

# 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)  
(New Draft of S.P. 476, L.D. 1439)  
FIRST REGULAR SESSION.

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1751

S.P. 594

In Senate, June 5, 1987.

Reported by Senator Cahill of Sagadahoc for the Committee on Marine Resources and printed under Joint Rule 2. Original Bill sponsored by Senator Perkins of Hancock. Cosponsored by: Representative Look of Jonesboro, Representative Vose of Eastport, Representative Moholland of Princeton.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

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.  
5

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 will constitute an  
8           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                considered in violation of this section if:

25                A. The discharge activity is associated with  
26                off-shore marine aquaculture operations in the  
27                estuarine and marine waters; and

28                B. As a condition of obtaining a leasehold from  
29                the Department of Marine Resources, the Depart-  
30                ment of Environmental Protection certifies that  
31                the aquaculture activities mentioned in this sub-  
32                section will not have a significant adverse ef-  
33                fect on water quality or violate the standards  
34                ascribed to the receiving waters' classifica-  
35                tions.

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

1

FISCAL NOTE

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

This new draft will result in no net fiscal impact to the Department of Environmental Protection for the upcoming biennium. Although the department will experience a reduction of approximately \$1,200 annually in dedicated revenue from the proposed exemption on waste water discharge licensing requirements for aquaculture operations, this potential loss of revenue would be offset by an anticipated decrease in program expenditures. This new draft, therefore, will have an insignificant impact on the Department of Environmental Protection.

13

STATEMENT OF FACT

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The purpose of this new draft is to avoid a dual license requirement by the Department of Environmental Protection and the Department of Marine Resources on owners of marine aquaculture businesses while still allowing for protection of the waters of the State. Under the new draft, those aquaculture operations will be exempt from the need to obtain a waste water discharge license for certain activities from the Department of Environmental Protection. The Department of Environmental Protection will review applications for the Department of Marine Resources' aquaculture leases and issue water quality certificates to those that will not significantly impair water quality or prevent the receiving waters from attaining their designated classifications.

29

3118060387