

# MAINE STATE LEGISLATURE

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(Emergency)  
FIRST REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

No. 1439

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S.P. 476

In Senate, May 6, 1987

Submitted by the Department of Environmental Protection  
pursuant to Joint Rule 24.

Reference to the Committee on Energy and Natural Resources  
suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator PERKINS of Hancock.

Cosponsored by Representative LOOK of Jonesboro,  
Representative VOSE of Eastport, Representative MOHOLLAND of  
Princeton.

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STATE OF MAINE

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

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1                   **AN ACT to Establish an Exemption from the**  
2                   **Waste Water Discharge Licensing**  
3                   **Requirements for Owners and Operators**  
4                   **of Marine Aquaculture Operations.**  
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6                   **Emergency preamble.** Whereas, Acts of the Legis-  
7                   lature do not become effective until 90 days after  
8                   adjournment unless enacted as emergencies; and

9                   Whereas, the 90-day period may not terminate un-  
10                  til the end of the summer; and

11                  Whereas, aquaculture operations are already re-  
12                  quired to be licensed by the Department of Marine Re-  
13                  sources; and

1       Whereas, the Department of Environmental Protec-  
2       tion has received and continues to receive numerous  
3       applications from aquaculture operators for the li-  
4       censing of activities that are more appropriately  
5       regulated by the Department of Marine Resources; and

6       Whereas, delays experienced by those applicants  
7       for waste water discharge licenses would constitute  
8       an undue hardship on aquaculture businesses; and

9       Whereas, review by the Department of Environmen-  
10       tal Protection on any applications for the licensing  
11       of aquaculture operations received by the Department  
12       of Marine Resources assures that water quality pro-  
13       tective measures will be fully considered; and

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

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

22       **38 MRSA §413, sub-§2-E is enacted to read:**

23       2-E. Exemption; aquaculture. No person may be  
24       deemed in violation of this section for the discharge  
25       of food and medicinal substances for the purpose of  
26       marine aquaculture, if:

27       A. The appropriate leaseholds for marine and  
28       estuarine waters have been obtained from the De-  
29       partment of Marine Resources; and

30       B. The Department of Environmental Protection  
31       certifies that the aquaculture activities men-  
32       tioned in this subsection will not have a signif-  
33       icant adverse effect on water quality or violate  
34       the standards ascribed to the receiving waters'  
35       classifications.

36       **Emergency clause.** In view of the emergency cited  
37       in the preamble, this Act shall take effect when ap-  
38       proved.

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STATEMENT OF FACT

2           The purpose of this bill is to avoid a dual li-  
3           cense requirement by the Department of Environmental  
4           Protection and the Department of Marine Resources on  
5           owners of marine aquaculture businesses while still  
6           allowing for protection of the waters of the State.  
7           Under the bill, those aquaculture operations will be  
8           exempt from the need to obtain a waste water dis-  
9           charge license for certain activities from the De-  
10          partment of Environmental Protection. The Department  
11          of Environmental Protection will review applications  
12          for the Department of Marine Resources' aquaculture  
13          leases and issue water quality certificates to those  
14          that will not significantly impair water quality or  
15          prevent the receiving waters from attaining their  
16          designated classifications.

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