

Maine Working Waterfront Advisory Council

Terms of Reference

1. Purpose & Background

Maine passed legislation in 2025 to create a Working Waterfront Advisory Council to address issues facing the state’s working waterfronts ([Title 5, §3208](#)). The Working Waterfront Advisory Council (referred to in this document as “the Council”) is housed within the Maine Office of Community Affairs (MOCA) and staffed by the Maine Coastal Program (MCP). The overarching goal of the Council is to identify and seek solutions to current and future challenges related to working waterfronts in Maine and to advise the Administration and provide recommendations to the Legislature, MOCA, and MCP on potential policy changes and support to address those critical challenges.

Maine’s working waterfronts face multiple threats due to intense development pressure, changing marine economies and regulatory environments, climate related impacts like extreme storms and sea level rise, aging infrastructure, and high costs for maintenance and repair. Working waterfronts, including shoreline properties and access points that support commercial fishing, aquaculture, and other marine-dependent industries, are critical to Maine, both economically and culturally. These important properties and coastal access points have declined rapidly over the past several decades, impacting community resilience and economic opportunities across the state.

The creation of an ongoing Working Waterfront Advisory Council dedicated to addressing these critical issues is one of many key steps that have been taken to protect working waterfronts and increase the resiliency of these important resources across the state.

2. Role of the Advisory Council

The Council will advise the Administration and submit annual recommendations to the Legislature, MOCA, and the Maine Coastal Program on potential support and policy changes to address challenges facing the state’s working waterfronts.

The Council will submit a report by February 1st of each year to the Housing and Economic Development Committee and the Marine Resources Committee outlining the current and future challenges concerning and recommendations related to working waterfronts in Maine.

Recommendations could include, but are not limited to:

1. How to best use state agencies, municipal governments, working waterfront industries and citizen groups to protect and improve access to working waterfronts in the state;
2. Matters of interest to working waterfront industries and communities in the state, including, but not limited to, geographic information systems mapping and inventory, climate and resilience, preservation and access, affordable workforce housing, climate-driven relocation, water quality and ecosystems, workforce development, health care access, the marine resources economy and economic development, including public-private partnerships, decarbonization and electrification and developing new working waterfronts; and
3. Information on relevant existing federal, state, municipal, educational organization and nonprofit organization data, plans, recommendations and studies that relate to working waterfronts and updates on progress made in state plans that include references to working waterfronts.

After reviewing the report, either committee may report out legislation to implement any recommendations contained in the report.

The bill also requires the director of MOCA to submit a report by February 1st of each year to the same committees of the Legislature that outlines initiatives proposed by MOCA regarding working waterfronts, including information from coalitions, task forces, and engagements with municipal and tribal governments.

3. Advisory Council Membership & Selection

3.1 Representation

The Council consists of up to 15 members, appointed by the director of MOCA, who, to the greatest extent possible, represent federally recognized Indian nations, tribes or bands in the state, municipalities, nonprofit organizations, trade organizations, educational institutions, individuals and industries that represent or use working waterfronts in the state, and who reflect a geographic distribution along the coast. Members of the Council have knowledge of problems facing working waterfronts, have experience in advocacy related to working waterfront issues, provide leadership in programs or activities that create and improve opportunities, and/or spread awareness related to working waterfronts and persons that use them.

3.2 Term Length

A member's term is for 3 years. If a member is unable to complete the term, the director will appoint a new member to serve out the unexpired portion of the term.

The initial membership appointment terms for the Council are staggered so that 1/3 of the members are appointed for a term of 3 years, another 1/3 are appointed for a term of 2 years, and the last 1/3 are appointed for a term of one year.

3.3 Elected Positions

The Council will elect a Chair and a Vice Chair by majority vote at the first meeting of each year. The Chair and Vice Chair will each serve one-year terms and, when possible, the Vice Chair will cycle into the Chair position after one year to provide continuity in leadership. To the extent possible, the Chair and Vice Chair should represent different sectors of Maine's working waterfronts.

3.4 Committees

Ad hoc committees or working groups may be created to explore specific topics and guide staff in executing projects. These committees are comprised of members of the Advisory Council who have interest and expertise in the subject matter. Additional experts may also be recruited to participate or may volunteer.

4. Responsibilities of Advisory Council Members & Elected Officers

In order to have an effective and functioning Council, members should be able to:

1. **Attend meetings:** Attend quarterly, hybrid Council meetings. Additional meetings will be scheduled as needed and will be held virtually. Council members are expected to notify Council staff ahead of time if they are unable to attend a meeting.
2. **Provide input in a timely fashion:** When materials are provided to Council members for review, it is expected that feedback will be provided within the requested timeframe to advance progression of the work. Council staff will provide a minimum of 2 weeks for any requested review of materials.
3. **Provide technical expertise:** Support topic scoping and development of recommendations and provide technical review of materials (as needed).
4. **Remain engaged:** Council members should come to each meeting prepared to fully engage and participate in discussion topics, and to provide any relevant insights on topic areas to advance Council work.
5. **Complete term:** Fulfill a minimum one year of an anticipated two- or three-year term. If a member is unable to complete their term, they will notify the Council staff with as

much advance notice as possible. Council staff will then work with the director of MOCA to appoint a new member to serve out the unexpired portion of the term.

6. **Represent broad interests:** Solicit input from other stakeholders (as needed) and provide input and guidance to ensure recommendations deliver the greatest impact to the people and resources of Maine.
7. **Adhere to Council policies:** This primarily includes adhering to all applicable provisions of Maine’s Freedom of Access Act (“FOAA”).

In order to provide leadership to the Council, the Chair and Vice Chair should be able to:

1. Lead meetings and facilitate discussions ahead of decision-making and voting.
2. Provide input on meeting agendas and discussion topics ahead of meetings.
3. Provide input on the annual workplan and annual review of the Council Terms of Reference.

5. Advisory Council Meetings

5.1 Council Meetings

The Council will hold quarterly, hybrid meetings (a minimum of 4 meetings each year). Additional meetings of the full Council or of smaller committees may be called by the Chair or Vice Chair and will be held virtually.

All Council meetings will be conducted in accordance with the current edition of Robert’s Rules of Order Newly Revised. Any member may introduce a motion for consideration by the Council and any motion requires a second before it may be considered. Once a motion has been moved and seconded, the Chair may open the matter for discussion.

5.2 Quorum

A quorum for Council proceedings and decision-making will consist of a majority of Council members (8 members). In the absence of a quorum, Council members may receive reports, discuss matters informally, or adjourn a meeting, but no official Council action may be taken.

5.3 Decision-Making Methods

The Council seeks to make decisions in a transparent, collaborative, and inclusive manner. Council decisions fall into two categories:

1. **Procedural or Administrative Decisions** – These decisions relate to routine operational matters that support the functioning of the Council. Examples include: approval of

meeting minutes, scheduling of meetings, formation of working groups or task assignments, or minor procedural adjustments.

2. **Substantive Decisions** – These decisions relate to the Council’s core advisory role and involve recommendations, positions, or output that may influence policy, strategy, or organizational direction. Examples include: formal policy recommendations, strategic reports, endorsement of major initiatives, or adoption of guidance documents.

Procedural or administrative decisions will be made by simple majority vote of members present at the meeting. Each member of the Council will have one vote, including the Chair and Vice Chair. A motion passes if more than half of the members present vote in favor (either by show of hands or voice vote).

Substantive decisions, including policy recommendations, will be made through consensus decision-making. For the purposes of this Council, consensus means that members have had a full opportunity to discuss the issue, all perspectives have been considered, and no member maintains a sustained objection that would prevent the Council from moving forward with the recommendation. Consensus does not necessarily require unanimous enthusiasm, but members should be able to support, or at a minimum not oppose, the decision.

If consensus cannot be reached after reasonable discussion, the Chair may defer the decision to a future meeting to allow for additional information gathering or discussion. Areas of agreement and disagreement will be documented in the Council meeting minutes. If required by timelines, the Council may decide to record the majority position as well as the minority position within the final recommendation.

All decisions, including the method used (majority vote or consensus), will be documented in the meeting minutes.

5.4 Meeting Minutes

Minutes of each meeting will be recorded by Council staff and maintained as part of the official records of the Council. Meeting minutes will include the date, time, and location of the meeting, members present, summary of discussions, actions taken, and the results of votes. Minutes will be approved by the Council at a subsequent meeting.

6. Advisory Council Administrative Support

Council staff provide operational and logistical support to ensure the Advisory Council functions efficiently and in accordance with applicable policies and procedures. Staff serve in a non-voting, facilitative role and do not participate in Council decision-making.

Staff will support the Council by:

1. Serving as the primary point of contact for Council administrative matters and coordinating internal communication between Council members and relevant partners.

2. Scheduling and coordinating logistics for Council meetings, working sessions, and related activities.
3. Preparing and distributing meeting notices, agendas, and briefing materials in consultation with the Chair and Vice Chair. Staff will manage document circulation among Council members and relevant stakeholders.
4. Maintaining official records of the Council, including minutes, attendance records, and documentation of recommendations or actions. Staff will also track action items and follow-up requests arising from meetings.
5. Preparing draft reports, summaries, briefing notes, and workplans based on Council discussions. This includes the development and formatting of formal recommendations and annual reports.
6. Conducting or coordinating background research and compiling information requested by the Council. This includes coordinating stakeholder engagement logistics when directed by the Council.
7. Supporting public meeting requirements and performing any other administrative duties necessary for the effective operation of the Council.

7. Collaborators

In recognition of the extensive work happening in Maine around working waterfronts, the Council will also solicit input from close collaborators who are experts on these issues. Collaborators are considered representatives of working waterfront users, federal, state, tribal, or other regional partners, and related organizations. Guidance and input from these experts will ensure the annual workplan and recommendations to support Maine's working waterfronts are aligned with parallel efforts and reflect the priority needs across broad working waterfront sectors. Collaborators can contribute to discussions, share relevant updates, and provide technical review as needed and appropriate but they are not a part of the Council's decision-making process. They can also be a resource for the Council to draw information, research, and experience from through presentations, panel discussions, or reports that can help inform decisions and develop recommendations.

Collaborators include:

- Maine's Working Waterfront Coalition
- Industry and trade associations
- Academic institutions and community support organizations
- Municipalities
- Maine state partner agencies
- National Working Waterfront Network representatives

- Federal partners

8. Public Meeting Policy

The following serves as the Council’s policy regarding the means by which Council members, collaborators, department staff, and the public may participate in Council meetings.

Definitions

Hybrid meetings. Hybrid meetings are meetings where Council members, staff, and/or members of the public may participate either in-person or virtually.

Remote meetings. Remote meetings are meetings in which all members of the Council and all members of the staff and public participate by virtual means (telephone, video, or other similar means of communication that allows an individual to participate in a meeting without being physically present).

Participation in remote and hybrid meetings

1. A Council member who is participating remotely is considered present, including for the purposes of a quorum and voting on decisions.
2. Council members, staff and invitees listed as presenters or participants on the agenda must be able to hear and speak to all other members. Participants are asked to mute their microphones unless they are speaking.
3. Each Council meeting (whether hybrid or virtual) will have a built-in public comment period(s) where members of the public can offer questions or comments.
4. Members of the public wishing to offer questions or comments during that period must be called upon by the meeting facilitator.
5. A technical failure on the part of a person that interrupts that person’s virtual connection to the meeting does not invalidate any action taken by the Council at that meeting.
6. Comments and remarks included in a “chat” or similar medium are not part of the meeting record unless specifically requested.
7. All meeting information, agendas, and approved meeting minutes will be available to the public on the designated Council [webpage](#).

9. Advisory Council Policies

Maine’s Freedom of Access Act: The Council is subject to all applicable provisions of [Maine’s Freedom of Access Act](#) (“FOAA”). All Council members are [required](#) to take a FOAA training at the start of their term, which consists of completing a thorough review of the [FOAA FAQ page](#) and submitting a certificate of completion to Council staff.

Workplace Harassment: The Council should be aware of the state and federal laws regarding discrimination, harassment, and retaliation in the workplace. Links to the State of Maine's Harassment Policy and Workplace Bullying Policy are provided below.

- [SOM Harassment Policy](#)
- [SOM Workplace Bullying Policy](#)

Conflict of Interest: The Council does not have a formal Conflict of Interest (COI) policy at this time. A COI policy may be developed in the future if the need arises.

Other policies: Information on additional policies may be included in an updated version.