

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

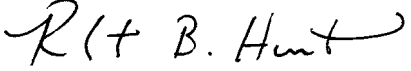
No. 1179

H.P. 751

House of Representatives, March 14, 2023

**An Act to Reestablish the Marine Recreational Fishery Advisory
Council at the Department of Marine Resources**

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


ROBERT B. HUNT
Clerk

Presented by Representative RUSSELL of Verona Island.
Cosponsored by Senator MOORE of Washington and
Representatives: CRAFTS of Newcastle, DANA of the Passamaquoddy Tribe, DAVIS of East
Machias, DOUDERA of Camden, EATON of Deer Isle, LANDRY of Farmington, PERRY of
Calais, STROUT of Harrington.

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

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

3 **57-I.**

4 <u>Marine</u>	<u>Marine Recreational Fishing Advisory</u>	<u>None</u>	<u>12 MRSA</u>
5 <u>Resources</u>	<u>Council</u>		<u>§6033-A</u>

6 **Sec. 2. 12 MRSA §6024, sub-§1-A**, as amended by PL 2021, c. 676, Pt. D, §4, is
7 further amended to read:

8 **1-A. Appointment; composition; term; compensation.** The Marine Resources
9 Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of ~~16~~
10 17 members. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone
11 Council, the chair of the Marine Recreational Fishing Advisory Council and the chair of
12 the Shellfish Advisory Council are ex officio members of the council. Each other member
13 is appointed by the Governor and is subject to review by the joint standing committee of
14 the Legislature having jurisdiction over marine resources matters and to confirmation by
15 the Legislature. Five members must be persons who are licensed under this Part to engage
16 in commercial harvesting activities. Those 5 members are selected by the Governor from
17 names recommended to the Governor by groups representing commercial harvesting
18 interests. Each member must represent a different commercial harvesting activity, except
19 that none of those 5 members may represent lobster harvesters. The remaining 8 members
20 must include one public member, one member who is a member of a federally recognized
21 Indian nation, tribe or band in the State, 4 persons who hold a nonharvesting-related license
22 under this Part, one person representing recreational saltwater anglers and one person
23 representing the aquaculture industry. The Governor shall select the person to represent the
24 aquaculture industry from among the names recommended by the aquaculture industry.
25 The Governor shall select the member who is a member of a federally recognized Indian
26 nation, tribe or band in the State based on the joint recommendation of the tribal
27 governments of the ~~Aroostook Band of Miamaes~~ Mi'kmaq Nation, the Houlton Band of
28 Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the Passamaquoddy Tribe
29 at Sipayik and the Penobscot Nation. If the tribal governments do not make a unanimous
30 joint recommendation, the Governor shall appoint a member of a federally recognized
31 Indian nation, tribe or band in the State and rotate the appointment among members of each
32 federally recognized Indian nation, tribe or band in the State. The composition of the
33 council must reflect a geographical distribution along the coast. All appointed members are
34 appointed for a term of 3 years, except a vacancy must be filled in the same manner as an
35 original member for the unexpired portion of the term. An appointed member may not serve
36 for more than 2 consecutive terms. Appointed members serve until their successors are
37 appointed. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone
38 Council, the chair of the Marine Recreational Fishing Advisory Council and the chair of
39 the Shellfish Advisory Council shall serve until a new chair of the Lobster Advisory
40 Council, a new chair of the Sea Urchin Zone Council, a new chair of the Marine
41 Recreational Fishing Advisory Council or a new chair of the Shellfish Advisory Council,
42 respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.

43 **Sec. 3. 12 MRSA §6033-A** is enacted to read:

44 **§6033-A. Marine Recreational Fishing Advisory Council**

1 **1. Appointment; composition.** The Marine Recreational Fishing Advisory Council,
2 referred to in this section as "the council" and established by Title 5, section 12004-I,
3 subsection 57-I, consists of 11 members. The commissioner shall appoint 10 members as
4 follows:

5 A. Four members of the public that are listed on the saltwater recreational fishing
6 registry established in section 6312, do not hold any state marine harvesting license
7 and represent York and Cumberland counties, Sagadahoc and Lincoln counties, Knox
8 and Waldo counties and Hancock and Washington counties, respectively;

9 B. Two members representing environmental nongovernment organizations;

10 C. One member representing smelt camp industry;

11 D. One member representing the party charter boat industry;

12 E. One member representing the saltwater guide industry that has a valid operator of
13 uninspected passenger vessels endorsement; and

14 F. One member that has a demonstrated general knowledge of the biological science
15 of marine fish and, at a minimum, a bachelor's degree.

16 The Governor shall appoint one member that is a member of a federally recognized Indian
17 nation, tribe or band in the State based on the joint recommendation of tribal governments
18 of the Mi'kmaq Nation, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe
19 at Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. If the
20 tribal governments do not make a unanimous joint recommendation, the Governor shall
21 appoint a member of a federally recognized Indian nation, tribe or band in the State.

22 **2. Term.** A council member serves a 3-year term and continues serving until a
23 successor is duly appointed and qualified. A member may not serve for more than 2
24 consecutive terms. In the case of a vacancy, the commissioner shall promptly fill the
25 vacancy.

26 **3. Quorum.** A quorum is a majority of the members of the council.

27 **4. Chairs and officers.** The council shall annually elect one of its members to serve
28 as chair for a one-year term. The council may select other officers and designate their
29 duties.

30 **5. Meetings.** The council shall meet at least 4 times a year. It may also meet at other
31 times at the call of the chair or the chair's designee or the commissioner or the
32 commissioner's designee.

33 **6. Purpose.** The council shall advise the commissioner on activities of the department
34 that relate to marine recreational fishing and shall make recommendations to the
35 commissioner concerning expenditures from the Marine Recreation Fishing Conservation
36 and Management Fund for the purposes described in section 6032-A. The council may
37 investigate problems affecting marine recreational fishing and make recommendations to
38 the commissioner and the Marine Resources Advisory Council, established by Title 5,
39 section 12004-G, subsection 27, concerning its investigations. The council may review
40 current recreational fishing research programs and plans for research and submit to the
41 commissioner and the Marine Resources Advisory Council annually its recommendations
42 on those programs and plans.

1 **Sec. 4. Staggered terms.** The Commissioner of Marine Resources and the
2 Governor shall make all appointments as provided in this Act no later than 90 days
3 following the effective date of this Act. Notwithstanding the Maine Revised Statutes, Title
4 12, section 6033-A, subsection 2, the commissioner shall make initial appointments to the
5 Marine Recreational Fishing Advisory Council so that 4 members serve for one year, 4
6 members serve for 2 years and 3 members serve for 3 years.

7 **SUMMARY**

8 This bill reestablishes the Marine Recreational Fishing Advisory Council. The council
9 was eliminated by Public Law 2009, chapter 369. It also provides for the chair of the
10 Marine Recreational Fishing Advisory Council to serve on the Marine Resources Advisory
11 Council. It also requires the Governor to appoint a member of a federally recognized Indian
12 nation, tribe or band in the State.