

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 819

H.P. 601 House of Representatives, March 18, 1987
Reference to the Committee on Marine Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative SCARPINO of St. George.

STATE OF MAINE

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

1 AN ACT Relating to the Aquaculture Industry.
2

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

5 Sec. 1. 12 MRSA §6072, sub-§2, ¶B, as repealed
6 and replaced by PL 1983, c. 301, §2, is amended to
7 read:

8 B. A lease may be granted for tracts not to ex-
9 ceed 5 acres in area. The commissioner may grant
10 contiguous lease tracts to a single applicant;
11 and

12 Sec. 2. 12 MRSA §6072, sub-§2, ¶C, as amended by
13 PL 1981, c. 609, §1, is further amended to read:

14 C. No applicant shall be permitted to lease more
15 than 200 acres; and

1 Sec. 3. 12 MRSA §6072, sub-§2, ~~¶E~~ is enacted to
2 read:

3 E. In the case of mussel leases, the maximum
4 size of mussel seed to be transferred to a lease
5 shall not exceed 1 1/2 inches. Ten percent of
6 any mussel seed transferred larger than 1 1/2
7 inches shall be tolerated on a mussel lease.

8 Sec. 4. 12 MRSA §6072, sub-§5-A is enacted to
9 read:

10 5-A. Environmental impact study. Prior to
11 granting or renewing any aquaculture lease, the com-
12 missioner shall conduct an environmental impact study
13 to insure that any potentially negative environmental
14 impact caused by the proposed lease is minimized and
15 to provide data for any environmental concerns that
16 may arise concerning the proposed lease. The appli-
17 cant shall provide the costs associated with the
18 study.

19 Sec. 5. 12 MRSA §6072, sub-§7, as amended by PL
20 1983, c. 301, §3, is further amended to read:

21 7. Decision. The commissioner may grant the
22 lease, with the advice and consent of the Advisory
23 council, if he is satisfied that the proposed project
24 will not unreasonably interfere with the ingress and
25 egress of riparian owners, navigation, fishing or
26 other uses of the area and, is not in conflict with
27 applicable coastal zoning statutes or ordinances and
28 will not adversely alter or change the ecosystem
29 within the proposed lease area and immediately abut-
30 ting areas. The commissioner may establish conditions
31 that govern the use of the leased area and the limi-
32 tations on the aquaculture activities. These condi-
33 tions shall encourage the greatest multiple, compati-
34 ble uses of the leased area, but shall also preserve
35 the exclusive rights of the lessee to the extent nec-
36 essary to carry out the lease purpose. The commis-
37 sioner shall not act upon an application for a new
38 aquaculture lease until he has researched and re-
39 viewed the general environmental effects of granting
40 and operating that category of aquaculture lease and
41 promulgated rules and guidelines for the environmen-
42 tal impact study, set forth in section 5-A, that in-
43 corporate his findings.

1 Sec. 6. 12 MRSA §6072, sub-§9, as enacted by PL
2 1977, c. 661, §5, is repealed and the following en-
3 acted in its place:

4 9. Rents. The Director of the Bureau of Public
5 Lands shall determine the rent to be paid under each
6 aquaculture lease. The rent shall represent a fair
7 value based upon the use of the leased area and shall
8 be set in accordance with section 558-A, subsection
9 2.

10

STATEMENT OF FACT

11 This bill is aimed at better regulating the
12 burgeoning aquaculture industry along our coast.
13 Section 3 establishes a mussel seed size limit to de-
14 fine the size of seed that can be transferred on to
15 mussel leases. Currently, there are no requirements
16 on the size of mussels transferred onto leases and
17 there have been alleged instances of hoarding.

18 Section 4 sets forth a requirement for the De-
19 partment of Marine Resources to conduct an environ-
20 mental review and impact study prior to granting any
21 aquaculture leases. The Department of Marine Re-
22 sources will develop guidelines for this review with
23 the applicant funding the study.

24 Section 5 enacts a moratorium on all aquaculture
25 leasing decisions until the environmental effects of
26 each category of lease have been reviewed and guide-
27 lines for the environmental impact study specified in
28 section 4 have been developed. The moratoria on
29 lease categories for example, suspended mussel
30 leases, salmon pen culture and mussel bottom leases,
31 will be lifted as these reviews are completed.

32 Section 6 gives the Bureau of Public Lands au-
33 thority to set the fees for aquaculture leases.

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