

DRAFT – Commercial Fishing Safety Council Bylaws – DRAFT

Article I

Council Purpose

The purpose of the Commercial Fishing Safety Council is as specified in Title 12, MRSA § 6034:

The council shall carry out duties specifically delegated to the council by law or by the commissioner and give the commissioner information and advice concerning fishing safety issues, including:

- A. Minimum safety equipment, training and operational standards;
- B. Community-based education programs that provide practical safety training and fisheries-specific safety training;
- C. An outreach program to promote the culture of safety; and
- D. Opportunities to minimize the costs and seek alternative funding sources, fees, incentives, grants or partnerships to minimize the financial impact of safety requirements.

No later than October 1st of each year, the Commercial Fishing Safety Council shall submit a commercial fishing safety plan to the commissioner that includes, but is not limited to, the council's fishing safety initiatives, any revisions to those initiatives and any new initiatives for the department to consider.

Article II

Meetings of Members

Sec. 1. Regular Meetings. The Council shall hold regular quarterly meetings. It may also meet at other times at the call of the Commissioner.

Sec. 2. Notice of Meetings. Notice of a meeting shall be sent to all Council members at least a week prior to the meeting and shall set forth date, time and the place that the meeting is to be held. Public notice shall also be placed on the Department of Marine Resources website.

Sec. 3. Voting. The right to vote on any matter or matters at any meeting is restricted to the members of the Council as defined in Title 12, MRSA § 6034. A member of the Council may participate and is deemed present at a meeting of the council

by telephone, electronically, or by any other means by which all members participating in the meeting are able to communicate with each other. When a quorum is not present, and an issue must be voted on prior to the next scheduled meeting, voting by written poll will be allowed if all members present agree.

Sec. 4. Quorum. A quorum is a majority of the members of the Council. A majority of the votes entitled to be cast on a matter to be voted on by the members present shall be necessary for the adoption of any motion. The members present at a duly called meeting at which a quorum is not present may continue to discuss business at the meeting but no vote may be taken except as specified in Sec. 3.

5 **Sec. 5. No Action By Council Members Without A Meeting.** No action may be taken by Council members without a meeting being held thereon.

Sec. 6. Abstentions. Although the chair may not compel a Commercial Fishing Safety Council member to vote, it is the expectation that all members will participate fully in the voting process unless they have a direct personal or pecuniary interest that is not common to other Council members. The chair shall rule on any point of order that arises should a member's participation in a vote be called into question. If a Council member is late to a meeting or otherwise needs additional time to receive information in order to cast his or her vote, then the chair may adjust the agenda to allow the member to participate in the voting process during that day's meeting.

Article III

Members of the Council

1. Appointment; composition. Title 5, section 12004-I, subsection 57-E, consists of 9 members appointed by the 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. [PL 2011, c. 128, §1 (RP).]

C. One member who is a license holder under this Part and a member of the Sea Urchin Zone Council or the Scallop Advisory Council, recommended by the chair of the Sea Urchin Zone Council or the Scallop Advisory Council;

D. Three members who are license holders under this Part and who represent commercial marine harvesting activities;

E. An educator experienced in community-based adult education and volunteer safety training or an expert in fishing industry risk analysis and occupational health;

F. [PL 2011, c. 128, §1 (RP).]

G. An expert in marine safety equipment; [PL 2003, c. 90, §2 (NEW).]

H. [PL 2011, c. 128, §1 (RP).]

I. [PL 2011, c. 128, §1 (RP).]

J. A spouse or domestic partner of a license holder under this Part; and

K. A member of the public.

The composition of the council must reflect a geographic distribution along the coast of the State. The council may invite to carry out the duties of the council other participants on an ad hoc basis, including representatives of private or governmental organizations or individuals with expertise or interest in marine, education, labor or health matters.

2. Term. The term of an appointed member is 3 years, except a vacancy of a member before the expiration of the member's term must be filled in the same manner as the original member for the unexpired portion of the member's term. When a vacancy occurs, the commissioner shall fill the vacancy by appointing a member from the same category of members as the member who vacated the council. A member continues to serve until the member's successor is appointed.

3. Compensation. Members are entitled to expenses according to Title 5, chapter 379.

4. Chair and officers. The officers of the Council are the chair, vice-chair, and secretary. The term of the officers is one year. The Council shall elect a member of the Council for each officer position at the first regular meeting of each year.

5. Removal of Council Members. A Council member who misses three consecutive meetings without notifying the Department of his or her intended absence from the meeting may be removed from the Council and notified by the Council Chair. A Council member who has been placed on the Council because of his or her possession of a license who has that license suspended, revoked, or who fails to renew their license shall be automatically removed from the Council.

Article IV

Officers

Sec. 1. Officers. The Council members shall elect by a majority vote of a quorum, a member to act as Chair, Vice Chair, and Secretary.

Sec. 2. Election and Term Of Office. The Officer(s) of the Council shall be elected annually by a majority of a quorum. The election shall be held at the January meeting or as soon thereafter as it is convenient. New offices may be filled at any meeting that has a quorum. Each officer shall hold office for one year and shall remain in office until a successor has been elected and qualified. No person shall hold more than

one office at the same time.

Sec. 3. Removal. Any officer elected by the Council may be removed by a majority vote of the Council at any meeting at which three-quarters of the Council members are present and voting. Such a removal can be carried out whenever, by the best judgment of the Council members, the best interest of the Council will be served thereby.

Sec. 4. Vacancies. A vacancy of any office of the Council may be filled immediately by a majority vote of a quorum. A person elected to fill a vacant office shall serve out the unexpired portion of the term of that office.

Sec. 5. Powers and Duties.

- A. Chair.** The chair shall call and preside at all meetings of the Council.
- B. Vice-Chair.** The vice-chair shall call and preside at all meetings of the Council in the chair's absence.
- C. Secretary.** The secretary shall cause written records to be taken by Department staff and to be preserved by the Clerk in the Office of Commissioner's official files of all meetings and voting actions of the Council.

Article V

Committees

The Chair may appoint one or more committees, each of which shall consist of at least two members. The Chair may also designate additional non-council persons to any such committees. A committee shall be established to perform certain tasks as designated by the Council, such tasks shall not be inconsistent with the purposes of the Council. The committee shall report its findings to the Council. Such committees shall not have the authority of the Council.

Article VI

Amendment To The Bylaws

The bylaws of the Council may be amended by a two-thirds majority vote of the Council. A proposal to amend the bylaws may be presented by any Council member at any meeting of the Council, but may not be acted upon until the following meeting.