

MAINE STATE LEGISLATURE

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Date: 6/17/25

MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1149, L.D. 1722, "An Act to Simplify the Regulation of Aquaculture Leases"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Laws Governing the Regulation of Aquaculture Leases'

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the process that an applicant for an aquaculture lease goes through is extremely rigorous and, for various reasons, the application process can take years; and

Whereas, the administrative burden of processing applications for Department of Marine Resources staff is significant, contributing to the long wait times; and

Whereas, this legislation seeks to simplify the administrative procedures the department must go through in an effort to reduce wait times for lease applicants; and

Whereas, it is important that this legislation take effect immediately to reduce barriers to entry for applicants as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 12 MRSA §6072, sub-§12, as amended by PL 2023, c. 564, §5, is further amended to read:

12. Renewal. The commissioner shall renew a lease if:

A. The commissioner receives, ~~at least 30 days~~ prior to the expiration of a lease, an application for renewal that includes information on the type and amount of

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1 aquaculture to be conducted during the new lease term. If the renewal application is
 2 received after the expiration of a lease but within 30 days of the date of expiration, the
 3 application must include a nonrefundable \$500 late fee in order for the application to
 4 be accepted. The late fee may be waived by the commissioner if a substantial illness or
 5 medical condition prevented the leaseholder from submitting the application prior to
 6 the date of expiration. The applicant shall provide the commissioner with
 7 documentation from a physician describing the substantial illness or medical condition.
 8 The commissioner may not process an application received more than 30 days after the
 9 expiration of a lease, and the applicant's lease expires;

10 B. The lessee has complied with the lease agreement during the term of the lease. The
 11 department shall consider the compliance record of the leaseholder. For the purposes
 12 of this paragraph, "compliance record" means department aquaculture inspection
 13 reports and enforcement actions as they relate to the operation of an aquaculture lease;

14 C. The commissioner determines that renewal of the lease is in the best interest of the
 15 State;

16 D. Except as provided in subsection 13-A, the renewal will not cause the lessee to
 17 become a tenant of any kind in leases covering an aggregate of more than 500 acres;
 18 and

19 E. The lease is not being held for speculative purposes.

20 If a person who holds a lease pursuant to this section applies to renew the lease, the lease
 21 remains in effect until the commissioner makes a decision on the renewal application. If
 22 the renewal is denied, the lease expires ~~30~~ 120 days after the date of the commissioner's
 23 decision and the leaseholder is responsible for removing all gear and products. If a renewal
 24 application is not received by the department within 30 days after the expiration of a lease,
 25 the leaseholder is responsible for removing all gear and products within 120 days.

26 When aquaculture has not been routinely or substantially conducted on a lease that is
 27 proposed for renewal, the commissioner may renew the lease, as long as the proposed
 28 renewal will continue to meet the criteria for approval in subsection 7-A.

29 ~~A lease renewal is an adjudicatory proceeding under Title 5, chapter 375, subchapter 4.~~
 30 ~~Public notice must be given to the entities required to receive notice under subsection 6. A~~
 31 ~~person may provide to the commissioner comments on the proposed lease renewal by the~~
 32 ~~30-day deadline specified in the applicable notice to the entities required to receive notice~~
 33 ~~under subsection 6 or within 30 days of publication of the proposed renewal. A hearing~~
 34 ~~must be held if it is requested in writing by 10 persons within the 30 days. The~~
 35 ~~commissioner may review multiple leases concurrently during the lease renewal process.~~

36 A lease renewal is not an adjudicatory proceeding. Upon determining that the renewal
 37 application is complete, the commissioner shall provide notice of the application to owners
 38 of riparian land within 1,000 feet of the proposed location of the lease and to the municipal
 39 officers of the municipality in which the lease is located. The applicant shall provide the
 40 names and addresses of known owners of riparian land within 1,000 feet of the location of
 41 the lease. The names and addresses must be taken from the current property tax roster on
 42 file at the local municipal office or, for an unorganized territory, with the Department of
 43 Administrative and Financial Services, Bureau of Revenue Services. The commissioner
 44 shall publish a summary of the application in a newspaper of general circulation in the area

of the State in which the lease is located. The commissioner may require the applicant to reimburse the department for costs incurred by the department in providing public notice under this subsection. A person may provide comments to the commissioner on the application by the 30-day deadline specified in the applicable notice to owners of riparian land or municipal officers or within 30 days of publication of the newspaper notice.

A lease renewal application must include a nonrefundable application fee of no more than \$1,500, the amount to be set by the commissioner depending on the type of aquaculture permitted by the lease.'

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 12 MRSA §6072-A, sub-§18, as amended by PL 2023, c. 564, §11, is repealed.

Sec. 4. 12 MRSA §6072-A, sub-§18-A is enacted to read:

18-A. Scientific lease renewal. A limited-purpose lease for scientific research may be renewed. The commissioner shall renew the lease if:

A. The commissioner receives, prior to the expiration of a lease, an application for renewal that includes information on the type of aquaculture research to be conducted during the new lease term. If the renewal application is received after the expiration of a lease but within 30 days of the date of expiration, the application must include a nonrefundable \$500 late fee in order for the application to be accepted. The late fee may be waived if a substantial illness or medical condition prevented the leaseholder from submitting the application within 30 days of the date of expiration. The leaseholder shall provide the commissioner with documentation from a physician describing the substantial illness or medical condition. The commissioner may not process applications received more than 30 days after the expiration of a lease, and the lease expires;

B. The lessee has complied with the lease agreement during the term of the lease. The department shall consider the compliance record of the leaseholder and information received from the public in making this determination. For the purposes of this paragraph, "compliance record" means department aquaculture reports and enforcement actions as they relate to the operation of an aquaculture lease;

C. The commissioner determines that renewal of the lease is in the best interest of the State;

D. Except as provided in section 6072, subsection 13-A, the renewal will not cause the lessee to become a tenant of any kind in leases covering an aggregate of more than 500 acres; and

E. Research has been conducted during the term of the lease.

If a person who holds a lease pursuant to this section applies to renew the lease, the lease remains in effect until the commissioner makes a decision on the renewal application. If the renewal is denied, the lease expires 120 days after the date of the commissioner's decision and the leaseholder is responsible for removing all gear and products. If a renewal application is not received by the department 30 days after the expiration of a lease, the leaseholder is responsible for removing all gear and products within 120 days.

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When aquaculture research has not been routinely or substantially conducted on a lease that is proposed for renewal, the commissioner may renew the lease, as long as the proposed renewal continues to meet the criteria for approval described in subsection 13.

Sec. 5. 12 MRSA §6072-A, sub-§20-A, as enacted by PL 2023, c. 564, §12, is amended to read:

20-A. Extension for conversion of a commercial lease. If a person who holds a limited-purpose lease for commercial aquaculture research and development submits an application under section 6072, subsection 12-D for that same lease area and the same operations before the expiration of that limited-purpose lease, or within 30 days of the expiration and accompanied by a nonrefundable late fee of \$500, and if the commissioner does not make a decision under section 6072, subsection 12-D before the expiration of that limited-purpose lease, the limited-purpose lease remains in effect until the commissioner makes a decision under section 6072, subsection 12-D. The late fee may be waived if a substantial illness or a medical condition prevented the leaseholder from submitting the application within 30 days of the date of expiration. The applicant shall provide the commissioner with documentation from a physician describing the substantial illness or medical condition. If the commissioner grants the person a lease under section 6072, subsection 12-D, that person's limited-purpose lease remains in effect until the effective date of the lease issued under section 6072, subsection 12-D. If the commissioner denies that person a lease under section 6072, subsection 12-D, that person's limited-purpose lease remains in effect until ~~30~~ 120 days after the commissioner's decision. The commissioner may not process applications under section 6072, subsection 12-D received more than 30 days after the expiration of a lease, and the leaseholder is responsible for removing all gear and products within 120 days.'

Amend the bill in section 4 in the 4th line (page 1, line 32 in L.D.) by striking out the following: "section" and inserting the following: 'sections'

Amend the bill in section 4 in the 4th line (page 1, line 32 in L.D.) by inserting after the following: "6072" the following: 'and 6072-A'

Amend the bill by inserting after section 4 the following:

'Sec. 5. Application. Those sections of this Act that amend the Maine Revised Statutes, Title 12, section 6072, subsection 12 and section 6072-A, subsection 20-A relating to the renewal of aquaculture leases and that enact Title 12, section 6072-A, subsection 18-A relating to the renewal of aquaculture leases apply to all renewal applications pending with the Department of Marine Resources on the effective date of this Act and to all renewal applications submitted on or after the effective date of this Act.'

Amend the bill by adding before the summary the following:

'Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment makes the following changes to the bill.

1 1. It changes the title and adds an application provision that applies to certain sections
2 of the bill.

3 2. It makes a change to the lease renewal process to say that a lease renewal is not an
4 adjudicatory proceeding.

5 3. It makes changes to the lease renewal process so that if a renewal application is
6 received late, but no more than 30 days after the expiration date, the application can still
7 be considered if the applicant pays a nonrefundable late fee of \$500 or if the Commissioner
8 of Marine Resources waives the late fee because the applicant provides evidence of a
9 substantial illness or medical condition that prevented the applicant from submitting the
10 application on time.

11 4. It changes from 30 days to 120 days the number of days it takes for a lease to expire
12 after the Commissioner of Marine Resources makes a decision about a lease renewal.

13 5. It increases the number of people who must be notified of a completed renewal
14 application to include the owners of riparian land within 1,000 feet of the proposed lease
15 and to the municipal officers of the municipality in which the lease is located.

16 6. It makes changes to the scientific lease renewal process.

17 7. It adds an emergency preamble and emergency clause.

18 **FISCAL NOTE REQUIRED**

19 **(See attached)**



Approved: 05/31/25 **LRL**

132nd MAINE LEGISLATURE

LD 1722

LR 2164(02)

An Act to Simplify the Regulation of Aquaculture Leases

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-769)

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Department of Marine Resources to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources. Any increase in revenue to the Department of Marine Resources from the provisions of this bill are expected to be minor.