

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1634

S.P. 567

In Senate, March 3, 1999

An Act to Allow Certain Aquaculture Activities by Rule.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOLDTHWAIT of Hancock.

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

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4 Sec. 1. 12 MRSA §6072-C is enacted to read:

6 §6072-C. Approval by rule for certain leases

8 1. Authority for approval by rule. Notwithstanding any
10 other provision of law, the commissioner may approve by rule a
12 limited-purpose lease application under section 6072-A for
14 commercial aquaculture research and development or scientific
16 research if:

18 A. The proposed lease activity generates no discharge into
20 the coastal waters;

22 B. The proposed lease activity requires no baseline study
24 under the department's environmental characterization and
26 baseline rules for aquaculture leases;

28 C. The lease applicant utilizes aquaculture gear approved
30 by the commissioner under subsection 2;

32 D. The lease applicant submits written input on the
34 proposed activity's impact on navigation and existing
36 fisheries and on the lease applicant's efforts to make the
38 lease application available for public review and discussion
40 within the proposed lease area and the municipality; and

42 E. The lease applicant complies with all applicable
44 implementing rules adopted by the commissioner pursuant to
46 subsection 3.

48 2. Qualified gear. The commissioner shall adopt rules that
50 define gear that may be used in an area leased under this section.

3. Other rules. The commissioner may adopt rules to
implement this section, including, but not limited to, an
application and review process.

Rules adopted pursuant to this section are routine technical
rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 2. Initial rules. Rules initially adopted under the Maine Revised Statutes, Title 12, section 6072-C, subsection 2 must include as permissible gear floating upwelling systems, shellfish rafts, floating trays, soft bags, semi-rigid bags, over-wintering cages, lantern nets, spat collectors and predator netting, fencing or brushing. The commissioner may amend the rules to exclude any of the initial gear if the commissioner determines the gear generates a discharge into the coastal waters.

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SUMMARY

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This bill allows the Commissioner of Marine Resources to approve by rule certain aquaculture lease activities for commercial research and development or scientific research.