

MAINE STATE LEGISLATURE

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DATE: 4-9-97

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MARINE RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 346, L.D. 468, Bill, "An Act Pertaining to the Aquaculture Lease Law"

Amend the bill by striking out all of sections 1 and 2.

Further amend the bill by striking out all of sections 4 to 6 and inserting in their place the following:

Sec. 4. 12 MRSA §6072, sub-§4, ¶B, as enacted by PL 1977, c. 661, §5, is amended to read:

B. Describe the location of the proposed lease tract area by coordinates or metes and bounds;

Sec. 5. 12 MRSA §6072, sub-§4, ¶D-2, as enacted by PL 1987, c. 453, §1, is repealed.

Sec. 6. 12 MRSA §6072, sub-§5-A, as enacted by PL 1987, c. 453, §1, is amended to read:

5-A. Department site review. Prior to the lease hearing, the department shall conduct an assessment of the proposed site and surrounding area to determine the possible effects of the lease on commercially and ecologically significant flora and fauna and conflicts with traditional fisheries. This review shall must take place any time between ~~May and September~~ inclusive April 1st and November 15th. This information shall must be provided to the intervenors and made available to the public 30 days before the hearing. As part of the site review, the department shall request information from the municipal harbor master about designated or traditional storm anchorages in

COMMITTEE AMENDMENT

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2 proximity to the proposed lease. The commissioner may by rule
3 establish levels of assessment appropriate to the scale or
4 potential environmental risk posed by a proposed lease activity.
5 The rules must provide a method of establishing a baseline to
6 monitor the environmental effects of a lease activity. Rules
7 adopted pursuant to this subsection are major substantive rules
8 pursuant to Title 5, chapter 375, subchapter II-A.'

9
10 Further amend the bill by striking out all of sections 8 to
11 12 and inserting in their place the following:

12 'Sec. 8. 12 MRSA §6072, sub-§13, ¶F, as amended by PL 1993, c.
13 525, §1, is further amended to read:

14 F. For defining application requirements, an application
15 review process and decision criteria; and'

16
17 Further amend the bill by relettering or renumbering any
18 nonconsecutive Part letter or section number to read
19 consecutively.

20
21 Further amend the bill by inserting at the end before the
22 summary the following:

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26 **FISCAL NOTE**

27 The Department of Marine Resources will incur some minor
28 additional costs to adopt certain rules pertaining to aquaculture
29 leases. These costs can be absorbed within the department's
30 existing budgeted resources.
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34 **SUMMARY**

35 This amendment strikes from the bill an experimental
36 aquaculture lease, an emergency aquaculture lease, authority for
37 a person to hold an interest in up to 250 acres of aquaculture
38 leases and authority for the Commissioner of Marine Resources to
39 amend aquaculture leases. The amendment also strikes a
40 requirement that an aquaculture lease applicant assess the impact
41 of an aquaculture operation on other potential uses of a site.
42 It also expands the time period during which the Department of
43 Marine Resources must conduct an assessment of a proposed
44 aquaculture site from May to September to April 1st to November
45 15th. It also provides the Commissioner of Marine Resources the
46 authority to establish by rule levels of assessment appropriate
47 to the scale or potential environmental risk posed by a proposed
48 lease activity.