

Shellfish Advisory Council Virtual Meeting Meeting Minutes

September 21, 2021 from 10:00 am - 2:00 pm

I. Call to order

Lewis Pinkham called to order the regular meeting of the Shellfish Advisory Council at 10:00 AM on Sept. 21, 2021 virtually via Microsoft Teams.

II. Roll call

William Fearn conducted a roll call. The following eight persons were present: Amanda Lyons, Jessica Joyce, Joan McDonald, Kevin Brodie, Lewis Pinkham, Marissa McMahan, Michael Danforth, and Ryan McPherson.

The following four committee members were not present: Dick Douty, Ron Parritt, Scott Moody, and Evan Young.

III. Approval of minutes from last meeting

- a) The Shellfish Advisory Council reviewed the minutes from the April 29, 2021 meeting.

Minutes approved with seven in favor, one abstained.

(Attachment 1)

IV. Announcements/Presentations

- a) Maine Shellfish Learning Network – **Gabby Hillyer**

A brief update was provided by Bridie McGreavy

(Attachment 2)

- b) Conservation activity matrix – **Madeline Tripp**

Preview of the Conservation activity summary report created by the Casco Bay Regional Shellfish Working Group. It is a decision support tool and provides information all in one place for making a conservation plan. It includes a review of what conservation activities are available, how to execute them, how likely they are to be successful, and what resources are needed to implement the activities. The focus is Casco Bay, but it is applicable to whole state. The final report is now available on the [council website](#).

(Attachment 3).

c) **Maine Shellfish Restoration and Resilience Fund – Bridie McGreavy**

Funding available for \$1,000 - \$20,000 projects, grant proposals are due Jan 19, 2022 for more information visit the MSRR website <https://umaine.edu/shellfish-restoration/>.

d) **Septic system vulnerability assessment FB Environmental – Maggie Kelly**

Preview of a guidance document for shellfish communities, to help understand septic systems and assess the risks they pose to water quality. Presentation available on council website

(Attachment 4).

e) **Survey results for annual shellfish report – Jessica Joyce**

Jessica Joyce presented results from a survey regarding the Shellfish Annual Management Review and report that towns must submit to DMR each year. The survey results generally reflected that towns would like to use the information collected, especially to compare towns to each other. The results also indicated support for evaluating and revising the management review process and forms. Results available on council website.

(Attachment 5).

V. Old business

a) **Price fixing concern - Amanda Lyons**

Concerns regarding illegal activities impacting trade should be sent to the Maine office of the Attorney General. The Consumer Protection Division is responsible for enforcing Maine's "monopolies and profiteering" (or antitrust) law. Maine antitrust law prohibits conspiracies in restraint of trade (e.g. price fixing), monopolization offenses, and mergers that may substantially lessen competition. Their office is charged with investigating potentially anticompetitive conduct within and outside of the state of Maine.

Consumer Protection Division
6 State House Station
Augusta, Maine 04333-0006
207-626-8849 or 800-436-2131 (ME only)

b) **Shellfish tag enforcement question from April meeting - Kohl Kanwit**

“Academy certified law enforcement officers, who are employed in a LE capacity, can enforce state law including tags and size. If they are not employed as a LE officer and only as a municipal shellfish warden, they would not be able to enforce laws outside the authority of their municipal position. “

- c) How marine patrol measures quahog/hard clams - **Kohl Kanwit**

“Measurement is taken by joining a certified quahog measure on a near perpendicular plane to a quahog to determine if the hinge is less than one inch. Quahogs simultaneously touching both sides of the measure, but sitting inside the measure, are considered the minimum legal size and legal to possess.”

- d) LPAs for municipal shellfish activities - **Gabrielle Hillyer**

The LPA process is under review by a research group and recommendations are being proposed to DMR for consideration. Preview of new LPA guidebook that instructs towns how to apply for an LPA can be found on council website.

(Attachment 6).

VI. New business

- a) Reappointed members: Mike Danforth (dealer) and Kevin Brodie (municipal official)

Both accepted reappointments.

- b) Western Maine Shellfish Harvester seat filled (David Wilson)

Passed with seven in favor, one abstained.

- c) Western Maine Municipal Official seat filled (Dan Sylvain)

Passed with seven in favor, one abstained.

- d) ShAC member multiple absentee limit – **Lewis Pinkham**

Lewis Pinkham will ask Scott Moody if he is interested in remaining on the ShAC.

- e) Maine Fishermen’s Forum seminar proposals – **Jessica Joyce**

The request for seminar proposals has been announced, proposals are due Dec 1, 2021. ShAC will need to review proposals and recommendations are due by Dec 30, 2021. Subcommittee created (Amanda Lyons, Jessica Joyce, Lewis Pinkham and Marissa MacMahan). To view more information, access the RFP document on the council’s website

(Attachment 7)

- f) Discussion regarding ShAC bylaws and formation of subcommittees – **Kohl Kanwit**

Kohl Kanwit covered proposed editorial changes to the bylaws. Will send bylaws to new members as they are appointed. Jessica Joyce offered to draft language around subcommittee participation. To view changes to bylaws, see attachment on council website.

(Attachment 8).

- g) Vote to remove secretary position from bylaws – **Lewis Pinkham**

Vote passed with seven in favor and one against to remove the secretary position from list of ShAC officers. DMR will address this in law and/or regulation as necessary.

- h) Municipal shellfish management program criteria – **Kohl Kanwit**

Mike Thalhauser presented a letter to the ShAC advocating for a diverse and flexible approach at governing the shellfish communities and flats of Maine. The ShAC discussed the letter and proposed a subcommittee to review the program. The subcommittee would be charged with developing a roadmap of the municipal shellfish management program criteria. This subcommittee will also incorporate work on the Annual Report.

The subcommittee volunteers included Jessica Joyce, Amanda Lyons, Kevin Brodie, Marissa MacMahan, Lewis Pinkham, Joan McDonald, Bridie McGreavy, Mike Thalhauser and Kohl Kanwit.

(Attachment 9)

(Attachment 10)

- i) Suggestion to add a public comment period on future agendas – **Jessica Joyce**

Consensuses to try at next meeting. It will be added to agenda.

VII. Unfinished Business

- a) Fee for service lab testing and certification of private labs – motion to remove approved from the work plan (8 in favor)
- b) Alpha-numeric system for identifying harvest areas - Tabled

c) Soft-shell clam market presentation - Keith Evans - Tabled

VIII. Adjournment

Lewis Pinkham adjourned the meeting at 1:30 PM.

Minutes submitted by: William Fearn

Minutes approved by: Name