

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
105TH LEGISLATURE

HOUSE AMENDMENT "A" to S. P. 408, L. D. 1242, Bill, "AN ACT to Encourage Aquaculture in Maine's Marine Waters."

Amend said Bill in that part designated "§3717." of section 2 by striking out in the first and 2nd lines of subsection 1 the following: "1. Areas below low water mark. The commissioner may take any area below ordinary low water mark" and inserting in place thereof the following: '1. Areas below low-low water mark. The commissioner may take any area below low-low water mark'

Further amend said Bill in that part designated "§3717." of section 2 by striking out in the first and 2nd lines of subsection 2 the following: "2. Area between high and low tide. The commissioner may take any area between ordinary high and low tide" and inserting in place thereof the following: '2. Area between mean high and low-low tide. The commissioner may take any area between mean high and low-low tide'

Further amend said Bill by inserting after that part designated "§3720." of section 2 the following:

'§3720-A. Exemption

Private riparian owners shall be exempt from requirements and procedures for license and permit set forth in section 3714.

§3720-B. Acquisition of private interests

The Department of Sea and Shore Fisheries or the commissioner may only acquire, take, lease, grant, conduct in or on, manage, hold or otherwise take possession of grounds, flats, waters or water rights under this chapter by written agreement under such terms and conditions as may be agreed upon with the private riparian owner.'

*(Filing No. H-468)*

Further amend said Bill in that part designated "§3721." of section 2 by inserting after the underlined word and comma "State," in the 4th line (same in L. D.) the following: 'following the first refusal of the adjacent riparian owner,'; and by striking out in the 5th line (6th line of L. D.) the underlined word "mean" and inserting in place thereof the underlined word 'low'; and by striking out in the 12th line (13th line of L. D.) the underlined word "mean" and inserting in place thereof the underlined word 'low'

Further amend said Bill in that part designated "§3725." of section 2 by inserting at the end of the first underlined sentence, before the period, the following: 'subject to written consent of the adjacent riparian owner'

Further amend said Bill in that part designated "§3725." of section 2 by inserting at the end of subsection 1, before the period, the following: 'or other legal use of the adjacent riparian owner'

Further amend said Bill by inserting after section 12 the following section:

'Sec. 12-A. R. S., T. 12, §4304, sub-§5, amended. Subsection 5 of section 4304 of Title 12 of the Revised Statutes is amended by adding a new paragraph to read as follows:  
Any riparian owner or lessee of such owner shall be exempt under this subsection.'

#### Statement of Fact

The purpose of this amendment is to protect the rights of private riparian owners who are subject to control of the Act.

Filed by Mr. Kelley of Southport.

Reproduced and distributed under the direction of the Clerk of the House.

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