

**Department of Marine Resources Aquaculture Advisory Council  
(AqAC)  
Bylaws**

**Article I  
Duties of the Aquaculture Advisory Council**

The purpose of the Aquaculture Advisory Council is as specified in Title 12, M.R.S.A. §6080:

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

- A. Matters of interest to the aquaculture industry, including, but not limited to, the leasing and licensing process, seed source, animal health, gear, compliance and research.
- B. Expenditures from the Aquaculture Management Fund for the purposes described in section 6072-D.

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

**Article II  
Meetings of the Aquaculture Advisory Council**

**Sec. 1. Meetings.** The council shall meet at least twice each year, and the meetings may not be held within the same quarter. It may also meet at other times at the call of the chair or the commissioner.

**Sec. 2. Special Meetings.** The Chair or the Chair's designee, or the Commissioner or the Commissioner's designee, may call special monthly meetings of all members of the Aquaculture Advisory Council. The special meetings shall be held at a time to be announced by the Commissioner's Office unless otherwise notified in writing, fax, email or by telephone.

**Sec. 3. Notice of Meetings.** Notice of a regular meeting shall be sent to all Aquaculture Advisory Council members at least one week prior to the meeting confirming the date, time and the place that a meeting is to be held. If a member is unable to attend, they shall contact the DMR and Aquaculture Advisory Council Chair by no later than 48 hours prior to the meeting time to allow for the confirmation of a quorum, meeting, or meeting cancellation.

**Sec. 4. Quorum.** A quorum shall be a majority (4 of 7) of the current members of the Aquaculture Advisory Council. The members present at a duly called meeting at which a quorum is not present may discuss business at the meeting, but no vote may be taken except as specified in Sec. 5.

**Sec. 5. Aquaculture Advisory Council Actions / Voting.** An affirmative vote of a

majority of the members present, at a meeting or polled, shall be required for any action. No action may be considered unless a quorum is present or, if there is no meeting, a quorum responds to a written poll. (§6024(4))

The right to vote, by show of hands, on any matter or matters at any meeting is restricted to the members of the Aquaculture Advisory Council who must be present at the meeting (phone or virtually), except as provided above.

Each member shall be entitled to one vote on each matter submitted to a vote at any meeting of the Aquaculture Advisory Council.

**Sec. 6. Abstentions.** Although the Chair may not compel an Aquaculture Advisory 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 others.

The Chair shall rule on any point of order that arises should a member's participation in a vote be called into question.

If an Aquaculture Advisory Council member is late to a meeting or otherwise needs additional time to receive information to cast their vote, then the Chair may adjust the agenda to allow the member to participate in the voting process during that day's meeting.

**Sec. 7. Solicitation of information.** The Chair or the Chair's designee, with the approval of a majority of Aquaculture Advisory Council members, may ask external stakeholders with specialized expertise to address topics of concern to the aquaculture industry during Council meetings. Such topics shall not be inconsistent with the purposes of the Aquaculture Advisory Council. Stakeholders that attend such meetings are not eligible for compensation.

## **Article III**

### **Members of the Aquaculture Advisory Council**

#### **Sec. 1. Number of Aquaculture Advisory Council Members.**

##### **1. Appointment; composition.**

The Aquaculture Advisory Council, referred to in this section as "the council" and established by [Title 5, section 12004-I, subsection 57-C](#), consists of 7 members who are appointed by the commissioner as follows.

A. The commissioner shall appoint at least 5 and up to 6 members from the aquaculture industry. In making appointments under this paragraph, the commissioner shall ensure geographic representation as well as representation of multiple sectors of the aquaculture industry and representation of businesses operating at different scales within the aquaculture industry.

B. The commissioner shall appoint one member who is a member of the public with expertise in matters related to the work of the council. If the number of members appointed pursuant to [paragraph A](#) is fewer than 6, then the commissioner shall appoint one additional member who is a member of the public with expertise in matters related to the work of the council.

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

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

**Sec. 3. Compensation of Aquaculture Advisory Council Members.** Council members are entitled to expenses according to Title 5, chapter 379, which are paid from the Aquaculture Management Fund established in §6072-D.

**Sec. 4. Conduct of Aquaculture Advisory Council Members.**

- A. Be guided by the highest standards of honor, personal integrity, and fortitude in all public activities to merit the respect of other officials, employees, and the public. Strive to inspire public confidence and trust in Maine State Government and its related institutions.
- B. Serve the citizens of the State with respect, concern, courtesy, and responsiveness, recognizing that government service means service to the people of Maine; keep the Legislature and public informed on pertinent issues. Strive for professional excellence and encourage the professional development of associates and those seeking to enter the field of public administration to provide effective and responsible government to the citizens of Maine. The primary role is to provide the best possible and most cost-effective service to the citizens of Maine.
- C. Approach organizational and operational duties with a positive attitude and constructively support open communication, cooperation, creativity, dedication, and compassion.
- D. Avoid any interest or activity which conflicts with the conduct of official duties. Serve in a manner as to avoid inappropriate personal gain resulting from the performance of official duties.
- E. Respect and protect the privileged information to which there is access in the course of official duties.
- F. Use discretionary authority to promote the public interest.
- G. Accept as a personal duty the responsibility to be informed of emerging issues and to administer the public's business with professional competence, fairness, impartiality, efficiency, and effectiveness.
- H. Support, implement, and promote programs of affirmative action to assure equal opportunity in the recruitment, selection, and advancement of qualified persons from all elements of society.
- I. Respect and value the work done by the employees of Maine State Government and its related institutions.

**Sec. 5. Removal of Aquaculture Advisory Council Members.**

- A. An Aquaculture Advisory Council member who has been placed on the council in a category that requires possession of a Maine aquaculture lease or license whose lease or license or applicable credentials has been suspended or revoked, or who fails to renew their lease or license, will be recommended for removal from the Aquaculture Advisory Council.
- B. An Aquaculture Council member who misses three consecutive meetings without notifying an officer or other council member of the intended absence from a

meeting may be removed from the council by affirmative vote of the council. The Chair shall notify the Commissioner of the vacant position.

## **Article IV Officers**

**Sec. 1. Officers, Election and Term.** The officers of the Aquaculture Advisory 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.

**Sec. 2. Removal.** Any Officer elected by the Aquaculture Advisory Council may be removed by vote of the council taken in accordance with §6024(4).

**Sec. 3. Vacancies.** A vacancy in any office of the Aquaculture Advisory Council may be filled immediately by vote of the council taken in accordance with §6024(4). A person elected to fill a vacant office shall serve out the unexpired portion of the term of that office.

**Sec. 4. Duties.** The officers have the following duties:

**A. Chair.** The Chair shall call and preside at all meetings of the Aquaculture Advisory Council.

**B. Vice-Chair.** The Vice-Chair shall call and preside at all meetings of the Aquaculture Advisory Council in the Chair's absence.

## **Article V Committees**

The Chair may form committees to address specific topics. Each committee shall consist of at least two Aquaculture Advisory Council members and may include members of the public or government agencies. A committee shall be established to perform certain tasks as designated by the Chair and defined by a written committee charge; such tasks shall not be inconsistent with the purposes of the Aquaculture Advisory Council. All members shall have relevant experience and knowledge specifically related to the committee charge. The committee shall report its findings to the Aquaculture Advisory Council at intervals defined by the Chair. Such committees shall make recommendations to the Council but shall not have the authority of the Aquaculture Advisory Council.

## **Article VI Amendment to the Bylaws**

The bylaws of the Aquaculture Advisory Council may be amended by a vote of the Aquaculture Advisory Council taken in accordance with §6024(4). A proposal to amend the bylaws may be presented by any Aquaculture Advisory Council member at any meeting of the Aquaculture Advisory Council but may not be acted upon until the following meeting.

**Article VII**  
**State and Federal Laws**

If any provision of these bylaws is found to conflict with Maine or federal law, then those laws shall control and these bylaws, to the extent they are in conflict, shall be void.