

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1428

H.P. 1065

House of Representatives, March 5, 2001

**An Act to Amend the Aquaculture Leasing Law.**

(EMERGENCY)

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative PERKINS of Penobscot. (By Request)  
Cosponsored by Representatives: PINKHAM of Lamoine, VOLENIK of Brooklin.

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

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6           **Whereas,** it is important that citizens be given a fair  
opportunity to address testimony and evidence presented at the  
Department of Marine Resources' hearing; and

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10           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
12 necessary for the preservation of the public peace, health and  
safety; now, therefore,

14  
16           **Be it enacted by the People of the State of Maine as follows:**

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

20           **5-A. Department site review.** Prior to the lease hearing,  
the department shall conduct an assessment of the proposed site  
22 and surrounding area to determine the possible effects of the  
lease on commercially and ecologically significant flora and  
24 fauna and conflicts with traditional fisheries. This review must  
take place any time between ~~April 1st and November 15th~~ June 15th  
26 and September 15th. This information must be provided to the  
intervenor and made available to the public 30 days before the  
28 hearing. As part of the site review, the department shall request  
information from the municipal harbor master about designated or  
30 traditional storm anchorages in proximity to the proposed lease.  
The commissioner may by rule establish levels of assessment  
32 appropriate to the scale or potential environmental risk posed by  
a proposed lease activity. The rules must provide a method of  
34 establishing a baseline to monitor the environmental effects of a  
lease activity. Rules adopted pursuant to this subsection are  
36 major substantive rules pursuant to Title 5, chapter 375,  
subchapter II-A.

38           **Sec. 2. 12 MRSA §6072, sub-§6, ¶E** is enacted to read:

40           E. The commissioner shall accept further evidence and  
42 testimony from citizens and interested parties for 10 days  
following the completion of the hearing. The commissioner  
44 may accept further evidence and testimony from citizens and  
interested parties for a period beyond 10 days following the  
46 conclusion of the hearing if agreed to by the parties or as  
specified by the presiding officers. For purposes of this  
48 paragraph, "presiding officer" means the person authorized  
by any interested state agency to act on behalf of the  
50 agency at that hearing.

2           **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.

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### SUMMARY

8           This bill provides citizens and other interested parties 10  
days following the completion of the aquaculture lease hearing to  
10 submit further evidence and testimony. The bill also provides  
that this period may be extended for a period beyond 10 days if  
12 agreed to by the parties. The bill also changes the Department  
of Marine Resources' site review period from the period from  
14 April 1st to November 15th to the period from June 15th to  
September 15th.