

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2024

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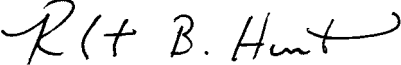
House of Representatives, December 13, 2023

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**An Act to Amend the Laws Regarding Certain Advisory Councils  
and Boards Related to the Department of Marine Resources**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 203.  
Received by the Clerk of the House on December 11, 2023. Referred to the Committee on  
Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

  
ROBERT B. HUNT  
Clerk

Presented by Representative HEPLER of Woolwich.

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

2 **Sec. 1. 12 MRSA §6024, sub-§1-A**, as amended by PL 2023, c. 207, §4, is further  
3 amended to read:

4 **1-A. Appointment; composition; term; compensation.** The Marine Resources  
5 Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of 17  
6 members. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone  
7 Council ~~and~~, the chair of the Shellfish Advisory Council and the chair of the Aquaculture  
8 Advisory Council are ex officio members of the council. Each other member is appointed  
9 by the Governor and is subject to review by the joint standing committee of the Legislature  
10 having jurisdiction over marine resources matters and to confirmation by the Legislature.  
11 Five members must be persons who are licensed under this Part to engage in commercial  
12 harvesting activities. Those 5 members are selected by the Governor from names  
13 recommended to the Governor by groups representing commercial harvesting interests.  
14 Each member must represent a different commercial harvesting activity, except that none  
15 of those 5 members may represent lobster harvesters. The remaining ~~9~~ 8 members must  
16 include one member who is listed on the saltwater recreational fishing registry established  
17 in section 6312 and does not hold a state marine harvesting license, one public member,  
18 one member who is a member of a federally recognized Indian nation, tribe or band in the  
19 State, 4 persons who hold a nonharvesting-related license under this Part, and one person  
20 representing recreational saltwater anglers ~~and one person representing the aquaculture~~  
21 ~~industry. The Governor shall select the person to represent the aquaculture industry from~~  
22 ~~among the names recommended by the aquaculture industry.~~ The Governor shall select  
23 the member who is a member of a federally recognized Indian nation, tribe or band in the  
24 State based on the joint recommendation of the tribal governments of the Mi'kmaq Nation,  
25 the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the  
26 Passamaquoddy Tribe at Sipayik and the Penobscot Nation. If the tribal governments do  
27 not make a unanimous joint recommendation, the Governor shall appoint a member of a  
28 federally recognized Indian nation, tribe or band in the State and rotate the appointment  
29 among members of each federally recognized Indian nation, tribe or band in the State. The  
30 composition of the council must reflect a ~~geographical~~ geographic distribution along the  
31 coast. All appointed members are appointed for a term of 3 years, except a vacancy must  
32 be filled in the same manner as an original member for the unexpired portion of the term.  
33 An appointed member may not serve for more than 2 consecutive terms. Appointed  
34 members serve until their successors are appointed. The chair of the Lobster Advisory  
35 Council, the chair of the Sea Urchin Zone Council ~~and~~, the chair of the Shellfish Advisory  
36 Council and the chair of the Aquaculture Advisory Council shall serve until a new chair of  
37 the Lobster Advisory Council, a new chair of the Sea Urchin Zone Council ~~or~~, a new chair  
38 of the Shellfish Advisory Council or a new chair of the Aquaculture Advisory Council,  
39 respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.

40 **Sec. 2. 12 MRSA §6080**, as repealed by PL 2011, c. 344, §19 and reenacted by c.  
41 598, §9, is amended to read:

42 **§6080. Aquaculture Advisory Council**

43 **1. Appointment; composition.** The Aquaculture Advisory Council, referred to in this  
44 section as ~~the "council"~~ "the council" and established by Title 5, section 12004-I, subsection  
45 57-C, consists of ~~5~~ 7 members who are appointed by the commissioner as follows. ~~The~~

1 commissioner or the commissioner's designee is a nonvoting, ex officio member of the  
2 council. The commissioner shall appoint 4 members from the State's aquaculture industry.  
3 No more than 2 of the appointed members may represent similar segments of the State's  
4 aquaculture industry.

5 A. The commissioner shall appoint at least 5 and up to 7 members from the aquaculture  
6 industry. The commissioner shall ensure both geographic representation and  
7 representation of multiple sectors of the aquaculture industry in making appointments  
8 under this paragraph.

9 B. The commissioner may appoint up to 2 members who are members of the public  
10 with expertise in matters related to the work of the council.

11 In making appointments, the commissioner may consider nominations from the council and  
12 from associations representing the interests of persons involved in the aquaculture industry.

13 **2. Term.** Council members serve for 3 years and continue serving until a successor is  
14 duly appointed and qualified. A member may not serve more than 2 consecutive terms. In  
15 the case of a vacancy, the commissioner shall promptly fill the vacancy.

16 **3. Purpose.** The council shall make recommendations to the commissioner and the  
17 joint standing committee of the Legislature having jurisdiction over marine resources  
18 matters concerning expenditures from the Aquaculture Management Fund for the purposes  
19 described under section 6072-D and concerning other matters of interest to the aquaculture  
20 industry.:

21 A. Matters of interest to the aquaculture industry, including, but not limited to, the  
22 leasing and licensing process, seed source, animal health, gear, compliance and  
23 research; and

24 B. Expenditures from the Aquaculture Management Fund for the purposes described  
25 in section 6072-D, subsection 4.

26 The council shall bring forward to the commissioner matters of concern to the aquaculture  
27 industry and assist the commissioner with the dissemination of information to members of  
28 the aquaculture industry.

29 **4. Chair and officers Officers.** ~~The officers of the council annually shall choose one~~  
30 ~~of its members to serve as chair for a one-year term. The council may select other officers~~  
31 ~~and designate their duties as the chair and vice-chair. The term of the officers is one year.~~  
32 The council shall elect a member of the council for each officer position at the first regular  
33 meeting of each year.

34 **5. Meetings.** The council shall meet at least ~~one~~ twice each year, and the meetings  
35 may not be held within the same quarter. It may also meet at other times at the call of the  
36 chair ~~or the chair's designee~~ or the commissioner ~~or the commissioner's designee~~. The  
37 council may conduct a meeting by means of a conference call linking 2 or more members  
38 of the council.

39 **7. Compensation.** Council members are entitled to expenses according to Title 5,  
40 chapter 379, which are paid from the Aquaculture Management Fund established in section  
41 6072-D.

42 **Sec. 3. 12 MRSA §6465, sub-§2,** as amended by PL 2021, c. 491, §3, is further  
43 amended to read:

1           **2. Research, education and development board.** The commissioner shall appoint a  
2 research, education and development board and consult with the board regarding the  
3 expenditures from the fund. The board is composed of ~~one member from each of the~~  
4 ~~following organizations~~ the following individuals:

5           ~~A. A statewide association representing the interests of persons who harvest lobster~~  
6 ~~commercially;~~

7           ~~B. An association representing the interests of persons who harvest lobster~~  
8 ~~commercially in Washington and Hancock counties;~~

9           ~~C. A southern Maine association representing the interests of persons who harvest~~  
10 ~~lobster commercially;~~

11           ~~D. A statewide import-export lobster dealers' association;~~

12           ~~E. A statewide lobster pound owners' association;~~

13           ~~F. A statewide lobster processors' association;~~

14           ~~G. The Maine Lobster Marketing Collaborative under section 6455-A;~~

15           ~~H. The Lobster Advisory Council established by Title 5, section 12004-I, subsection~~  
16 ~~58; and~~

17           ~~I. An international lobster institute. This member must be a resident of the State.~~

18           J. Three individuals representing the interests of persons who harvest lobster  
19 commercially. These individuals must reflect a geographic distribution along the coast  
20 of the State;

21           K. Three individuals representing the interests of persons who hold wholesale seafood  
22 licenses with lobster permits;

23           L. One individual representing the Maine Lobster Marketing Collaborative under  
24 section 6455-A;

25           M. One individual representing the Lobster Advisory Council established by Title 5,  
26 section 12004-I, subsection 58; and

27           N. One individual who has expertise in lobster science.

28 Members are entitled to compensation according to Title 5, chapter 379.

## 29           **SUMMARY**

30           This bill amends the membership of the Marine Resources Advisory Council by adding  
31 the chair of the Aquaculture Advisory Council as an ex officio member and eliminating the  
32 seat representing the aquaculture industry selected by the Governor. It expands the  
33 membership of the Aquaculture Advisory Council from 5 to 7 members, limits members  
34 to no more than 2 consecutive terms and expands the purpose of the council by requiring it  
35 to make recommendations on matters of interest to the aquaculture industry to the joint  
36 standing committee of the Legislature having jurisdiction over marine resources matters.  
37 It also specifies officers for the council and increases the required number of meetings from  
38 one to 2 per year. The bill amends the membership of the board that advises the  
39 Commissioner of Marine Resources on expenditures from the Lobster Research, Education  
40 and Development Fund by changing the membership structure from one that consists of

1 certain associations to one that consists of individuals representing certain sectors of the  
2 lobster industry as well as individuals representing the Maine Lobster Marketing  
3 Collaborative and the Lobster Advisory Council.