

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1596

H.P. 1054

House of Representatives, April 10, 2025

An Act to Support Maine's Sea Farmers

Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative RIELLY of Westbrook.
Cosponsored by Senator BRENNER of Cumberland and
Representatives: ANKELES of Brunswick, BELL of Yarmouth, CRAFTS of Newcastle,
PLUECKER of Warren, SIMMONS of Waldoboro, Senators: HICKMAN of Kennebec,
TEPLER of Sagadahoc.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 12 MRSA §6072, sub-§1-B** is enacted to read:

3 **1-B. Definitions.** As used in this section and section 6072-A, unless the context
4 otherwise indicates, the following terms have the following meanings.

5 A. "Bottom operations" means an operational type that primarily involves:

6 (1) The deposit of the principal aquaculture gear on the ocean bottom. The
7 principal aquaculture gear for bottom operations includes, but is not limited to,
8 shellfish cages, bags or netting designed to contain or protect shellfish from
9 predation; or

10 (2) The deposit of marine organisms to be cultured directly on the ocean bottom
11 without the use of aquaculture gear, other than netting to protect the organisms
12 from predation, including, but not limited to, direct deposit of shellfish seed on the
13 ocean bottom.

14 B. "Operational type" means, with respect to an aquaculture operation conducted
15 pursuant to a lease issued under this section or section 6072-A, the method by which
16 the aquaculture operation engages in aquaculture. An aquaculture operation may have
17 only one operational type. "Operational type" includes bottom operations, submerged
18 operations or surface operations.

19 C. "Principal aquaculture gear" means the gear or equipment primarily used to engage
20 in aquaculture by an aquaculture operation conducted pursuant to a lease issued under
21 this section or section 6072-A. "Principal aquaculture gear" does not include marker
22 buoys or mobile vessels used for transit to and from the lease site.

23 D. "Submerged operations" means an operational type that primarily involves the
24 suspension of the principal aquaculture gear below the ocean surface where that gear
25 is not connected to a major floating structure on the ocean surface and does not come
26 in contact with the ocean bottom. The principal aquaculture gear for submerged
27 operations, which may be connected to surface buoys in a manner designed to maintain
28 the position of the gear in the water column and above the ocean bottom, includes, but
29 is not limited to, seaweed or shellfish longlines, shellfish cages, shellfish lantern nets
30 or pearl nets, scallop gear, hanging lines or shellfish spat collectors.

31 E. "Surface operations" means an operational type that primarily involves the principal
32 aquaculture gear floating on the ocean surface or suspended from the surface and
33 connected to a major floating structure on the ocean surface, such as a raft or work
34 float, in a manner that provides easy access to the marine organisms cultured,
35 regardless of whether such aquaculture gear is seasonally deposited on the ocean
36 bottom to avoid winter storms or icing. The principal aquaculture gear for surface
37 operations includes, but is not limited to, mussel rafts, shellfish bags or cages or
38 floating upweller systems.

39 **Sec. 2. 12 MRSA §6072, sub-§4, ¶H,** as enacted by PL 1987, c. 453, §1, is
40 amended to read:

41 H. Include an environmental evaluation of the site upon which the decision to seek a
42 lease was made. The evaluation ~~shall~~ must include, but not be limited to, bottom
43 characteristics, resident flora, fauna and hydrography of the site if appropriate for the

1 proposed lease. If an applicant is required to include a video recording of the site or
2 other information collected through a site dive as part of the environmental evaluation
3 under this paragraph and the applicant is required to pay the cost associated with the
4 site dive, the department shall allow the applicant to contract with any qualified 3rd-
5 party entity to conduct the site dive and may not require the site dive to be conducted
6 by a 3rd-party entity selected by the department;

7 **Sec. 3. 12 MRSA §6072, sub-§5-A**, as amended by PL 2003, c. 660, Pt. A, §5, is
8 further amended to read:

9 **5-A. Department site review.** Prior to the lease hearing, the department shall conduct
10 an assessment of the proposed site and surrounding area to determine the possible effects
11 of the lease on commercially and ecologically significant flora and fauna and conflicts with
12 traditional fisheries and all other uses. If the department requires a video recording of the
13 site or other information collected through a site dive as part of the assessment under this
14 subsection and the applicant is required to pay the cost associated with the site dive, the
15 department shall allow the applicant to contract with any qualified 3rd-party entity to
16 conduct the site dive and may not require the site dive to be conducted by a 3rd-party entity
17 selected by the department. ~~This information~~ The information from the assessment must be
18 provided to the intervenors and made available to the public 30 days before the hearing. As
19 part of the site review, the department shall request information from the municipal harbor
20 master about designated or traditional storm anchorages in proximity to the proposed lease.
21 The commissioner may by rule establish levels of assessment appropriate to the scale or
22 potential environmental risk posed by a proposed lease activity. The rules must provide a
23 method of establishing a baseline to monitor the environmental effects of a lease activity.
24 Rules adopted under this subsection are major substantive rules as defined by Title 5,
25 chapter 375, subchapter 2-A.

26 **Sec. 4. 12 MRSA §6072, sub-§13-B** is enacted to read:

27 **13-B. Modification of operational type or principal aquaculture gear.**
28 Notwithstanding any provision of this chapter to the contrary and in accordance with rules
29 adopted by the department pursuant to this subsection, a person holding an aquaculture
30 lease issued pursuant to this section may modify the operational type of the person's
31 aquaculture operation or the design of the principal aquaculture gear used by the person
32 without the need for an amendment to the person's issued lease, as long as:

33 A. As determined by the commissioner, the modification will not significantly increase
34 navigational hazards caused by the aquaculture operation or the environmental effects
35 of the aquaculture operation;

36 B. The modification will not cause the operational type of the aquaculture operation
37 to change from bottom operations or submerged operations to surface operations; and

38 C. The modification will not cause the operational type of the aquaculture operation
39 to change from bottom operations to submerged operations.

40 The department shall adopt rules to implement this subsection. Rules adopted by the
41 department pursuant to this subsection are routine technical rules as defined in Title 5,
42 chapter 375, subchapter 2-A.

43 **Sec. 5. 12 MRSA §6072-A, sub-§10-A** is enacted to read:

10-A. Site dive requirement. If the department requires a video recording or other information to be collected through a site dive of a proposed lease site under this section and the applicant is required to pay the cost associated with the site dive, the department shall allow the applicant to contract with any qualified 3rd-party entity to conduct the site dive and may not require the site dive to be conducted by a 3rd-party entity selected by the department.

Sec. 6. 12 MRSA §6072-A, sub-§20-B is enacted to read:

20-B. Modification of operational type or principal aquaculture gear. Notwithstanding any provision of this chapter to the contrary and in accordance with rules adopted by the department pursuant to this subsection, a person holding an aquaculture lease issued pursuant to this section may modify the operational type of the person's aquaculture operation or the design of the principal aquaculture gear used by the person without the need for an amendment to the person's issued lease, as long as:

A. As determined by the commissioner, the modification will not significantly increase navigational hazards caused by the aquaculture operation or the environmental effects of the aquaculture operation;

B. The modification will not cause the operational type of the aquaculture operation to change from bottom operations or submerged operations to surface operations; and

C. The modification will not cause the operational type of the aquaculture operation to change from bottom operations to submerged operations.

The department shall adopt rules to implement this subsection. Rules adopted by the department pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 7. 12 MRSA §6080, sub-§8 is enacted to read:

8. Subcommittee established. The chair and vice-chair of the council shall establish and appoint council members to a subcommittee of the council to study and address equity issues for persons seeking to enter the aquaculture industry and seeking to access aquaculture grants; issues encountered by small aquaculture facilities; and methods of ensuring the aquaculture industry is inclusive and representative of the State as a whole. The subcommittee shall report its findings and any recommendations to the council in a manner directed by the chair and vice-chair.

Sec. 8. Department of Marine Resources; shellfish hatchery guidelines. The Department of Marine Resources shall establish guidelines for the operation and administration of shellfish hatcheries that receive state funding and that are operated by tribal governments or by nonprofit organizations or other nongovernmental entities. The department shall make the guidelines established pursuant to this section available to those entities and to the public and shall take all reasonable actions to ensure compliance with the guidelines by those entities.

SUMMARY

This bill amends the aquaculture laws as follows.

1. It defines the operational type of and the principal aquaculture gear used by certain aquaculture operations within 3 different categories: surface operations, submerged

1 operations and bottom operations. The bill amends the aquaculture lease laws to allow a
2 lease holder, in accordance with rules to be adopted by the Department of Marine
3 Resources, to modify the operational type of the person's aquaculture operation or the
4 design of the principal aquaculture gear used by the person without the need for an
5 amendment to the person's issued lease, as long as certain conditions are met.

6 2. It amends the aquaculture lease laws to provide that, if the department requires a
7 video recording or other information to be collected through a site dive of a proposed lease
8 site and the applicant is required to pay the cost associated with the site dive, the department
9 must allow the applicant to contract with any qualified 3rd-party entity to conduct the site
10 dive and may not require the site dive to be conducted by a 3rd-party entity selected by the
11 department.

12 3. It directs the chair and vice-chair of the Aquaculture Advisory Council established
13 in the Maine Revised Statutes, Title 12, section 6080 to establish and appoint council
14 members to a subcommittee of the council to study and address equity issues for persons
15 seeking to enter the aquaculture industry and seeking to access aquaculture grants; issues
16 encountered by small aquaculture facilities; and methods of ensuring the aquaculture
17 industry is inclusive and representative of the State as a whole.

18 The bill also directs the department to establish guidelines for the operation and
19 administration of shellfish hatcheries that receive state funding and that are operated by
20 nonprofit organizations, tribal governments and other nongovernmental entities. The
21 department must make those guidelines available to those entities and to the public and
22 must take all reasonable actions to ensure compliance with the guidelines by those entities.