

MAINE STATE LEGISLATURE

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L.D. 1438

Date: 5/25/17

(Filing No. H-287)

MARINE RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 993, L.D. 1438, Bill, "An Act To Improve the Aquaculture Leasing and Licensing Laws"

Amend the bill in section 4 in subsection 12-C in the 2nd line (page 1, line 31 in L.D.) by striking out the following: "10%" and inserting the following: "25%, but may not expand by more than 4 acres."

Amend the bill in section 4 in subsection 12-C in paragraph A by striking out all of subparagraph (4) (page 2, lines 6 to 10 in L.D.) and inserting the following:

'(4) Including a map of the lease area and its proposed expansion, and its adjoining waters and shorelands, with the names and addresses of the known riparian owners as listed in the municipal tax records and documentation showing that the lease holder has informed each of those riparian owners of the application and the opportunity for comment as provided in paragraph B;'

Amend the bill in section 4 in subsection 12-C by striking out all of paragraph B (page 2, lines 19 to 27 in L.D.) and inserting the following:

'B. The commissioner shall review the application. When the commissioner has determined that the application for the lease expansion is complete, the commissioner shall provide notice to the municipal officers of the municipality or municipalities in which or adjacent to which the lease expansion is proposed. The commissioner shall publish in a newspaper of general circulation in the municipality or municipalities in which the lease expansion is proposed a summary of the application and notice of the opportunity to submit comments regarding the proposed lease expansion to the commissioner during a period of at least 30 days following the date of publication of the lease expansion summary.'

Amend the bill in section 4 in subsection 12-C by striking out all of paragraphs D and E (page 2, lines 31 to 41 in L.D.) and inserting the following:

'D. The commissioner shall consider comments received during the period for comments set pursuant to paragraph B.'

COMMITTEE AMENDMENT

1 E. If the commissioner determines that, based upon the application and comments
2 received, the lease expansion meets the requirements of subsection 7-A, the
3 commissioner may approve the request for the lease expansion.'

4 Amend the bill in section 6 in §6072-C by inserting after subsection 7-A the
5 following:

6 '7-B. Prohibition; transporting organisms. A person may not transport organisms
7 grown under a limited-purpose aquaculture license that is designated for personal use to
8 an area that is the subject of a limited-purpose aquaculture license that is designated for
9 commercial use.'

10 **SUMMARY**

11 This amendment increases the amount by which the contiguous area of a research or
12 aquaculture lease may expand during the duration of the lease term from 10%, as
13 provided in the bill, to 25%, except that the expansion may not be greater than 4 acres.
14 The amendment clarifies that a person may submit comments to the Commissioner of
15 Marine Resources regarding an application to expand a research or aquaculture lease for
16 at least 30 days following the publication by the commissioner of the application
17 summary. The amendment removes the provisions of the bill that require the
18 commissioner to deny a lease expansion if comments are received opposing the
19 expansion and instead requires the commissioner to consider all comments but to make
20 the decision of whether to approve the expansion based upon the same criteria as would
21 apply to a new lease application. The amendment prohibits the transport of organisms
22 grown under a limited-purpose aquaculture license that is designated for personal use to
23 an area that is the subject of a limited-purpose aquaculture license that is designated for
24 commercial use.

FISCAL NOTE REQUIRED
(See attached)



128th MAINE LEGISLATURE

LD 1438

LR 749(02)

An Act To Improve the Aquaculture Leasing and Licensing Laws

Fiscal Note for Bill as Amended by Committee Amendment *A (H-287)*

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Marine Resources as a result of adjustments to the aquaculture leasing and licensing regulations are anticipated to be minor and can be absorbed within budgeted resources.