



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1511

S.P. 552

In Senate, May 9, 1995

An Act to Increase the Maximum Lease Size for Bottom Culture Aquaculture.

(EMERGENCY)

Reference to the Committee on Marine Resources suggested and ordered printed.

May Th. Frees

MAY M. ROSS Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock. Cosponsored by Senator: PINGREE of Knox, Representative: LAYTON of Cherryfield.

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

- Whereas, the Legislature has established the authority for the Commissioner of Marine Resources to lease areas in, on and 6 the coastal waters for the purposes of aquaculture under 8 development; and
- Whereas, the laws providing this authority limit the size of 10 leases that may be granted by the commissioner; and
- Whereas, this limitation is viewed as an impediment to the 14 development of certain portions of the State's aquaculture industry; and
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Whereas, in the judgment of the Legislature, these facts 18 create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and 20 safety; now, therefore,

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

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Sec. 1. 12 MRSA §6072, sub-§2, ¶¶E and F, as enacted by PL 1987, c. 453, \$1, are amended to read:

- 28 Ε. The Except as provided in paragraph G, the lease does not result in a person being a tenant of any kind in leases covering an aggregate of more than 150 acres; and 30
- No A single lease may not exceed 100 acres in size .; and 32 F.
- Sec. 2. 12 MRSA §6072, sub-§2, ¶G is enacted to read: 34
- G. The lease does not result in a person being a tenant of 36 acquaculture leases that are not for the suspended culture of marine organisms covering an aggregate of more than 300 3.8 acres.

Sec. 3. 12 MRSA §6072, sub-§11-A is enacted to read:

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- 11-A. Notification before expiration of lease. The 44 commissioner shall notify a lessee at least 30 days before expiration of a lease.
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Sec. 4. 12 MRSA §6072, sub-§12, as amended by PL 1987, c. 453, §1, is further amended to read: 48

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Renewal. The commissioner shall grant a lease renewal 12. unless the prior lessee has not complied with the lease agreement 2 during its term, substantially no research or aquaculture has been conducted, the commissioner finds that it is not in the best 4 interest of the State to renew the lease or the renewal will cause the lessee to continue being a tenant of acquaculture 6 leases that are not for the suspended culture of marine organisms covering an aggregate of more than 300 acres or being a tenant of 8 any kind in other leases covering an aggregate of more than 150 acres. Renewals may be granted if applied for no later than 30 10 days after the lapse of the prior lease. A lease renewal shall-be is an adjudicatory proceeding under the Maine Administrative 12 Procedure Act, Title 5, chapter 375, subchapter IV. Public notice shall must be given as required under subsection 6 of this 14 section and a hearing shall must be held if it is requested in 16 writing by 5 persons. Sec. 5. 12 MRSA §6072, sub-§12-A, ¶B, as amended by PL 1987, 18 c. 453, §1, is further amended to read: 20 The commissioner may grant lease transfers if he the в. 22 commissioner determines that:

24 (1) The change in lessee does not violate any of the standards in subsection 7; 26

(2) The transfer is not intended to circumvent the28 intent of subsection 8;

30 (3) The transfer is not for speculative purposes; and

32(4) The transfer will not cause the transferee to be a
tenant of acquaculture leases that are not for the
suspended culture of marine organisms covering an
aggregate of more than 300 acres or a tenant of any
3636kind in other leases covering an aggregate of more than
150 acres.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

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STATEMENT OF FACT

This bill increases from 150 to 300 acres the maximum area that a person may lease for so-called "bottom culture," or aquaculture that is not the suspended culture of marine organisms. The bill also requires the Commissioner of Marine Resources to notify a lessee at least 30 days before the 50 expiration of a lease.

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