

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 1316

DATE: April 28, 1999

(Filing No. S- 145)

MARINE RESOURCES

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STATE OF MAINE SENATE 119TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 441, L.D. 1316, Bill, "An Act to Encourage Municipal and State Partnerships Concerning the Issuance of Aquaculture Leases"

Amend the bill in section 1 by striking out all of subsection 3 and inserting in its place the following:

'3. **Municipal approval.** In any municipality with a shellfish conservation program under section 6671, the commissioner may not lease ~~more than 2 acres of~~ areas in the intertidal zone within the municipality without the consent of the municipal officers.'

Further amend the bill in section 2 by striking out all of paragraph C and inserting in its place the following:

'C. Will not unreasonably interfere with fishing or other uses of the area taking into consideration the number and density of aquaculture leases in an area. For the purposes of this paragraph, "fishing" includes public access to a redeemable shellfish resource, as defined by the department, for the purpose of harvesting, provided that the resource is commercially significant and subject to a pollution abatement plan that predates the lease application, that includes verifiable activities in the process of implementation and that is reasonably expected to result in the opening of the area to the taking of shellfish within 3 years;'

COMMITTEE AMENDMENT

2 Further amend the bill by inserting after section 2 the
following:

4 'Sec. 3. 12 MRSA §6673, sub-§1, as enacted by PL 1977, c. 661,
6 §5, is amended to read:

8 1. **Municipal procedure.** A ~~written--application~~ lease
10 application written on a form supplied by the commissioner may be
12 approved by the municipal officers if they find that it conforms
14 to the shellfish program, that it will not cause the total area
under lease to exceed 1/4 of all the municipal intertidal zone
that is open to the taking of shellfish and that granting it is
in the best interests of the municipality. On approval, the lease
~~shall~~ must be forwarded to the commissioner.'

16
18 **SUMMARY**

20 This amendment replaces the bill. The amendment prohibits
22 the Commissioner of Marine Resources from leasing an area in the
intertidal zone for aquaculture within a municipality with a
shellfish conservation program without the consent of the
municipal officers.

24 The amendment adds to the criteria for an aquaculture lease
26 to be granted that the proposed project will not unreasonably
interfere with public access to a redeemable shellfish resource
28 for the purpose of harvesting, provided the resource is
commercially significant and subject to a pollution abatement
30 plan that is reasonably expected to result in the opening of the
area to the taking of shellfish within 3 years.

32 The amendment also specifies that a municipality with a
34 shellfish conservation program may approve an application to
lease areas in the intertidal zone if the lease application is
36 written on a form supplied by the Commissioner of Marine
Resources.