

MAINE STATE LEGISLATURE

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Date: 3/18/14

L.D. 1605
(Filing No. H-703)

Majority
MARINE RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1177, L.D. 1605, Bill, "An Act To Amend Maine's Aquaculture Laws"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 12 MRSA §6072, sub-§13, ¶G, as corrected by RR 2013, c. 1, §22, is amended to read:

G. For adding or deleting authorization for the holder of an aquaculture lease to grow specific species and use specific gear on the lease site. A change in authorization is not an adjudicatory proceeding. The regulations must provide for notice of proposed changes in gear authorization to the lessee, the public, riparian landowners and the municipality in which the lease is located and an opportunity to submit written comments on the proposal. Authorization to add or delete species or gear must be consistent with the findings made under subsection 7-A when the lease was approved; and'

Amend the bill by inserting after section 1 the following:

'Sec. 2. 12 MRSA §6072-A, sub-§1, as amended by PL 2013, c. 301, §2, is further amended to read:

1. Authority. The commissioner may issue a limited-purpose lease for areas in, on and under the coastal waters, including the public lands beneath those waters and portions of the intertidal zone, for commercial aquaculture research and development or for scientific research. The commissioner or the deputy commissioner acting on the commissioner's behalf may authorize in writing qualified professional department staff to issue a final decision and sign a lease document on an application for a limited-purpose lease. A decision issued by department staff pursuant to this subsection is a final agency action with respect to that lease application. ~~The commissioner may adopt regulations for adding or deleting authorization for the holder of an aquaculture lease to grow specific species and use specific gear on the lease site. The commissioner may grant authorization for species or gear amendments under this subsection only.~~

COMMITTEE AMENDMENT

1 ~~A. After giving notice of the proposed amendment to the public, the owners of~~
2 ~~riparian land within 1,000 feet of the lease site and the municipal officers of the~~
3 ~~municipality within which the lease is located. The notice must provide an~~
4 ~~opportunity to submit written comments on the proposed amendment within 14 days;~~
5 ~~and~~

6 ~~B. Upon a determination by the commissioner that the amendment is consistent with~~
7 ~~the findings made under subsection 13 when the lease was approved.~~

8 **Sec. 3. 12 MRSA §6072-A, sub-§8**, as amended by PL 2013, c. 301, §3, is
9 further amended to read:

10 **8. Rules; general and lease application.** The commissioner may adopt rules to
11 implement the provisions of this section. Within 180 days of the effective date of this
12 section, the commissioner shall adopt rules regarding a limited-purpose lease application.
13 The rules must require an applicant to, at a minimum, meet the requirements of section
14 6072, subsection 2, paragraph E and subsection 4, paragraphs A, B, C, E, F, G and J. The
15 rules must also require an applicant to provide to the department proof of access to the
16 lease area. If access will be across riparian land, the applicant shall provide to the
17 department the written permission of every riparian owner whose land will be used to
18 access the lease area. The commissioner may adopt rules to add or delete authorization
19 for the holder of an aquaculture lease to grow specific species and to use specific gear on
20 the lease site. A change in authorization is not an adjudicatory proceeding. The rules
21 must provide for notice of proposed changes in gear authorization to ~~the lessee~~, the
22 public, riparian landowners and the municipality in which the lease is located and an
23 opportunity to submit written comments on the proposal. Authorization to add ~~or delete~~
24 species or gear must be consistent with the findings made under subsection 13 when the
25 lease was approved.'

26 Amend the bill in section 4 in subsection 7-A in the 3rd line (page 2, line 3 in L.D.)
27 by striking out the following: "product from" and inserting the following: 'grown by the
28 license holder under the license in'

29 Amend the bill in section 5 by striking out all of subsection 10 (page 2, lines 6 to 10
30 in L.D.) and inserting the following:

31 '**10. Reporting requirement; confidentiality.** A holder of a limited-purpose
32 aquaculture license shall annually submit to the department a seeding and harvesting
33 report for the past year and a seeding and harvesting plan for the coming year.
34 Information provided in seeding and harvesting reports submitted by a license holder
35 under this subsection is considered confidential information reported to the commissioner
36 pursuant to section 6173.'

37 Amend the bill in section 7 in the first paragraph in the 3rd line (page 2, line 31 in
38 L.D.) by inserting after the following: "6072-B" the following: 'that authorizes the
39 culture of American oysters'

40 Amend the bill in section 7 in the first paragraph in the 3rd line (page 2, line 31 in
41 L.D.) by inserting after the following: "6072-C" the following: 'that authorizes the
42 culture of American oysters'

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
2 section number to read consecutively.

3 **SUMMARY**

4 This amendment, which is the majority report of the committee, corrects a
5 cross-reference to the confidentiality of statistics.

6 This amendment clarifies that the prohibition against a person other than a marine
7 patrol officer or a license holder taking products from an area designated by a limited-
8 purpose aquaculture license applies only to those organisms being grown that are listed
9 on the license.

10 This amendment clarifies that the exception to growing cultchless American oysters
11 is specific to a person who holds a lease or license that authorizes the culture of American
12 oysters.

13 The amendment removes the requirement in the laws concerning aquaculture leases
14 that authorization to delete species or gear be consistent with findings made when the
15 lease was approved and removes the requirement that notice of proposed changes in gear
16 authorization be provided to the lessee.

17 Finally, the amendment removes duplicative language in the section on limited-
18 purpose aquaculture leases regarding the commissioner's rulemaking authority regarding
19 gear and species amendments.



Approved: 03/14/14 *MAC*

126th MAINE LEGISLATURE

LD 1605

LR 2542(02)

An Act To Amend Maine's Aquaculture Laws

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-703)

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
No net revenue impact - General Fund

Correctional and Judicial Impact Statements

Increases the number of civil violations.

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

Exempting certain leaseholders from having to obtain cultchless American oyster growers licenses is expected to result in only a minor loss of revenue to the General Fund.