

# MAINE STATE LEGISLATURE

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Date: 5/25/17

MARINE RESOURCES

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

COMMITTEE AMENDMENT "A" to H.P. 1044, L.D. 1520, Bill, "An Act To Create an Aquaculture License"

Amend the bill by striking out all of sections 1 and 2 and inserting the following:

Sec. 1. 12 MRSA §6073-B, as enacted by PL 2007, c. 522, §2, is amended to read:

§6073-B. Harvester license exemption; aquaculture

The holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C is exempt from any requirement under sections 6421, 6501, 6601, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6801-A and 6803 to hold a separate license for the removal, possession, or transport or sale of the cultured organisms, except for molluscan bivalve shellfish, from the leased area or the licensed gear, except that, beginning May 1, 2018, a person may not sell organisms cultured on the lease site or under the limited-purpose aquaculture license without a license issued under section 6810-B.

Sec. 2. 12 MRSA §6073-C, as reallocated by RR 2007, c. 2, §4, is amended to read:

§6073-C. Harvester license exemption; scallop aquaculture

The holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C is exempt from any requirement under sections 6701, 6702 and 6703 to hold a separate license for the removal, possession, or transport or sale of scallops from the leased area or the licensed gear when the final product form is the adductor muscle only, except that, beginning May 1, 2018, a person may not sell organisms cultured on the lease site or under the limited-purpose aquaculture license without a license issued under section 6810-B. This exemption does not apply to scallops in any other form.

Amend the bill by inserting after section 2 the following:

COMMITTEE AMENDMENT

R O P S

1 'Sec. 3. 12 MRSA §6301, sub-§2, ¶V, as amended by PL 2013, c. 492, §2, is  
2 further amended to read:

3 V. A lobster processor license issued under section 6851-B expires on March 31st of  
4 each year; ~~and~~

5 'Sec. 4. 12 MRSA §6301, sub-§2, ¶W, as enacted by PL 2013, c. 492, §3, is  
6 amended to read:

7 W. A commercial green crab only license issued under section 6808 expires on April  
8 30th of each year; ~~and~~

9 'Sec. 5. 12 MRSA §6301, sub-§2, ¶X is enacted to read:

10 X. An aquaculture license issued under section 6810-B expires on April 30th of each  
11 year.'

12 Amend the bill in section 6 in §6810-B in subsection 2 in the first line (page 1, line  
13 30 in L.D.) by striking out the following: "A person" and inserting the following:  
14 'Beginning May 1, 2018, a person'

15 Amend the bill in section 6 in §6810-B by inserting after subsection 4 the following:

16 '5. Exemption; limited-purpose aquaculture license for personal use.  
17 Notwithstanding subsections 2, 3 and 4, the holder of a limited-purpose aquaculture  
18 license issued under section 6072-C may remove, possess or transport within the state  
19 limits organisms cultured under that license, subject to all other applicable requirements  
20 of this Part.'

21 Amend the bill in section 6 in §6810-B by renumbering the subsections to read  
22 consecutively.

23 Amend the bill by adding after section 6 the following:

24 'Sec. 7. **Effective date.** Those sections of this Act that amend the Maine Revised  
25 Statutes, Title 12, sections 6073-B and 6073-C and repeal Title 12, section 6601,  
26 subsection 2-A, Title 12, section 6745, subsection 2-A and Title 12, section 6746,  
27 subsection 2-A take effect May 1, 2018.'

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

30 **SUMMARY**

31 This amendment provides that the aquaculture license established in the bill expires  
32 on April 30th of each year. The amendment provides an exemption to the requirement to  
33 hold an aquaculture license for a holder of a limited-purpose aquaculture license who  
34 does not sell the organisms cultured under that license. The amendment establishes that  
35 an aquaculture license is not required in order to undertake aquaculture activities until  
36 May 1, 2018, until which date other licenses are required for those activities.

37 **FISCAL NOTE REQUIRED**

38 (See attached)



# 128th MAINE LEGISLATURE

LD 1520

LR 742(02)

## An Act To Create an Aquaculture License

Fiscal Note for Bill as Amended by Committee Amendment *A (H-288)*

Committee: Marine Resources

Fiscal Note Required: Yes

### Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Net Cost (Savings)</b>				
General Fund	\$5,825	\$5,825	\$5,825	\$5,825
<b>Revenue</b>				
General Fund	(\$5,825)	(\$5,825)	(\$5,825)	(\$5,825)
Other Special Revenue Funds	\$5,825	\$5,825	\$5,825	\$5,825

### Correctional and Judicial Impact Statements

Establishes new civil violations.

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

### Fiscal Detail and Notes

This bill will create an aquaculture license to be issued by the Department of Marine Resources (DMR). Under current statute the holder of an aquaculture lease must purchase a commercial shellfish license with a fee of \$133, with \$74.75 credited to the Shellfish Management Fund (SMF) and \$58.25 credited to General Fund revenue. This bill creates an aquaculture license with the same fee of \$133, with all revenue going to the previously established Aquaculture Management Fund (AMF). DMR estimates that approximately 100 commercial shellfish license holders will purchase the new aquaculture license instead of a commercial shellfish license. These changes are estimated to reduce General Fund revenue by \$5,825, reduce SMF revenue by \$7,475 and increase AMF revenue by \$13,300 annually beginning in fiscal year 2017-18.