

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 629

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H.P. 458

House of Representatives, February 5, 2019

**An Act To Ensure a Seat on the Shellfish Advisory Council Is Held  
by a Person with a Background and Credentials in a Field of Marine  
Science**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative McCREIGHT of Harpswell.  
Cosponsored by Senator DOW of Lincoln and  
Representatives: ALLEY of Beals, BERRY of Bowdoinham, BLUME of York, HEPLER of  
Woolwich, STEARNS of Guilford, Senator: VITELLI of Sagadahoc.

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

2 **Sec. 1. 12 MRSA §6038, sub-§1**, as enacted by PL 2007, c. 606, Pt. A, §2, is  
3 amended to read:

4 **1. Appointment; composition.** The Shellfish Advisory Council, referred to in this  
5 section as "the council" and established by Title 5, section 12004-I, subsection 57-G,  
6 consists of 13 members who are appointed by the commissioner as follows:

7 A. Four members who are commercial shellfish license holders, at least 3 of whom  
8 must be primarily soft-shell clam harvesters. In making the appointments under this  
9 paragraph, the commissioner shall consider up to 6 recommendations from  
10 associations representing the interests of persons who harvest shellfish commercially;

11 B. Two members who are shellfish aquaculture lease holders. In making the  
12 appointments under this paragraph, the commissioner shall consider up to 3  
13 recommendations from associations representing the interests of persons who raise  
14 shellfish under aquaculture leases;

15 C. One member who represents the interests of municipalities with wastewater  
16 treatment systems;

17 D. Two members who are licensed wholesale seafood dealers who have been issued  
18 a shellfish sanitation certificate pursuant to section 6856, subsection 1. In making the  
19 appointments under this paragraph, the commissioner shall consider up to 3  
20 recommendations from associations representing the interests of persons who buy  
21 and sell shellfish;

22 E. One public member with knowledge of and interest in coastal water quality;

23 F. Two members who are municipal shellfish wardens. In making the appointments  
24 under this paragraph, the commissioner shall solicit and consider up to 3  
25 recommendations for these 2 appointments from associations representing the  
26 interests of persons who protect and help manage municipal shellfish resources; and

27 G. One member who has been issued a shellfish depuration certificate under section  
28 6856, subsection 3.

29 The commissioner shall make appointments so that the composition of the council  
30 reflects a geographic distribution along the coast of the State and so that at least one  
31 member of the council has a demonstrated knowledge of a marine science and, at  
32 minimum, a bachelor's degree in a field of marine science.

33 **Sec. 2. Transition.** Notwithstanding the Maine Revised Statutes, Title 12, section  
34 6038, subsection 1, a member of the Shellfish Advisory Council as of the effective date  
35 of this Act may serve the remainder of the member's term.

36 **SUMMARY**

37 This bill directs the Commissioner of Marine Resources to ensure that a seat on the  
38 Shellfish Advisory Council is held by a member who has a demonstrated knowledge of a  
39 marine science and, at minimum, a bachelor's degree in a field of marine science.