

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1001

S.P. 345

In Senate, February 25, 2003

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### An Act To Modify the Criteria for Approval of Aquaculture Leases

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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 EDMONDS of Cumberland.  
Cosponsored by Representative SULLIVAN of Biddeford, Representative KOFFMAN of Bar Harbor and Representatives: ASH of Belfast, COWGER of Hallowell.

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

4 **Sec. 1. 12 MRSA §6072, sub-§7-A,** as amended by PL 1999, c.  
267, §2, is further amended to read:

6 **7-A. Decision.** The commissioner may grant the lease if the  
proposed project meets the following conditions as defined by  
8 regulation:

10 A. Will not unreasonably interfere with the ingress and  
egress of riparian owners;

12 B. Will not unreasonably interfere with navigation;

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

28 D. Will not unreasonably interfere with significant  
wildlife habitat and marine habitat or with the ability of  
30 the lease site and surrounding marine and upland areas to  
support existing ecologically significant flora and fauna;

32 E. The applicant has demonstrated that there is an  
34 available source of organisms to be cultured for the lease  
site; and

36 F. The lease does not unreasonably interfere with public  
38 use or enjoyment within 1,000 feet of municipally owned,  
~~state-owned~~ state-owned or federally owned beaches and parks  
40 or municipally owned, ~~state-owned~~ state-owned or federally  
owned docking facilities;

42 G. Will not result in unreasonable impact from noise,  
44 vibration, glare or light at the boundaries of the lease  
site; and

46 H. For leases in excess of 8 acres, will be in compliance  
48 with visual impact criteria adopted by the commissioner  
relating to color, height, shape, mass and distance from  
50 conservation lands, public parks and existing residential  
uses.

2 The commissioner shall adopt rules to quantify permissible impact  
4 under paragraph G and to establish visual impact criteria under  
6 paragraph H. The rules adopted pursuant to this section are  
major substantive rules as defined in Title 5, chapter 375,  
subchapter 2-A.

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## SUMMARY

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12 This bill broadens the criteria for approval of aquaculture  
14 leases to include consideration of upland conservation lands,  
16 public parks and residential uses. The Commissioner of Marine  
Resources is required to adopt quantifiable impact standards and  
visual impact criteria to protect upland conservation lands,  
public parks and residential uses. This will increase  
predictability for all parties in the lease application process.