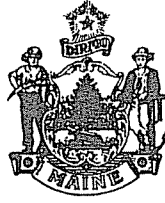


# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 1559

S.P. 531

In Senate, June 8, 1993

**An Act to Clarify the Law Concerning Aquaculture.**

(AFTER DEADLINE)

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Approved by a majority of the Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator VOSE of Washington.  
Cosponsored by Senator CLEVELAND of Androscoggin and  
Senators: GOULD of Waldo, PINGREE of Knox, Representatives: LOOK of Jonesboro,  
MITCHELL of Freeport, SKOGLUND of St. George, TOWNSEND of Eastport.

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

2           Sec. 1. 12 MRSA §6072, sub-§1-A, as enacted by PL 1991, c.  
4 381, §3, is amended to read:

6           **1-A. Lease requirement; finfish and suspension culture.**  
8 Except as provided in paragraphs A and B, it is unlawful for a  
10 person who does not have a lease issued by the commissioner under  
12 this section to construct or operate in the coastal waters of the  
State a facility for the culture of finfish in nets, pens or  
other enclosures or for the suspended culture of shellfish any  
other marine organism.

14           A. The commissioner may grant an exemption from this  
16 subsection for legitimate research for a term not to exceed  
18 2 years, renewable upon application. Legitimate research  
20 does not include commercial aquaculture production of  
finfish or shellfish any other marine organism in the  
coastal waters of the State.

22           B. A person operating a facility in the coastal waters of  
24 the State, on or before ~~the effective date of this~~  
26 subsection June 20, 1991, for the culture of finfish in  
nets, pens or other enclosures or for the suspended culture  
of shellfish any other marine organism that is not leased  
under this section must register the facility with the  
28 commissioner on or before January 1, 1992 on a form  
specified by the commissioner. A person registering under  
30 this paragraph must submit a completed lease application on  
or before July 1, 1992; except that, if the lease  
32 application is for other than the production of finfish or  
shellfish, then the completed lease application must be  
34 submitted on or before July 1, 1994. A registrant whose  
36 application under this paragraph is denied shall immediately  
cease operations at the facility and remove all related  
structures from the coastal waters of the State.

38           C. The commissioner may not consider an application for a  
40 lease under this section on an area registered under  
42 paragraph B from a person other than the registrant prior to  
rendering a final decision on any application submitted by a  
registrant under paragraph B.

44           A person who violates this subsection is subject to a civil  
46 penalty, payable to the State, of no more than \$1,000 for each  
day of the violation.

**FISCAL NOTE**

2

**REVENUES**

4

General Fund	\$7,500	\$6,500
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6

8 Broadening of allowable aquaculture leasing will increase  
10 lease collections of the Department of Marine Resources. The  
12 estimated increases of General Fund revenue are \$7,500 and  
14 \$6,500, in fiscal years 1993-94 and 1994-95, respectively.

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The Department of Marine Resources will incur some minor  
additional costs to administer additional aquaculture leases.  
These costs can be absorbed within the department's existing  
budgeted resources.

18

**STATEMENT OF FACT**

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This bill clarifies that the production of seaweed and other  
marine organisms is included in the definition of aquaculture for  
purposes of aquaculture leases.