

MAINE STATE LEGISLATURE

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200

L.D. 1511

DATE: June 12, 1995

(Filing No. S- 252)

MARINE RESOURCES

Reported by: Senator BUTLAND of Cumberland for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A" to S.P. 552, L.D. 1511, Bill, "An Act to Increase the Maximum Lease Size for Bottom Culture Aquaculture"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 12 MRSA §6072, sub-§2, ¶E, as enacted by PL 1987, c. 453, §1, is amended to read:

E. The lease does not result in a person being a tenant of any kind in leases covering an aggregate of more than 150 acres, except that the aggregate amount may be up to 200 acres when the leases are used exclusively for the aquaculture of marine organisms by methods other than suspended culture; and'

Further amend the bill by striking out all of sections 2 and 3.

Further amend the bill by striking out all of sections 4 and 5 and inserting in their place the following:

'Sec. 4. 12 MRSA §6072, sub-§12, as amended by PL 1987, c. 453, §1, is further amended to read:

12. **Renewal.** The commissioner shall grant a lease renewal unless the prior lessee has not complied with the lease agreement during its term, substantially no research or aquaculture has been conducted, the commissioner finds that it is not in the best interest of the State to renew the lease or the renewal will cause the lessee to continue being a tenant of any kind in leases covering an aggregate of more than 150 acres, except that the aggregate amount may be up to 200 acres when the leases are used

COMMITTEE AMENDMENT

RWS

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2 exclusively for the aquaculture of marine organisms by methods
3 other than suspended culture. Renewals may be granted if applied
4 for no later than 30 days after the lapse of the prior lease. A
5 lease renewal shall ~~be~~ is an adjudicatory proceeding under the
6 Maine Administrative Procedure Act, Title 5, chapter 375,
7 subchapter IV. Public notice shall must be given as required
8 under subsection 6 of this section and a hearing shall must be
held if it is requested in writing by 5 persons.

10 **Sec. 5. 12 MRSA §6072, sub-§12-A, ¶B,** as amended by PL 1987,
11 c. 453, §1, is further amended to read:

12 B. The commissioner may grant lease transfers if he the
13 commissioner determines that:

- 14 (1) The change in lessee does not violate any of the
- 15 standards in subsection 7;
- 16 (2) The transfer is not intended to circumvent the
- 17 intent of subsection 8;
- 18 (3) The transfer is not for speculative purposes; and
- 19 (4) The transfer will not cause the transferee to be a
- 20 tenant of any kind in leases covering an aggregate of
- 21 more than 150 acres, except that the aggregate amount
- 22 may be up to 200 acres when the leases are used
- 23 exclusively for the aquaculture of marine organisms by
- 24 methods other than suspended culture.'

25 Further amend the bill by relettering or renumbering any
26 nonconsecutive Part letter or section number to read
27 consecutively.

28 Further amend the bill by inserting at the end before the
29 statement of fact the following:

30 **FISCAL NOTE**

31 Increasing the maximum lease size for bottom culture
32 aquaculture will increase General Fund revenues collected as
33 lease payments by the Department of Marine Resources. The exact
34 amounts can not be determined at this time.'

35 **STATEMENT OF FACT**

36 The amendment allows a person to hold an aggregate of 200
37 acres or less of aquaculture leases when the leases are used
38 exclusively for the aquaculture of marine organisms by methods

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2 other than suspension culture. Current law allows an aggregate
total of 150 acres or less for all aquaculture leases.

4 The amendment also strikes from the bill a requirement that
6 the Commissioner of Marine Resources notify a lessee at least 30
days before expiration of a lease.

8 The amendment also adds a fiscal note to the bill.

COMMITTEE AMENDMENT