

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 620

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H.P. 448

House of Representatives, February 5, 2019

### An Act Regarding Licensing of Land-based Aquaculture Facilities

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Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative DODGE of Belfast.  
Cosponsored by Senator MIRAMANT of Knox and  
Representatives: ALLEY of Beals, BEEBE-CENTER of Rockland, DOUDERA of Camden,  
HEPLER of Woolwich, HICKMAN of Winthrop, McCREA of Fort Fairfield, McCREIGHT of  
Harpwell, Senator: GRATWICK of Penobscot.

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

2 **Sec. 1. 7 MRSA §1501, sub-§§3 and 4**, as enacted by PL 2017, c. 94, §3, are  
3 amended to read:

4 **3. License denial.** The commissioner shall refuse to issue a license under this  
5 section if the commissioner receives information from the Commissioner of Marine  
6 Resources or the Commissioner of Inland Fisheries and Wildlife that the aquaculture  
7 activity alone in the use of a body of water or in combination with the aquaculture  
8 activity of any other land-based aquaculture operations using the same body of water  
9 presents an unreasonable risk to indigenous marine or freshwater life or its environment.  
10 The Commissioner of Marine Resources and the Commissioner of Inland Fisheries and  
11 Wildlife shall consider factors, including, but not limited to:

- 12 A. Risk of accidental or intentional introduction of marine or freshwater organisms  
13 or organism products into the waters of the State;
- 14 B. Risk of the introduction or spread of disease within the State; and
- 15 C. Interference with the enforcement of possession, size or season limits for wild  
16 marine or freshwater organisms.

17 **4. Monitoring and revocation.** The commissioner shall monitor licensed facilities  
18 under this section on an annual basis. The commissioner shall provide the findings to the  
19 Commissioner of Marine Resources and the Commissioner of Inland Fisheries and  
20 Wildlife. If the commissioner determines following an annual review or at any other time  
21 that the licensed aquaculture activity alone in the use of a body of water or in  
22 combination with the aquaculture activity of any other land-based aquaculture operations  
23 using the same body of water presents an unreasonable risk to indigenous marine or  
24 freshwater life or its environment, the commissioner may revoke the license after the  
25 licensee has been given an opportunity for a hearing before the department.

26 **SUMMARY**

27 This bill amends the law allowing the Commissioner of Agriculture, Conservation  
28 and Forestry to refuse to issue a land-based aquaculture license, or revoke an existing  
29 license, when the aquaculture activity presents an unreasonable risk to indigenous marine  
30 or freshwater life or its environment and specifies that the activity is either alone in the  
31 use of a body of water in combination with the aquaculture activity of any other land-  
32 based aquaculture operations using the same body of water.