

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 524

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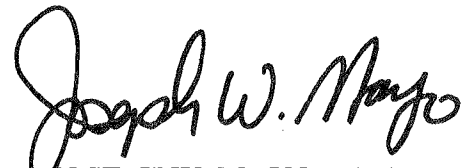
H.P. 379

House of Representatives, January 28, 1997

**An Act to Modify the Process for Aquaculture Leases.**

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative PERKINS of Penobscot. (By Request)

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

4 **Sec. 1. 12 MRSA §6072, sub-§9-A is enacted to read:**

6 **9-A. Arbitration of lease decisions.** The commissioner shall adopt rules establishing a process for arbitrating disputes concerning a decision of the commissioner to issue a new aquaculture lease. Rules adopted under this subsection are major substantive rules under Title 5, chapter 375, subchapter II-A and must be provisionally adopted no later than January 1, 1998. The rules must:

12 A. Provide at least a 30-day delayed effective date for lease decisions by the commissioner to allow an affected person to request arbitration;

14 B. Set forth criteria for determining who is an "affected person";

16 C. Describe the arbitration process;

18 D. Establish a procedure for appointing arbitrators that ensures arbitrators are independent and unbiased and possess sufficient knowledge of aquaculture operations and marine science; and

20 E. Require the arbitrator's decision to be a final agency action pursuant to Title 5, chapter 375.

22 **SUMMARY**

24 This bill establishes a process for arbitration of decisions by the Commissioner of Marine Resources regarding the granting of aquaculture leases.