

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2137

H.P. 1517

House of Representatives, January 8, 2008

**An Act To Clarify the Licensing Requirements for Aquaculturists
and Allow for the Appropriate Handling of Bycatch from
Aquaculture Lease Sites**

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 McDONOUGH of Scarborough.

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

2 **Sec. 1. 12 MRSA §6073-A**, as amended by PL 2005, c. 92, §6, is further amended
3 to read:

4 **§6073-A. Season and minimum size exemption; aquaculture**

5 The holder of a lease issued under section 6072, 6072-A or 6072-B or a license
6 issued under section 6072-C is exempt from any requirement regarding the time of taking
7 or possessing, minimum or maximum length or other minimum or maximum size
8 requirement for any marine organism cultivated on the leased area. The exemption
9 applies only to those organisms actually cultivated on the leased area, except that upon
10 harvest of finfish from the leased area pursuant to an aquaculture lease, any finfish of a
11 species that was not cultivated on the leased area but occurred in the enclosure must also
12 be harvested and retained for appropriate disposal by the holder of a lease. Such finfish
13 may not be sold and may not be released or disposed of into the waters of the State and
14 must be reported to the department at the same time as reports of the harvest are filed.
15 The commissioner shall require a system of identification of organisms exempted under
16 this section.

17 **Sec. 2. 12 MRSA §6073-B** is enacted to read:

18 **§6073-B. Harvester license exemption; aquaculture**

19 The holder of a lease issued under section 6072, 6072-A or 6072-B or a license
20 issued under section 6072-C is exempt from any requirement under sections 6421, 6501,
21 6748, 6748-A, 6748-C, 6748-D, 6751, 6803 and 6811 to hold a separate license for the
22 removal, possession, transport or sale of the cultured organisms, except for molluscan
23 bivalve shellfish, from the leased area or the licensed gear.

24 **Sec. 3. 12 MRSA §6601, sub-§2-A** is enacted to read:

25 **2-A. Licensed activities; aquaculture.** The holder of a commercial shellfish license
26 who is also the holder or authorized representative of a holder of a lease issued under
27 section 6072, 6072-A or 6072-B or a license issued under section 6072-C and personnel
28 who are operating under the authority of such a holder of a commercial shellfish license
29 may remove, possess, transport within the state limits or sell cultured shellfish the holder
30 has removed from the leased area or the licensed gear to a wholesale seafood license
31 holder certified under section 6856. Such a holder of a commercial shellfish license may
32 also sell such shellstock from that license holder's home in the retail trade. The
33 department shall establish by rule a means to identify personnel operating under the
34 authority of such a license holder. Rules adopted pursuant to this subsection are routine
35 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

36 **Sec. 4. 12 MRSA §6745, sub-§2-A** is enacted to read:

37 **2-A. Licensed activities; aquaculture.** The holder of a hand-raking mussel license
38 who is also the holder or authorized representative of a holder of a lease issued under
39 section 6072, 6072-A or 6072-B or a license issued under section 6072-C and personnel

1 who are operating under the authority of such a holder of a hand-raking mussel license
2 may remove, possess, transport within the state limits or sell cultured mussels the holder
3 has removed from the leased area or the licensed gear to a wholesale seafood license
4 holder certified under section 6856. Such a holder of a hand-raking mussel license may
5 also sell such mussels from that license holder's home in the retail trade. The department
6 shall establish by rule a means to identify personnel operating under the authority of such
7 a license holder. Rules adopted pursuant to this subsection are routine technical rules as
8 defined in Title 5, chapter 375, subchapter 2-A.

9 **Sec. 5. 12 MRSA §6746, sub-§2-A** is enacted to read:

10 **2-A. Licensed activities; aquaculture.** The holder of a mussel boat license who is
11 also the holder or authorized representative of a holder of a lease issued under section
12 6072, 6072-A or 6072-B or a license issued under section 6072-C and personnel who are
13 operating under the authority of such a holder of a mussel boat license may remove,
14 possess, transport within the state limits or sell cultured mussels the holder has removed
15 from the leased area to a wholesale seafood license holder certified under section 6856.
16 Such a holder of a mussel boat license may also sell such mussels from that license
17 holder's home in the retail trade. The department shall establish by rule a means to
18 identify personnel operating under the authority of such a license holder. Rules adopted
19 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
20 subchapter 2-A.

21 **SUMMARY**

22 This bill provides that fish that cohabitated with farmed fish in an area leased for
23 aquaculture must be harvested and returned for appropriate disposal by the lease holder.

24 It also provides that the holder of an aquaculture lease is not required to hold a
25 separate license for the removal, possession, transport or sale of certain cultured
26 organisms from the area leased for aquaculture or licensed gear.

27 It establishes that commercial shellfish license holders, mussel hand-raking license
28 holders and mussel boat license holders may use these licenses to remove, possess,
29 transport and sell cultured shellfish they have removed from an area they lease for
30 aquaculture.