

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 563

H.P. 418 House of Representatives, February 26, 1987
Reference to the Committee on Marine Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative COLES of Harpswell.

Cosponsored by Representative MITCHELL of Freeport,
SALSBURY of Bar Harbor and Senator MATTHEWS of Kennebec.

STATE OF MAINE

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

1 AN ACT to Establish a Moratorium on New
2 Mussel Aquaculture Leases.
3

4 Emergency preamble. Whereas, Acts of the Legis-
5 lature do not become effective until 90 days after
6 adjournment unless enacted as emergencies; and

7 Whereas, a law was enacted to provide for and
8 regulate research and aquaculture leases; and

9 Whereas, aquaculture offers substantial potential
10 for the economic growth and productivity associated
11 with the State's marine resources; and

12 Whereas, the Joint Standing Committee on Marine
13 Resources has conducted a study on the blue mussel
14 resource and harvesting in the State; and

1 Whereas, serious concern exists as to the adequacy
2 of the present law governing aquaculture leasing
3 to protect valuable habitat and present fishing activity
4 and to assure a sense of fairness and equity
5 in the leasing process; and

6 Whereas, there is substantial concern that the
7 future of aquaculture in the State and the legitimacy
8 of the entire concept of aquaculture leasing is
9 threatened by these inadequacies; and

10 Whereas, review and revision of present law is
11 essential before any further mussel aquaculture leasing
12 occurs; and

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

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

21 Sec. 1. 12 MRSA §6072, sub-§7, as amended by PL
22 1983, c. 301, §3, is further amended to read:

23 7. Decision. The commissioner may grant the
24 lease, if he is satisfied that the proposed project
25 will not unreasonably interfere with the ingress and
26 egress of riparian owners, navigation, fishing or
27 other uses of the area and is not in conflict with
28 applicable coastal zoning statutes or ordinances. The
29 commissioner may establish conditions that govern the
30 use of the leased area and the limitations on the
31 aquaculture activities. These conditions shall encourage
32 the greatest multiple, compatible uses of the
33 leased area, but shall also preserve the exclusive
34 rights of the lessee to the extent necessary to carry
35 out the lease purpose. For one year after the effective
36 date of this subsection, the commissioner shall
37 not act upon any application for a new aquaculture
38 lease for the culture of mussels.

