

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 1998

H.P. 1434

House of Representatives, January 14, 1998

**An Act to Increase the Cap on the Total Acreage of Aquaculture Leases
That May Be Held by One Person.**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative ETNIER of Harpswell.
Cosponsored by Senator PINGREE of Knox and
Representative HONEY of Boothbay, Senator: GOLDTHWAIT of Hancock.

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

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3 **Sec. 1. 12 MRSA §6072, sub-§2, ¶E**, as amended by PL 1995, c.
4 383, §1, is further amended to read:

6 E. The lease does not result in a person being a tenant of
7 any kind in leases covering an aggregate of more than 150
8 250 acres, ~~except that the aggregate amount may be up to 200~~
9 ~~acres when the leases are used exclusively for the~~
10 ~~aquaculture of marine organisms by methods other than~~
11 ~~suspended culture; and~~

12 **Sec. 2. 12 MRSA §6072, sub-§12**, as amended by PL 1995, c. 383,
13 §2, is further amended to read:

14 **12. Renewal.** The commissioner shall grant a lease renewal
15 unless the prior lessee has not complied with the lease agreement
16 during its term, substantially no research or aquaculture has
17 been conducted, the commissioner finds that it is not in the best
18 interest of the State to renew the lease or the renewal will
19 cause the lessee to continue being a tenant of any kind in leases
20 covering an aggregate of more than 150 250 acres, ~~except that the~~
21 ~~aggregate amount may be up to 200 acres when the leases are used~~
22 ~~exclusively for the aquaculture of marine organisms by methods~~
23 ~~other than suspended culture.~~ Renewals may be granted if applied
24 for no later than 30 days after the lapse of the prior lease. A
25 lease renewal is an adjudicatory proceeding under the Maine
26 Administrative Procedure Act, Title 5, chapter 375, subchapter
27 IV. Public notice must be given as required under subsection 6 of
28 this section and a hearing must be held if it is requested in
29 writing by 5 persons.

30 **Sec. 3. 12 MRSA §6072, sub-§12-A, ¶B**, as amended by PL 1995,
31 c. 383, §3, is further amended to read:

32 B. The commissioner may grant lease transfers if the
33 commissioner determines that:

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

36 (2) The transfer is not intended to circumvent the
37 intent of subsection 8;

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

39 (4) The transfer will not cause the transferee to be a
40 tenant of any kind in leases covering an aggregate of
41 more than 150 acres, ~~except that the aggregate amount~~
42 ~~may be up to 200 acres when the leases are used~~

~~exclusively for the aquaculture of marine organisms by
methods other than suspended culture 250 acres.~~

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SUMMARY

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Under current law, a person may not be a tenant of aquaculture leases that cover an aggregate of more than 150 acres unless the leases are used exclusively for the aquaculture of marine organisms by methods other than suspended culture. This bill raises to 250 acres the cap for total acreage of aquaculture leases that can be held by one person.