

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 1409

H.P. 992

House of Representatives, March 14, 2007

### **An Act To Make Technical Changes to Maine's Aquaculture Statutes**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 204.  
Reference to the Committee on Marine Resources suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PERCY of Phippsburg.

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

2 **Sec. 1. 12 MRSA §6071-A** is enacted to read:

3 **§6071-A. Definitions**

4 As used in this subchapter, unless the context otherwise indicates, the following  
5 terms have the following meanings.

6 **1. Intertidal zone.** "Intertidal zone" means the shores, flats or other land between  
7 the high and mean low water mark.

8 **Sec. 2. 12 MRSA §6072-C, sub-§3,** as enacted by PL 1999, c. 567, §2, is  
9 amended to read:

10 **3. Eligibility.** A limited-purpose aquaculture license may be issued only to an  
11 individual or to a municipal shellfish management committee established pursuant to  
12 section 6671 and is a resident license.

13 **Sec. 3. 12 MRSA §6073, sub-§4** is enacted to read:

14 **4. Marking.** In the coastal waters of the State, a person may not mark or designate  
15 an area as a sea farm, aquaculture lease or other similar designation unless that area is  
16 currently leased for aquaculture or is under consideration by the department for a lease  
17 through the aquaculture lease application process.

18 **Sec. 4. 12 MRSA §6082** is enacted to read:

19 **§6082. Confidentiality provisions for aquaculture information from other**  
20 **jurisdictions**

21 Information obtained from other state, federal or foreign government agencies about  
22 aquaculture operations in other states, foreign countries or the exclusive economic zone  
23 that is designated as confidential by the jurisdiction from which it is obtained and that  
24 must remain confidential as a condition of receipt must be kept confidential by the  
25 department. Such information is not a public record as defined in Title 1, section 402,  
26 subsection 3. This section does not apply to aquaculture operations conducted in Maine.

27 **SUMMARY**

28 The bill proposes to make several technical changes to Maine's aquaculture statutes.  
29 It provides a more specific definition for "intertidal zone" for the Maine Revised Statutes,  
30 Title 12, chapter 605, subchapter 2. It allows a limited-purpose aquaculture license to be  
31 issued to a municipal shellfish committee. It prohibits a person from marking or  
32 designating an area as a sea farm or aquaculture lease unless the area is currently leased  
33 for aquaculture or is under consideration for leasing through the aquaculture lease  
34 process. Finally, it provides that information obtained from other state, federal or foreign  
35 government agencies about aquaculture operations in their jurisdictions that is designated  
36 as confidential must be kept confidential by the Department of Marine Resources.