

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 294

H.P. 234

House of Representatives, February 2, 2009

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**An Act To Require the Department of Marine Resources To Enforce  
Conditions in an Aquaculture Lease**

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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 SCHATZ of Blue Hill.  
Cosponsored by Representative: CLEARY of Houlton.

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

2 **Sec. 1. 12 MRSA §6072, sub-§11**, as amended by PL 2003, c. 247, §7, is further  
3 amended to read:

4 **11. Monitoring and revocation of leases.** The department shall monitor a lease  
5 under this section on an annual basis. If aquaculture has been conducted in a manner  
6 substantially injurious to marine organisms, if no substantial aquaculture or research has  
7 been conducted over the course of the lease or if any condition of the lease has been  
8 violated, the commissioner may initiate revocation proceedings and revoke the lease. A  
9 lease revocation is an adjudicatory proceeding under Title 5, chapter 375, subchapter 4.  
10 The department shall hold a hearing with public notice prior to revoking any lease. The  
11 department shall enforce all lease conditions pursuant to the department's authority under  
12 this subsection or pursuant to other appropriate authority under this Title to ensure that  
13 the conditions of the lease are observed.

14 **Sec. 2. 12 MRSA §6072-A, sub-§22**, as enacted by PL 2003, c. 247, §15, is  
15 amended to read:

16 **22. Monitoring and revocation of leases.** The department shall monitor a lease  
17 under this section on an annual basis. If aquaculture has been conducted in a manner  
18 substantially injurious to marine organisms, if no substantial aquaculture or research has  
19 been conducted over the course of the lease or if any condition of the lease has been  
20 violated, the commissioner may initiate revocation proceedings and revoke the lease. The  
21 department shall hold a hearing with public notice prior to revoking any lease. A lease  
22 revocation is an adjudicatory proceeding under Title 5, chapter 375, subchapter 4. The  
23 department shall enforce all lease conditions pursuant to the department's authority under  
24 this subsection or pursuant to other appropriate authority under this Title to ensure that  
25 the conditions of the lease are observed.

26 **SUMMARY**

27 This bill directs the Department of Marine Resources to enforce aquaculture lease  
28 conditions pursuant to its authority under law.