

§6038. Shellfish Advisory Council

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 14 members who are appointed by the commissioner as follows:

- A. Four members who are commercial shellfish license holders. 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; [PL 2019, c. 600, §1 (AMD).]
- 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; [PL 2007, c. 606, Pt. A, §2 (NEW).]
- C. One member who is a municipal official involved in pollution permitting or mitigation; [PL 2019, c. 600, §1 (AMD).]
- D. Two members who are licensed wholesale seafood dealers who have been issued a shellfish sanitation certificate by the department 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; [PL 2019, c. 600, §1 (AMD).]
- E. One public member with knowledge of and interest in coastal water quality; [PL 2007, c. 606, Pt. A, §2 (NEW).]
- F. Two members who are municipal shellfish officials, including, but not limited to, a municipal shellfish conservation warden or a member of a municipal shellfish management committee, as described in section 6671, subsection 2; [PL 2019, c. 600, §1 (AMD).]
- G. One member who has been issued a shellfish depuration certificate under section 6856, subsection 3 or who is designated by the department as an authorized representative of the holder of the shellfish depuration certificate; and [PL 2019, c. 600, §1 (AMD).]
- H. One member who has a demonstrated knowledge of biological science and, at a minimum, a bachelor's degree. The commissioner shall make a reasonable effort to appoint a member who has at least 5 years of relevant experience. [PL 2019, c. 600, §1 (NEW).]

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

[PL 2019, c. 600, §1 (AMD).]

2. Purpose. The council shall make recommendations to the commissioner and the joint standing committee of the Legislature having jurisdiction over marine resources matters concerning:

- A. How best to utilize state agencies, municipal governments, the shellfish industry and citizen groups to make improvements to and maintain the quality of the State's coastal waters and to expedite the opening of closed shellfish flats; and [PL 2007, c. 606, Pt. A, §2 (NEW).]
- B. Matters of interest to the State's shellfish industry, including, but not limited to, shellfish resource management, public health protection and the activities and recommendations of a multistate organization that promotes shellfish sanitation. [PL 2007, c. 606, Pt. A, §2 (NEW).]

The council is responsible for bringing forward to the commissioner matters of concern to the shellfish industry and for assisting the commissioner with the dissemination of information to members of the shellfish industry.

[PL 2007, c. 606, Pt. A, §2 (NEW).]

3. Term. The term of a member appointed to the council is 3 years, except that a vacancy during an unexpired term must be filled in the same manner as for the original member for the unexpired portion of the member's term. A member may not serve more than 2 consecutive terms.
[PL 2007, c. 606, Pt. A, §2 (NEW).]

4. Officers. The officers of the council are the chair and vice-chair. 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.
[PL 2023, c. 207, §5 (AMD).]

5. Meeting. The council shall meet at least once a year. It may also meet at other times at the call of the chair or the commissioner. In advance of a meeting of a multistate organization that promotes shellfish sanitation, the council shall meet to discuss matters of interest to the shellfish industry, the department and the multistate organization and to make recommendations as necessary.
[PL 2007, c. 606, Pt. A, §2 (NEW).]

6. Compensation. Council members are entitled to expenses according to Title 5, chapter 379, which are paid from the Shellfish Fund established in section 6651.
[PL 2007, c. 606, Pt. A, §2 (NEW).]

REVISOR'S NOTE: §6038. Watercraft Fund (As enacted by PL 2007, c. 615, §5 is REALLOCATED TO TITLE 12, SECTION 6040)

SECTION HISTORY

RR 2007, c. 2, §3 (RAL). PL 2007, c. 606, Pt. A, §2 (NEW). PL 2007, c. 615, §5 (NEW). PL 2019, c. 600, §1 (AMD). PL 2023, c. 207, §5 (AMD).

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