

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 10**

H. P. 16

Office of the Clerk of the House

Submitted by the State Planning Office pursuant to Joint Rule 24.

EDWIN H. PERT, Clerk

Presented by Mr. Hanson of Kennebunkport.

Cosponsor: Mr. Fowlie of Rockland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Allow the Transfer of Aquaculture Leases.**

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

12 MRSA § 6072, sub-§ 2 ¶ D, as enacted by PL 1977, c. 661, § 5, is repealed as follows:

~~D.—A lease shall not be transferable to any other person.~~

STATEMENT OF FACT

A promising aquaculture industry is evolving along the coast of Maine. Maine's aquaculture lease law offers the opportunity for aquaculture operators to secure certain rights in marine waters. These rights enable aquaculturists to make long term capital investments and to secure financing. As currently written, however, Maine's lease law prohibits the transfer of leases when an aquaculture enterprise is sold. This creates an obstacle to development of the industry, because investors are reluctant to finance aquaculture operations if those operations cannot be sold to new operators together with leased water area rights. These reasons justify removing from the lease law the provision prohibiting the transfer of aquaculture leases. If this provision is repealed, other provisions in the law will still enable the State to revoke a lease if the lessee violates conditions stipulated in the lease or if the lessee's activities are deemed harmful to marine organisms.