

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1022

H.P. 739

House of Representatives, April 4, 1989

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative LOOK of Jonesboro.

Cosponsored by Senator PERKINS of Hancock, Representative COLES of Harpswell and Representative MITCHELL of Freeport.

STATE OF MAINE

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

An Act to Clarify Provisions of the Natural Resources Protection Act
as They Relate to Aquaculture.

(EMERGENCY)



1 **Emergency preamble.** Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
3 as emergencies; and

5 Whereas, review of aquaculture activities under the Natural
6 Resources Protection Act duplicates review required under the
7 aquaculture lease laws; and

9 Whereas, duplicated review creates undue hardship on
10 aquaculture lease applicants and creates unnecessary work for the
11 Department of Environmental Protection; and

13 Whereas, duplicated review may prevent lease applicants from
14 timely receipt of a lease and may result in the loss of one or
15 more growing seasons; and

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

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

25 **Sec. 1. 38 MRS §480-Q, sub-§§7 and 8,** as enacted by PL 1987,
26 c. 809, §2, are amended to read:

27
28 **7. Forestry.** Alteration of a freshwater wetland associated
29 with normal forestry management and harvesting activities is
30 exempt from the provisions of this article. The determination of
31 what constitutes normal forestry management and harvesting
32 activities shall be made by the Maine Land Use Regulation
33 Commission regardless of whether the freshwater wetland is
34 located within the jurisdiction of the commission and according
35 to standards adopted by the commission. For purposes of this
36 subsection, "normal forestry management and harvesting
37 activities" means those activities which meet the forestry
38 standards of the Maine Land Use Regulation Commission; and

39
40 **8. Hydropower projects.** Hydropower projects are exempt
41 from the provisions of this article to the extent provided in
42 section 634. Alteration of a freshwater wetland associated with
43 the operation of a hydropower project, as defined in section 632,
44 is exempt from the provisions of this article, but is subject to
45 chapter 5, article 1, subarticle 1-B, where applicable; and

47 **Sec. 2. 38 MRS §480-Q, sub-§9** is enacted to read:

49 **9. Aquaculture.** Activities regulated by the Department of
50 Marine Resources under Title 12, section 6072.

1 **Emergency clause.** In view of the emergency cited in the
3 preamble, this Act shall take effect when approved.

5
7 **STATEMENT OF FACT**

9 This bill is required to eliminate duplication of
11 environmental review of activities regulated by both the Natural
13 Resources Protection Act, the Maine Revised Statutes, Title 38,
15 section 480, and the aquaculture lease laws, Title 12, section
17 6072. As the aquaculture lease laws require more stringent
19 environmental review than the Natural Resources Protection Act,
activities currently regulated by both laws will be exempted from
the Natural Resources Protection Act. Emergency enactment of
this bill will allow timely review of proposed aquaculture
leases. Without such timeliness, aquaculturists may be prevented
from transferring salmon smolt from hatcheries to growing pens
resulting in severe and unnecessary economic hardship.