests;

38 E. An educator experienced in community-based adult
education and volunteer safety training;

40 F. An expert in fishing industry risk analysis and
42 occupational health;

44 G. An expert in marine safety equipment;

46 H. A representative of the marine insurance industry;

48 I. A marine surveyor;

50 J. A spouse or domestic partner of a license holder under
this Part; and

2 K. A member of the public.

4 The chair of the Marine Resources Advisory Council and the chair
6 of the Marine Recreational Fishing Advisory Council are ex
8 officio members of the council. The composition of the council
10 must reflect a geographic distribution along the coast of the
12 State. The council may invite to carry out the duties of the
14 council other participants on an ad hoc basis, including
16 representatives of private or governmental organizations or
18 individuals with expertise or interest in marine, education,
20 labor or health matters.

22 2. Term. The term of an appointed member is 3 years,
24 except a vacancy of a member before the expiration of the
26 member's term must be filled in the same manner as the original
28 member for the unexpired portion of the member's term. An
30 appointed member may not serve more than 2 consecutive terms.

32 3. Officers. The officers of the council are the chair,
34 vice-chair and secretary. The term of the officers is one year.
36 The Governor shall appoint the first chair of the council.
38 Except for the appointment of the original chair, the council
40 shall elect a member of the council for each officer position at
42 the first regular meeting of each year. The officers have the
44 following duties:

- 46 A. The chair shall call and preside at council meetings;
- 48 B. The vice-chair shall call and preside at council
50 meetings when the chair is absent; and
- 52 C. The secretary shall record all meetings of the council
54 and preserve these records.

56 4. Meetings. The council shall hold regular quarterly
58 meetings and may hold special meetings with the commissioner or
60 the commissioner's designee. A member of the council may
62 participate and is deemed present at a meeting of the council or
64 of a subcommittee of the council by telephone, electronically or
66 by any other means by which all members participating in the
68 meeting are able to communicate with each other. The council
70 shall ensure adequate facilities for full attendance at council
72 meetings by the public.

74 5. Quorum. A majority of the current members of the council
76 present constitutes a quorum.

78 6. Council actions. The council may act in the following
80 ways:

2 A. If a quorum is present, in person or pursuant to
4 subsection 4, by a majority vote of the members present or
 polled; or

6 B. If there is no meeting, by written poll of a quorum of
8 members responding.

10 7. Duties. The council shall carry out duties specifically
12 delegated to the council by law or by the commissioner and give
14 the commissioner information and advice concerning fishing safety
16 issues, including:

18 A. Minimum safety equipment, training and operational
20 standards;

22 B. Community-based education programs that provide
24 practical safety training and fisheries-specific safety
26 training;

28 C. An outreach program to promote the culture of safety;

30 D. Opportunities to minimize the costs and seek alternative
32 funding sources, fees, incentives, grants or partnerships to
34 minimize the financial impact of safety requirements; and

36 E. The commercial safety fishing plan that the commissioner
38 submits to the council pursuant to section 6035 and report
40 to the Legislature concerning that plan pursuant to
42 subsection 8.

44 8. Report. No later than January 15th of each year, the
46 council shall report to the joint standing committee of the
48 Legislature having jurisdiction over marine resources matters
50 with regard to measures required to implement the commercial
 safety fishing plan that the commissioner submits to the council
 pursuant to section 6035. The committee is authorized to report
 out any necessary legislation regarding the council's report.

40 **§6035. Commercial safety fishing plan**

42 No later than November 15th of each year, the commissioner
44 shall submit a commercial safety fishing plan to the Commercial
46 Fishing Safety Council that includes the department's fishing
48 safety initiatives, the progress in implementing those fishing
 safety initiatives, any revisions to those initiatives or their
 implementation and any new initiatives for the Commercial Fishing
 Safety Council to consider.

50

SUMMARY

2

The bill establishes the Commercial Fishing Safety Council
4 as an advisory body to the Commissioner of Marine Resources.