

# MAINE STATE LEGISLATURE

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Date: 5/28/19

L.D. 961  
(Filing No. H-376)

**MARINE RESOURCES**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
129TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 716, L.D. 961, Bill, "An Act To Create a Research Fund for Maine's Clam Fishery"

Amend the bill by striking out the title and substituting the following:

**'An Act To Create the Shellfish Research Fund'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

**1. Appointment; composition.** The Shellfish Advisory Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 57-G, consists of ~~13~~ 14 members who are appointed by the commissioner as follows:

- A. Four members who are commercial shellfish license holders, at least 3 of whom must be primarily soft-shell clam harvesters. In making the appointments under this paragraph, the commissioner shall consider up to 6 recommendations from associations representing the interests of persons who harvest shellfish commercially;
- B. Two members who are shellfish aquaculture lease holders. In making the appointments under this paragraph, the commissioner shall consider up to 3 recommendations from associations representing the interests of persons who raise shellfish under aquaculture leases;
- C. One member who represents the interests of municipalities with wastewater treatment systems;
- D. Two members who are licensed wholesale seafood dealers who have been issued a shellfish sanitation certificate pursuant to section 6856, subsection 1. In making the appointments under this paragraph, the commissioner shall consider up to 3 recommendations from associations representing the interests of persons who buy and sell shellfish;

**COMMITTEE AMENDMENT**

- 1 E. One public member with knowledge of and interest in coastal water quality;
- 2 F. Two members who are municipal shellfish wardens. In making the appointments
- 3 under this paragraph, the commissioner shall solicit and consider up to 3
- 4 recommendations for these 2 appointments from associations representing the
- 5 interests of persons who protect and help manage municipal shellfish resources; and
- 6 G. One member who has been issued a shellfish depuration certificate under section
- 7 6856, subsection 3-; and
- 8 H. One member who has a demonstrated knowledge of marine science and, at a
- 9 minimum, a bachelor's degree in a field of marine science.

10 The commissioner shall make appointments so that the composition of the council  
11 reflects a geographic distribution along the coast of the State.

12 **Sec. 2. 12 MRSA §6043** is enacted to read:

13 **§6043. Shellfish Research Fund**

14 The Shellfish Research Fund, referred to in this section as "the fund," is established  
15 as a nonlapsing fund in the department and is administered by the commissioner.

16 1. Uses of fund. The commissioner shall use the fund for shellfish research projects  
17 in the State that address the restoration, development or conservation of shellfish  
18 resources.

19 2. Sources of revenue. In addition to any money appropriated or allocated by the  
20 State, the commissioner may accept and deposit into the fund any monetary gifts,  
21 donations or other contributions from public or private sources for the purposes of the  
22 fund.

23 3. Shellfish Advisory Council. The commissioner shall consult with the Shellfish  
24 Advisory Council under section 6038 before deciding upon research projects and  
25 awarding grants from the fund.

26 4. Rules. The commissioner may adopt rules governing the process for disbursing  
27 funds from the fund. Rules adopted under this subsection are routine technical rules as  
28 defined in Title 5, chapter 375, subchapter 2-A.

29 **Sec. 3. Appropriations and allocations.** The following appropriations and  
30 allocations are made.

31 **MARINE RESOURCES, DEPARTMENT OF**  
32 **Shellfish Research Fund N316**

33 Initiative: Provides appropriations to fund shellfish research projects in the State.

|    |                           |                 |                 |
|----|---------------------------|-----------------|-----------------|
| 34 | <b>GENERAL FUND</b>       | <b>2019-20</b>  | <b>2020-21</b>  |
| 35 | All Other                 | \$50,000        | \$50,000        |
| 36 |                           |                 |                 |
| 37 | <b>GENERAL FUND TOTAL</b> | <u>\$50,000</u> | <u>\$50,000</u> |
| 38 |                           |                 |                 |

**SUMMARY**

1  
2 This amendment replaces the bill which was a concept draft. It creates the Shellfish  
3 Research Fund as a nonlapsing fund administered by the Commissioner of Marine  
4 Resources for the purpose of funding shellfish research projects in the State. It provides  
5 ongoing funding of \$50,000 per fiscal year from the General Fund. It also allows the  
6 commissioner to accept and deposit into the fund any monetary gifts, donations or other  
7 contributions from public or private sources. It requires that the commissioner consult  
8 with the Shellfish Advisory Council before deciding upon research projects and awarding  
9 grants from the fund.

10 It also increases the membership of the Shellfish Advisory Council from 13 to 14  
11 members. It directs the commissioner to appoint as a member of the Shellfish Advisory  
12 Council a person who has a demonstrated knowledge of a marine science and, at  
13 minimum, a bachelor's degree in a field of marine science.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 129th MAINE LEGISLATURE

LD 961

LR 2070(02)

An Act To Create a Research Fund for Maine's Clam Fishery

Fiscal Note for Bill as Amended by Committee Amendment *A (H-376)*

Committee: Marine Resources

Fiscal Note Required: Yes

## Fiscal Note

|                                   | FY 2019-20 | FY 2020-21 | Projections<br>FY 2021-22 | Projections<br>FY 2022-23 |
|-----------------------------------|------------|------------|---------------------------|---------------------------|
| <b>Net Cost (Savings)</b>         |            |            |                           |                           |
| General Fund                      | \$50,000   | \$50,000   | \$50,000                  | \$50,000                  |
| <b>Appropriations/Allocations</b> |            |            |                           |                           |
| General Fund                      | \$50,000   | \$50,000   | \$50,000                  | \$50,000                  |

### Fiscal Detail and Notes

This bill adjusts the membership of the Shellfish Advisory Council from 13 to 14 members and requires that additional member have a background and education in the field of marine science. The bill also establishes the Shellfish Research Fund for the purpose of funding shellfish research projects in the State and provides an annual appropriation of \$50,000 to the fund starting in fiscal year 2019-20.