# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

# FIRST REGULAR SESSION-1999

Legislative Document

No. 871

S.P. 299

In Senate, February 2, 1999

An Act to Amend the Process for Granting Aquaculture Leases.

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

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator SMALL of Sagadahoc. Cosponsored by Senator HARRIMAN of Cumberland, Representatives: ETNIER of Harpswell, PEAVEY of Woolwich.

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

Sec. 1. 12 MRSA §6072, sub-§5-A, as amended by PL 1997, c. 138, §4, is further amended to read:

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 must take place any time between April 1st and November 15th. This information 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 proximity to the proposed lease. In areas in which pollution has created conditions that adversely affect traditional fisheries, the department shall make an assessment of any pollution abatement activities that may be occurring and when the area may be suitable again for traditional fisheries. commissioner may by rule establish levels of assessment appropriate to the scale or potential environmental risk posed by a proposed lease activity. The rules must provide a method of establishing a baseline to monitor the environmental effects of a lease activity. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.

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### Sec. 2. 12 MRSA §6072, sub-§6, ¶D is enacted to read:

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D. If the department finds, pursuant to its assessment under subsection 5, that a polluted area will be sufficiently cleansed to support fishing uses within a year of the application, the department shall make this finding clear in all notices of the hearing.

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### Sec. 3. 12 MRSA §6072, sub-§7-A, ¶C-1 is enacted to read:

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C-1. Will not unreasonably interfere with future fishing uses of an area that is polluted but that, because of abatement activities, will be suitable for fishing uses within one year of the application;

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#### **SUMMARY**

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This bill requires the Department of Marine Resources, in considering the issuance of aquaculture leases in areas in which pollution has created conditions that adversely affect traditional fisheries, to make an assessment of any pollution

abatement activities that may be occurring and when the area may
be suitable again for traditional fisheries. If the department
finds that a polluted area will be sufficiently cleansed to
support fishing uses within a year of the application, it must
make this finding clear in all notices of the hearing on the
lease. The department may not issue a lease for a polluted area
if the area will be suitable for fishing uses within one year of
the application and the department finds that the aquaculture
project would unreasonably interfere with future fishing uses of
the area.