

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1520

H.P. 1044

House of Representatives, April 25, 2017

An Act To Create an Aquaculture License

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.
Reference to the Committee on Marine Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DEVIN of Newcastle.

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

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

4 **§6073-B. Harvester license 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 and a license issued under section 6810-B is exempt from
7 any requirement under sections 6421, 6501, ~~6601, 6745, 6746~~, 6748, 6748-A, 6748-D,
8 6751, 6801-A and 6803 to hold a separate license for the removal, possession, transport
9 or sale of the cultured organisms, ~~except for molluscan bivalve shellfish~~, from the leased
10 area or the licensed gear.

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

13 **§6073-C. Harvester license exemption; scallop aquaculture**

14 The holder of a lease issued under section 6072, 6072-A or 6072-B or a license
15 issued under section 6072-C and a license issued under section 6810-B is exempt from
16 any requirement under sections 6701, 6702 and 6703 to hold a separate license for the
17 removal, possession, transport or sale of scallops from the leased area or the licensed gear
18 when the final product form is the adductor muscle only. This exemption does not apply
19 to scallops in any other form.

20 **Sec. 3. 12 MRSA §6601, sub-§2-A**, as amended by PL 2013, c. 509, §9, is
21 repealed.

22 **Sec. 4. 12 MRSA §6745, sub-§2-A**, as enacted by PL 2007, c. 522, §4, is
23 repealed.

24 **Sec. 5. 12 MRSA §6746, sub-§2-A**, as enacted by PL 2007, c. 522, §5, is
25 repealed.

26 **Sec. 6. 12 MRSA §6810-B** is enacted to read:

27 **§6810-B. Aquaculture license**

28 **1. Definition.** For the purposes of this section, "shellfish" means shellstock clams,
29 quahogs other than mahogany quahogs, mussels and oyster shellstock.

30 **2. License required.** A person may not engage in the activities authorized under
31 this section without a current aquaculture license.

32 **3. Licensed activities; all aquacultured organisms except shellfish.** The holder of
33 an aquaculture license or authorized representative of the holder of an aquaculture license
34 may remove, possess, transport within the state limits or sell cultured organisms, except
35 shellfish, the holder has removed from the leased area described in the holder's lease
36 issued under section 6072, 6072-A or 6072-B or cultured organisms, except shellfish, the

1 holder has cultured pursuant to a license issued under section 6072-C. The department
2 shall establish by rule a means to identify personnel and authorized representatives
3 operating under the authority of such a license holder. Rules adopted pursuant to this
4 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5 **4. Licensed activities; shellfish.** The holder of an aquaculture license or authorized
6 representative of the holder of an aquaculture license may remove, possess, transport
7 within the state limits or sell to a wholesale seafood license holder certified under section
8 6856 cultured shellfish the holder has removed from the leased area described in the
9 holder's lease issued under section 6072, 6072-A or 6072-B or cultured shellfish the
10 holder has cultured pursuant to a license issued under section 6072-C. Such a holder of
11 an aquaculture license may also sell such shellstock from that license holder's home in the
12 retail trade. A holder of an aquaculture license who is also the holder of a lease issued
13 under section 6072 or 6072-A or that holder's authorized representative may sell such
14 shellstock from the holder's lease site in the retail trade. The department shall establish by
15 rule a means to identify personnel and authorized representatives operating under the
16 authority of such a license holder. Rules adopted pursuant to this subsection are routine
17 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

18 **5. Eligibility.** An aquaculture license may be issued only to an individual who holds
19 a lease issued under section 6072, 6072-A or 6072-B or a license issued under section
20 6072-C.

21 **6. Fee.** The fee for an aquaculture license is \$133.

22 **7. Disposition of fees.** Fees for aquaculture licenses must be deposited in the
23 Aquaculture Management Fund established in section 6072-D.

24 **8. Violation.** A person who violates this section commits a civil violation for which
25 a fine of not less than \$100 nor more than \$500 may be adjudged.

26 SUMMARY

27 This bill creates an aquaculture license that exempts the holder from certain
28 requirements in law to hold a separate license for the removal, possession, transport or
29 sale of cultured marine organisms and authorizes the holder to remove, possess, transport
30 or sell cultured marine organisms.