

**DRAFT**

**DRAFT**

**DRAFT**

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
BUSINESS SESSION**

**Crown Plaza Old Town  
Alexandria, Virginia  
August 20, 2009**

**These minutes are draft and subject to approval by the Commissioners  
during their next Business Session**

## TABLE OF CONTENTS

|  |   |
|--|---|
| Call to Order .....                      | 1 |
| Approval of Agenda.....                  | 1 |
| Approval of Proceedings.....             | 1 |
| Public Comment.....                      | 1 |
| ASMFC Election Process Update.....       | 1 |
| Legislative Commissioner Transition..... | 6 |
| Adjourn .....                            | 8 |

## INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of May, 2009** by consent (Page 1).
3. **Move to ask staff and the appropriate unit of the commission to investigate what it would take to allow, in the case of election of officers, each commissioner to have a vote** (Page 4). Motion by Pat White; second by Bill Cole. Motion passed (Page 5).
4. **Adjourn** by consent (Page 8).

## **ATTENDANCE**

### **Board Members**

Terry Stockwell, ME, Administrative Chair  
Pat White, ME (GA)  
Sen. Dennis Damon, ME (LA)  
Douglas Grout (AA)  
Paul Diodati, MA (AA)  
David Simpson, CT (AA)  
James Gilmore, NY (AA)  
Brian Culhane, NY, proxy for Sen. Johnson (LA)  
Tom McCloy, NJ, proxy for D. Chanda (AA)  
Tom Fote, NJ (GA)  
Leroy Young, PA, proxy for D. Austen (AA)

Eugene Kray, PA, proxy for Rep. Schroder (LA)  
William Goldsborough, MD (GA)  
Gina Hunt, MD, proxy for T. O'Connell, MD (AA)  
Jack Travelstead, VA, proxy for S. Bowman (AA)  
Willard Cole, NC (GA)  
John Frampton, SC (AA)  
Malcolm Rhodes, SC (GA)  
Robert Boyles, Jr., SC (LA)  
Spud Woodward, GA (AA)  
John Duren, GA (GA)  
Jessica McCawley, FL (AA)

**(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)**

### **Ex-Officio Members**

#### **Staff**

Vince O'Shea  
Bob Beal

Toni Kerns  
Pat Campfield

#### **Guests**

**These minutes are draft and subject to approval by the Commissioners  
during their next Business Session**

The Business Session of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, August 20, 2009, and was called to order by Vice-Chairman Robert H. Boyles, Jr.

### **CALL TO ORDER**

VICE-CHAIRMAN ROBERT H. BOYLES, JR.: I'd like to call the business session of the Atlantic States Marine Fisheries Commission to order. I'm Robert Boyles, vice-chair of the commission, sitting in for George Lapointe.

### **APPROVAL OF AGENDA**

VICE-CHAIRMAN ROBERT H. BOYLES, JR.: First I need consent on the agenda. Any additions to the agenda? Seeing none, the agenda will stand approved as submitted.

### **APPROVAL OF PROCEEDINGS**

Next we need to approve the proceedings from our meeting of May 2009. That was included in your briefing CD. Any additions, deletions, corrections to those minutes? Seeing none, any objection to the approval of those minutes? Seeing none, those minutes will stand approved.

### **PUBLIC COMMENT**

Now is the time on the agenda where we have public comment for people who wish to address the commission. I have not been made aware that anyone wishes to make public comment at this time. Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: I'm not sure and maybe I should have raised my hand. I don't think we're on the agenda for it, but I did have an issue of the transition of legislative commissioners. I don't think it is on the agenda, but I would ask that you would give me a moment under other business. Thank you, Mr. Chairman.

VICE-CHAIRMAN BOYLES: Thank you, Vince, it is my fault. I went right over it and you did give me a heads up and in my haste I went right over it. The issue was a discussion that we had about transition of legislative commissioners. We would like to include that under other business without objection. Okay, seeing none, Vince has got that. There are no non-compliance recommendations or any other FMP

amendments. Next is ASMFC Election Process Update. I think Bob is going to cover that.

### **ASMFC ELECTION PROCESS UPDATE**

MR. ROBERT E. BEAL: Just a moment ago staff passed around a document titled "Discussion Paper on Commission Election and Nomination Procedures", dated August 13<sup>th</sup>. What this document does is summarizes the decisions that were made during the business session at the May meeting.

Following that meeting, staff sat down to write a memo and sort of memorialize all those decisions. As we were doing that, a few questions came up that we didn't have clear answers to and probably weren't obviously fully discussed at the last meeting. The first heading there, "Decisions Made at the Spring Meeting", it just summarizes the things that were decided by the commission at that meeting on term limits, regional rotation of chairs and vice-chairs, membership of the nominating committee and role of the nominating committee.

The lower third of the document is remaining discussion points. There are a few questions down there that came up as staff was working through this. We've talked with Jack Travelstead, who was working on the committee that came up with a number of these ideas, as well as Robert Boyles and George Lapointe, and they felt it was better to bring these questions back to the full commission for discussion at this meeting.

I'll quickly go through those questions; and if the commission has opinions on how to resolve these today, we'll again memorialize these in a document to the full commission. The new change that was decided at the last meeting was that we would actually have a ballot rather than just a voice vote or a hand vote.

As we were talking about the ballot, a number of questions came up. The first was if there is only one commissioner nominated by the nominating committee do we still need a ballot. Then that ties into the second question which is, is there a need for a write-in candidate provision? The practice has been in the past that there has always been the opportunity to make nominations from the floor in addition to any nominations that came out of the nominating committee.

So it seems to be consistent with how business was done in the past, a write-in candidate or some other opportunity to make nominations from the full commission is probably appropriate. At the last

meeting there was also a discussion on individual voting versus state block voting and caucusing. The Compact actually is pretty clear that it is a one-state one-vote system that we work with.

But the idea still is when we prepare the ballots, is it just one ballot per state caucus or do the individuals within the state get multiple ballots and then the staff or the nominating committee sorts those out and determines which way a state voted. The last bullet there is election process if there are multiple candidates. The question is how should votes on more than two candidates be handled?

There is a hypothetical there where if there were three candidates and there are 15 votes on this commission, it could work out where you have a six, five, four vote for those three candidates. The result there would be that an individual was elected by a simple majority, but nine member states did not vote in favor of this person as chair or vice-chair. That seemed to be probably not where the commission wanted to be as far as support for their leadership.

The idea that is suggested here is that if we got into a multiple candidate system, we take out the person who received the lowest number of votes and then vote again. I think the Mid-Atlantic and the New England Council, anyway, handle it this way. I'm not sure if the South Atlantic does as well. Those are the questions that came up as staff went through this and we can have a discussion on those.

MR. PATTEN D. WHITE: I think in any election process that I've been involved in at home, even when there is one candidate there is always an opportunity to have a write-in candidate. As confusing as that might be, I guess I would support that. We spent a fair amount of time at one of our last commission meetings discussing whether we were individual commissioners in this body or whether we were a group of three state commissioners. I don't know what our final resolve was in that.

Maybe somebody can refresh my memory in that, but I thought we left it that we all felt that we were individual commissioners when it came to electing somebody that was going to be representing us. The final thing is I think the process of having a runoff if you have three or more people makes absolute sense as hard as it may be, but it would be hard to have somebody win by having lost the numbers.

VICE-CHAIRMAN BOYLES: Let's look at the transcripts, Pat, that's a good suggestion. Other comments or desires of the commission? Paul.

MR. PAUL DIODATI: I agree with what Pat just said. I would support his comments. At the last discussion I always felt that the commission's operating procedures were clear; one vote for the delegation. At the time I thought that was probably the consistent route; but having thought more about it, it seems to me that anyone could become an officer of the commission and not just the chairperson of the delegation.

I think this is the one time where it is important that every individual can speak their mind over who they support and why and cast their vote that way. I think that is what Pat saying and so I do support that as long as it is legally allowed in our Compact, and I certainly would support that.

MR. BILL COLE: Mr. Chairman, I think I'm the one that probably raised this at the last meeting. Unfortunately, I forgot and I didn't have time to look it up. Yes, the Compact uses the language that Bob says, but I recall that after ACFCMA was passed and we enhanced the Policy Board for the one-vote rule to be consistent with the Compact.

I think there is a subsequent document that was prepared at the same time and we sort of rewrote a lot of the rules on how we wanted to operate, and we went back to each commissioner is a commissioner when it regards full commission business, but on matters of fishery management plans it is one state. I just didn't have a chance to go back and look it up. It is not buried in the original Compact because there are some subsequent documents that have changed that.

EXECUTIVE DIRECTOR O'SHEA: You spent about 15 minutes at the last commission meeting. I think maybe you might want to just – the transcript isn't very long. Bob has it right in front of him.

VICE-CHAIRMAN BOYLES: Other comments? Let's see if we can consult the content. What I'm hearing is 45 of us should cast a ballot or each commissioner should cast a ballot in elections is the desire of the commission. I'm seeing a lot of heads shaking yes. Doug.

MR. DOUGLAS GROUT: I would like, if we can, get the transcripts because my recollection was that we may have, at least at a previous meeting, thought otherwise, but it doesn't mean this body can't change that.

VICE-CHAIRMAN BOYLES: Doug, to that effect, I think that's the reason – if you look at the election process with multiple candidates and the whole issue

of could we elect someone who would not obtain the majority; I think that is why we're asking that question. Bill and then Vince.

MR. COLE: Mr. Chairman, if I'm recalling correctly, when we allowed the full participation of the LGAs, there was a document that clarified how we all operated at the two levels. It's the full commission with LGAs and at the Policy Board with LGAs. I didn't have a chance to find it, but I think that's where the change language is.

EXECUTIVE DIRECTOR O'SHEA: I said the Compact; it is in the regulations, Mr. Chairman, and I have the regulations. I don't know if you want the transcript or the regulations.

VICE-CHAIRMAN BOYLES: Let's start with the regulations.

EXECUTIVE DIRECTOR O'SHEA: Okay, it is Section 2 on voting, and I was asked about this by one of our states at the last meeting. I believe it was Mr. Diodati that thought we operated under one-vote one-state procedures.

"Voting in any meeting of the commission or any of its section shall be by states, one vote per state, with the vote of each state being determined by the majority of that state's delegation of commissioners who are present. Voting in all other committees, boards or other groups shall be by individual members. The executive committee may approve any exceptions to this rule. Any time the commissioner casts a vote on a body on behalf of a state, consultation should occur first, if practical, with the other commissioners from that state." That's from Section 2 of rules and regulations, Mr. Chairman.

VICE-CHAIRMAN BOYLES: Bob has the transcript from the last time.

MR. BEAL: Just briefly, it is as Vince mentioned, Paul Diodati asked if the one-vote one-state issue was in the Compact, and Vince answered, yes, it was. Following that, George Lapointe noted that it was in the regulations and we would have to change that if that was the desire of the commission.

MR. GROUT: So with that piece of information, I would, as we go down this list of questions, would suggest that, yes, there would be a ballot required even if there is one commissioner, and that ballot should have a write-in section on it. Then it would be one-vote one-state, and the state would have to determine how they were going to vote on it via

majority. I do like the suggested idea of a runoff between two candidates if you have three and nobody gets a majority.

MR. P. WHITE: Mr. Chairman, could I bother Vince to read the middle part of what he read before because I misunderstood maybe. I thought it said for other than management committees or something that it could revert to individual.

EXECUTIVE DIRECTOR O'SHEA: Sure, and, by the way, now that we have a new super-duper copier, Laura and Tina and I are in the process of giving each one of you one of these books. Why don't I just read the whole again; Pat, you wanted just the middle part?

MR. P. WHITE: Yes, there was one part where you made reference to outside of the board –

EXECUTIVE DIRECTOR O'SHEA: "Voting in all other committees, boards or other groups shall be by individual members."

VICE-CHAIRMAN BOYLES: Vince, does that include the commission as a whole?

EXECUTIVE DIRECTOR O'SHEA: No, it is clear, voting in any meeting of the commission or any of its sections shall be by states, one vote per state, with the vote of each state being determined by the majority of the states' delegations of commissioners who are present. When you all convene in the business session, you convene as the commission.

DR. MALCOLM RHODES: Well, but a little further on it does say the executive committee may approve any exceptions to this rule; so if the consensus of the board is that it should be one vote per commissioner that could be brought to the executive committee as which it could be changed to individual commissioners as opposed to states. This is the way I read it for that particular vote, but that would require I guess canvassing the commissioners and then charging the executive committee to bring that up.

EXECUTIVE DIRECTOR O'SHEA: That is one way to read this. The way to read it is when it says the executive committee may approve any exceptions to this rule; I mean, the question is whether that refers to the rule immediately before that sentence, which talks about committees, boards and other groups; or, whether it refers to the whole section on voting. If it refers to the whole section on voting, to me it appears to be placed in a section of the paragraph, but I think that would be open to interpretation and you would have to look at it. I think you would want

to see it in front of you before you concluded that this would just be an action by the executive committee. That is not clear to me by looking at it. Thank you.

MR. DIODATI: I think if we establish that it is what we want to do, then it is clear that those rules are our rules, and we can modify the rules any way we agree to. If we want to see it for the purposes of electing commission officers, every commissioner will have their own vote, then can we just direct staff to determine what modifications to the regulations or other parts of the Charter might be needed to accommodate that.

We can ask the executive committee or whatever else is needed to execute that desire. I think the real question here is that what we want. I know I would support that. I don't know if we need to vote on that, but if it is then I think we can come up with the vehicle to make it happen.

VICE-CHAIRMAN BOYLES: Okay, here is where I think we are. I'm sensing a very strong desire to have, in the case of electing officers of the commission, each one of the 45 of us with a vote. Am I seeing that? **What I would like to see in the form of a motion, then, is a motion to ask staff and the appropriate unit of the commission to investigate what it would take to allow, in the case of election of officers, each commissioner to have a vote.** Doug.

MR. GROUT: Each commissioner present?

CHAIRMAN BOYLES: Yes. Pat.

MR. P. WHITE: If you have that written down, Mr. Chairman, I'll make that as a motion.

MR. COLE: And I'll second it.

VICE-CHAIRMAN BOYLES: All right, give us just a second. While staff is looking at that, I'm also sensing a very strong desire for a need for a ballot with a write-in provision? I'm not seeing any objection; do we need to vote on that? All right, the staff has that. There will be a ballot that will include a write-in provision. Senator Damon.

SENATOR DENNIS DAMON: With regard to that last issue and having a ballot and a write-in provision, so that there won't be any confusion or controversy should such a write-in candidate be offered and subsequently elected, you ought to have something in there about what constitutes a write-in candidate in terms of spelling of their name or the state that they represent. Don't let something come

in afterwards saying that's not who you said it was. It is an easy thing to do and staff could make that same kind of a comment. Thank you.

VICE-CHAIRMAN BOYLES: Thank you, Senator; the staff does have that for the record. Vince.

EXECUTIVE DIRECTOR O'SHEA: So whether you meant R. White or P. White.

VICE-CHAIRMAN BOYLES: That is a good example. Yes, Dr. Kray.

DR. EUGENE KRAY: I think what has to happen here is in terms of a write-in candidate – and I don't know how you would word this, but you should indicate from the floor; there should be a nomination from the floor and if the person accepts, the person is seconded, then each commissioner can it into the write-in ballot if they care to do that. I don't know whether you want to have a write-in ballot without knowing who the write-in candidates are going to be.

VICE-CHAIRMAN BOYLES: Dr. Kray, I assume what you're speaking of – I mean, the elections that I've experienced has been there is a time on the agenda where the executive director, I believe, during the election process does ask for nominations from the floor. Pat White.

MR. P. WHITE: But I think the intent of a write-in is you don't have to go through that. I think we can specify that a write-in has to be an eligible commissioner for this position. The only thing we're asking for an exception of is election of officers, so we can't nominate Wilson Laney for chair of the commission because he is not an eligible commissioner. I think we could be very specific to that if we wanted to.

EXECUTIVE DIRECTOR O'SHEA: There is another issue here, Mr. Chairman, and that's a challenge that the nominating committee faces every year, and that is – you know, it's a two-way thing; what is in the list of potential candidates and then what is the willingness to serve? One of the potential dilemmas here is – and I think it is what Dr. Kray is getting at.

I'm not exactly sure how you do that, but you might want to think carefully about putting a commissioner on the spot in front of 45 people to then have to say he or she is not willing, able or interested in a public forum of serving in a leadership position. Under the previous practice, people have been able to make that decision, quite frankly, in private, and that's kept within a relatively small group of people. There are

some impacts and tradeoffs in how you structure this write-in thing, Mr. Chairman.

VICE-CHAIRMAN BOYLES: What is the desire of the commission? Toni has got the motion and I'll read it into the record. The motion is move to have staff look into what it will take to have each commissioner have a vote in the election of officers. Moved by Pat White; seconded by Bill Cole.

MR. DIODATI: Well, is the intent to have whatever provisions we come up with in place prior to the next election, which is at the annual meeting? Then I think it needs to be clarified that it is more than look into. Otherwise, we won't be in a position to adopt it.

VICE-CHAIRMAN BOYLES: Paul, good suggestion and I wonder if there will be – we could have an executive committee meeting if the executive committee is in fact the correct body to make this change. Perhaps the motion should be “direct staff to” – well, I don't know; let me think about that. Spud.

MR. SPUD WOODWARD: Well, that was sort of my question about this is the sequencing of events here that has got to take place. If we want this in effect at the annual meeting, then you've got to have this brought to the executive committee and then voted on by the appropriate body and then put into effect all in this one, two, three sequence; all to happen in the next few months or so.

MR. GROUT: I actually think it would be appropriate – I don't know if it is legal or the right way, but I think the full commission should vote on this after we get the – I know it may mean that we're not going to have this in place for the next election, but this is a pretty important change. I'm going to vote in favor of this motion, but my own personal opinion at this point in time without this other information is that I still like the idea of having one state one vote. I think this is an important issue. I think it has got to be a vote of the full commission before it goes into effect.

MR. JOHN E. FRAMPTON: I guess this is a question to Vince. I'm not sure whether we have a set of bylaws or what protocol we would have to use before we could put something like this in place, but I would think there is a timeline involved somewhere that is going to trigger this.

VICE-CHAIRMAN BOYLES: Bob has pointed out to me any rules and regulations may be amended at any regular meeting of the commission by the

affirmative vote of a majority of the member states. Given that, my sense of things is the move to 45 ballots probably cannot happen in time for the annual meeting, for this next election process. I think that gets to Doug's point.

We still have a motion on the floor that has been moved and seconded. The intention is that this motion would not become effective until such time as after the annual meeting because that is the regular meeting of the commission. Any other discussion on the motion? **Seeing none, all those in favor of the motion raise your right hand; opposed; null votes; abstentions. The motion carries 10 in support of.**

MR. WOODWARD: Well, what just happened is something that I was just thinking about. If go forward with this and we default back to the one vote per state, then you could have a null vote in the election, so what do you do with your ballot when you have a null vote in the election? Do you send back your ballot without anything on it?

VICE-CHAIRMAN BOYLES: Check null as a way under our bylaws. Vince.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, maybe I could help here a little bit and sort of review where we are and how we got here. We had a good discussion at the last meeting, and we even had some discussion before that. When the staff reviewed the transcript, it was pretty clear that folks were comfortable with one state one vote at the last meeting. We sent those minutes to all the commissioners.

I think Thursday afternoon at three o'clock with only about a third of our commissioners – I understand why people leave, but the notion to take what has been in your regulations now for a long, long time; I mean, don't hold yourself to too high a standard and say now we've got to change all this by the meeting.

You basically got the sense that you want to change things and that came to mind right now. You're not giving yourself a whole lot of time and expect to change it before the annual meeting, especially something that is going to affect every single commissioner on this commission.

MR. JACK TRAVELSTEAD: Just another question; earlier today Spud asked me if he and Brian and I were still the nominating committee, and I don't know the answer to that. I assume we are, but if we are then everybody around the table should be prepared for phone calls from one of the three of us.

If you want to speed up the process, call one of us to let us know you're interested in being nominated.

VICE CHAIRMAN BOYLES: Yes, Jack, you chair the nominating committee with Spud and Brian as well is my understanding.

MR. TRAVELSTEAD: It is almost as much fun as a Menhaden Board meeting.

MR. DIODATI: As I said earlier, at our last meeting I actually was in support of one vote from each delegation because that is essentially the way we conduct most of our business in making fisheries management decisions. However, in the case of electing an officer, and I have thought about it since, there are 45 people that can be an officer of this commission and not 15 or 12 or however many chairs of delegations we have.

Pat or Dennis Damon or anyone who is a commissioner could become an officer, and everyone should have a say in who that is. I have certainly changed my mind since the last meeting regardless of what the transcripts say. Besides, we just voted on this to move forward, right.

VICE CHAIRMAN BOYLES: And to move us forward, staff will look into what it takes and take the time for the commission to make the changes as we begin that process, which will not happen before the annual meeting. So understands when the elections take place at the annual meeting, it will be one state one vote.

Now, we also direction – and I want to affirm this – there is a need for a ballot with a write-in provision; one ballot per state as we just discussed; and in the case of an election with multiple candidates, the suggestion is to have runoff between the two candidates who have received the most votes in order to avoid a situation where you have an officer that is elected with a minority vote. Is that everyone's understanding? Any other discussion on this? Doug.

MR. GROUT: Yes, after hearing Vince's comment about write-ins, I think we need to think long and hard about putting a write-in person in unless you know that person is willing to serve because it is a huge responsibility.

MR. PATRICK AUGUSTINE: To that point, Mr. Chairman, I think on the ballot itself, below the name where you are going to enter it should be a statement, "Please verify your candidate is willing to serve and understands the obligations of the position." Then it

is clear that person should ask the nominee that they're putting in.

VICE-CHAIRMAN BOYLES: I think we can accomplish that. Any other discussion on this item? Let's move on to one last item on the agenda. Vince had indicated a desire to speak about the legislative commissioner transition. Vince.

### **LEGISLATIVE COMMISSIONER TRANSITION**

EXECUTIVE DIRECTOR O'SHEA: Really quickly, the commission, at its last meeting, had a discussion about the requirement that the legislative commissioner must be a member of the legislature of a state and that the transition of his or her status would occur if they weren't elected or didn't seek re-election on the first day that the new legislature is seated; and, furthermore, that any proxies that they may have designated, their status would similarly expire on that date.

There was a discussion about what the commission might do to help elevate this issue within the particular states to the administrative commissioners to kind of push this issue. What I had offered to do was send a letter to each administrative commissioner, a copy to the legislative commissioner and the governor's appointed commissioner, outlining the discussion that we had at the business session.

I've prepared a draft and had individually shared paper copies with administrative commissioners this week. The comments I've gotten back is that accomplishes what they had hoped to have. If folks have any comments or suggestions that they haven't had a chance back to me, let me know and I'll be happy to look at them. Otherwise, each administrative commissioner will get a personal letter addressed and signed by me and copies will be given to the other two commissioners from that state.

We will put a generic letter to all commissioners in the Commissioner Manual and we'll also take that generic letter and embed it in the CD as a routine thing so folks will have a reference document to say what the procedure is. Thank you, Mr. Chairman.

DR. KRAY: There is another potential. In addition to the commissioner not being elected, in Pennsylvania it is the Speaker of the House who appoints the legislator to this commission, and there is certainly – and I've had a discussion with this with Representative Schroder, who I'm representing now. If a new Speaker of the House determines he wants

another legislator to do this, then I think the same thing happens. This is almost just like not being elected. The same process holds true.

MR. AUGUSTINE: Well, in our state I was appointed as a registered independent by a republican governor and he was not reappointed or re-elected, and now there is a democratic in there. I understand that I am appointed until further notice. That has been the understanding and it may be wrong. I'm not sure; does your point address that, Vince, or not?

EXECUTIVE DIRECTOR O'SHEA: No, the discussion involves and is limited to the issue of the legislative commissioner, and it derives from a term in the Compact that says the legislative commissioner shall be a member of the legislature.

MR. DIODATI: I saw Vince's draft and I thought it was fine; it did address the point. I think it was a good discussion of something that seemed so obvious, but apparently we didn't address it very well as a commission over the years. I think this corrects what seems to be an obvious situation.

I would like to add a discussion that is related to this, though, about legislative commissioners and their unique role on the commission, which I think is as unique as the administrative person. I can start that now if you wish if we're through with this particular one. It is one of those Pandora's Box, which I'm becoming the person that likes to open those most often. I think it is at least worthy of a discussion.

That is administrative appointees to the commission often have proxies come; I certainly do. My proxies, though, are usually my deputy directors or members of my organization. What we bring to the table is the spirit and will of the Compact; that is an administrative perspective. I think that the three-member delegation serves a purpose.

There is a governor's appointee, which brings advocacy for whatever constituent groups are out there. There is the administrative member, which is supposed to embody the science-based management decisions we need for managing our fisheries. There is a legislative member, which delivers the political will of the jurisdiction that they represent.

You know, very often we will have proxies come and I think that it is important that even for the legislative members, that their proxies are not members of the community at large, that they also are members of the legislature. I don't necessarily mean an elected member. It could be their aide, it could be a senior aide of a national resource committee, it could be an

aide of the Speaker of your House, it could be a governor's appointee or an aide.

But I think it needs to be someone who represents the political will of that community. Otherwise, we become embroiled in a lot of advocacy support, which is good. I get along with everyone and it is not my point here. My point is that we have this unit. I think it has a purpose and its function; and as soon as we deviate from it, I think the process begins to fail and sooner or later it comes back as a problem.

To avoid that problem, I think that a policy could be established or something in our regulations could be discussed to be right to the point that would actually require this sort of an action. That's my thought on it, and maybe it is a discussion for the next meeting, but that is my feeling on it.

SENATOR DAMON: I think that Paul has an excellent point. It is one that I hadn't thought much about personally because if I'm not able to make it here, then my two colleagues from Maine take over quite ably. I obviously do try to make it to these meetings as much as I possibly can. I'm thinking now if I didn't and I appointed a proxy, that proxy shouldn't be coming from the public at large.

That proxy should be coming from the legislative process. It is part of the mindset that I bring here, and it is part of the mindset that I think was probably built into this whole commission when it was developed that you must have that kind of legislative process. Whether it is another legislator who perhaps would serve on my Marine Resources Committee or whether it is an aide or whether it is somebody else, I think that's a very good point. Thanks for bringing it up, Paul.

EXECUTIVE DIRECTOR O'SHEA: Mr. Chairman, you want to get out of here, first of all.

VICE-CHAIRMAN BOYLES: I don't want to get out of here, but I've got a flight that is going to take me out of here if I'm not careful.

EXECUTIVE DIRECTOR O'SHEA: Okay, maybe a suggestion of a way forward here; we have a Legislative Commissioners Committee, and we have a chair of that. I think the current chair is Representative Dennis Abbott. I wonder if that is the first place that this idea ought to be referred to. I think having the perspective of the legislative commissioners would be an important piece of input before the broader commission could really give this a fair hearing. They may even be embedded in that;

they may even come up with a solution, so one thought might be to refer it to that committee.

MR. GROUT: Well, I was just going to make New Hampshire's point at least given the fact that we have a volunteer legislator and they don't have aides with the exception of the speakers of the two bodies. It would be impossible for a Dennis Abbott, for example, to appoint his aide to do it. He might be able to get someone from his committee.

I know at one point Dennis Abbott was a proxy for two years when he was out of the legislature for a coastal representative. I think he served quite ably here. I think we've got to look at it from the states that don't have quite as much money to spend on their legislature or at least choose not to. We've got 400 of them and they get paid a hundred dollars a year and no help.

MR. DIODATI: I would support the suggestion of this being sent back to the Legislative Committee – I think the right people serve on that – to give us their opinion. I think the other benefit, though, having Senator Damon who comes to most of these meetings as does Representative Abbott, is being able to talk directly to a legislator about fisheries issues and how these decisions we make translate in their world. I think it is a tremendous advantage for the commission to have that and I think we ought to strive to get it.

VICE-CHAIRMAN BOYLES: Thanks, Paul, it was a good discussion. What I sense in the way forward here is to refer this to the Committee of Legislative Commissioners. Vince.

EXECUTIVE DIRECTOR O'SHEA: And I guess the way I would do that is – Paul had chatted with me about it early in the week. I think I got a sense of what he wants. If you'd like, I would cast some sort of memo, run it by Paul to make sure I got the essence of it, and then send it on, if that would be okay. I mean, the alternative is you would write something, but I'm happy to do it.

### **ADJOURN**

VICE-CHAIRMAN BOYLES: I think that is a good way forward. Any other items to discuss before the commission at this point? Seeing none, I'll take a motion to adjourn. Motion and seconded; thank you, all, we'll see you in November.

(Whereupon, the meeting was adjourned at 3:45 o'clock p.m. August 20, 2009.)