

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 2049

H.P. 1443

House of Representatives, March 7, 2006

An Act To Amend the Laws Regarding Aquaculture Leases

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PERCY of Phippsburg. (GOVERNOR'S BILL)

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

2 **Sec. 1. 12 MRSA §6072, sub-§13-A**, as enacted by PL 2003, c. 660, Pt. A, §14,
3 is amended to read:

4 **13-A. Lease acreage increase; fallowing.** The commissioner may authorize a
5 person to exceed the 300-acre limit established in subsections 2, 12 and 12-A if that
6 person submits ~~an annual~~ a fallowing plan ~~to the commissioner~~ that identifies lease sites
7 that have been actively operated during the lease period and will be fallowed ~~for a 12-~~
8 ~~month period~~ and includes a reassessment schedule for the plan. The commissioner shall
9 review the plan and reassessment schedule and may approve them, reject them or request
10 changes. Revisions to the plan must be submitted in accordance with the reassessment
11 schedule unless the commissioner authorizes an exception due to extraordinary
12 circumstances. A person may not be a tenant of any kind in leases covering an aggregate
13 of more than 300 nonfallowed acres at any time. A person may not be a tenant of any
14 kind in leases covering an aggregate of more than 500 acres including fallowed leases at
15 any time. For purposes of this subsection, "fallow" means a lease site without cultured
16 ~~fish, shellfish, scallops and gear except marked mooring blocks~~ organisms. A lease site
17 fallowed pursuant to an enforcement action may not be considered fallowed for the
18 purpose of this subsection.

19 **SUMMARY**

20 This bill:

- 21 1. Deletes the 12-month minimum fallow time so that fallows may be of any
22 duration;
- 23 2. Creates a requirement for a reassessment schedule for a fallowing plan instead of
24 an automatic annual reassessment; and
- 25 3. Amends the definition of "fallow" to allow gear at the lease site.