

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1764

S.P. 681

In Senate, December 30, 2005

### **An Act To Amend the Statutes Governing the Commercial Fishing Safety Council**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Received by the Secretary of the Senate on December 28, 2005. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.

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.

Cosponsored by Representative PERCY of Phippsburg and

Senators: ANDREWS of York, SULLIVAN of York, Representatives: ASH of Belfast, BOWEN of Rockport, DUGAY of Cherryfield, KAELIN of Winterport, MAZUREK of Rockland, PINGREE of North Haven.

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

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**Sec. 1. 12 MRSA §6034, sub-§1**, as amended by PL 2003, c. 510, Pt. C, §3, is further amended to read:

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

- A. One member who is a license holder under this Part and a member of the Lobster Advisory Council, recommended by the chair of the Lobster Advisory Council;
- B. One member who is a license holder under this Part and a member of the Marine Resources Advisory Council, recommended by the chair of the Marine Resources Advisory Council;
- C. One member who is a license holder under this Part and a member of the Sea Urchin Zone Council, recommended by the chair of the Sea Urchin Zone Council;
- D. Five members who are license holders under this Part and who each represent a ~~different commercial marine harvesting activity than the other members of the council, recommended by commercial marine harvesting and aquaculture interests~~ activities;
- E. An educator experienced in community-based adult education and volunteer safety training;
- F. An expert in fishing industry risk analysis and occupational health;
- G. An expert in marine safety equipment;
- H. A representative of the marine insurance industry;
- I. A marine surveyor;
- J. A spouse or domestic partner of a license holder under this Part; and
- K. A member of the public.

The chair of the Marine Resources Advisory Council and the chair of the Marine Recreational Fishing Advisory Council are ex officio members of the council. The composition of the council must reflect a geographic distribution along the coast of the

2 State. The council may invite to carry out the duties of the  
3 council other participants on an ad hoc basis, including  
4 representatives of private or governmental organizations or  
5 individuals with expertise or interest in marine, education,  
6 labor or health matters.

7 **Sec. 2. 12 MRSA §6034, sub-§7**, as enacted by PL 2003, c. 90,  
8 §2, is amended to read:

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

13 A. Minimum safety equipment, training and operational  
14 standards;

15 B. Community-based education programs that provide  
16 practical safety training and fisheries-specific safety  
17 training;

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

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

22 ~~E. The commercial safety fishing plan that the commissioner  
23 submits to the council pursuant to section 6035 and report  
24 to the Legislature concerning that plan pursuant to  
25 subsection 8.~~

26 **Sec. 3. 12 MRSA §6034, sub-§8**, as enacted by PL 2003, c. 90,  
27 §2, is repealed.

28 **Sec. 4. 12 MRSA §6035**, as enacted by PL 2003, c. 90, §2, is  
29 amended to read:

30 **§6035. Commercial fishing safety plan**

31 No later than ~~November 15th~~ October 1st of each year, the  
32 ~~commissioner~~ Commercial Fishing Safety Council shall submit a  
33 commercial safety fishing safety plan to the ~~Commercial-Fishing~~  
34 ~~Safety-Council~~ commissioner that includes the ~~department's~~  
35 council's fishing safety initiatives, the progress in  
36 implementing those fishing safety initiatives, any revisions to  
37 those initiatives or their implementation and any new initiatives  
38 for the ~~Commercial-Fishing-Safety-Council~~ department to consider.

