

MAINE STATE LEGISLATURE

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Amendment Name: Amendment CA (H-840) (LD 1930 2020)

Date: 8/20/2020

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Date: (Filing No. H-)

MARINE RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1374, L.D. 1930, Bill, “An Act To Amend Maine's Aquaculture Leasing and Licensing Statutes”

Amend the bill in section 2 in subsection 11 in the 5th line (page 1, line 14 in L.D.) by striking out the following: "standard" and inserting the following: 'maintenance standard adopted pursuant to subsection 13, paragraph A'

Amend the bill in section 5 in subsection 12-C in the 2nd line (page 2, line 28 in L.D.) by inserting after the following: "lease was" the following: 'originally'

Amend the bill in section 6 in subsection 13 by striking out all of paragraph E (page 3, lines 37 to 40 in L.D.) and inserting the following:

'E. For establishing and revaluing fees and rents related to aquaculture;'

Amend the bill in section 6 in subsection 13 by striking out all of paragraphs G and H (page 4, lines 3 to 13 in L.D.) and inserting the following:

'G. For adding or deleting authorization for the holder of an aquaculture lease to grow specific species ~~and~~ or to use specific gear on the lease site and for a modification to operations as a result of a change in species or gear authorization. A change in authorization or a resultant modification to operations is not an adjudicatory proceeding. The commissioner shall establish by rule the fee for modifying a lease under this paragraph, which may not exceed \$200. ~~The regulations~~ rules must provide for notice of proposed changes in gear authorization to 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 species or gear must be consistent with the findings made under subsection 7-A when the lease was approved; ~~and~~

H. For establishing following requirements and procedures:;

I. For establishing fees for services provided by the department to a lease holder if the lease holder requests testing or location-specific studies to ensure the lease holder's products are safe for human consumption. Fees collected pursuant to this paragraph must be deposited into the Shellfish Fund under section 6651; and

COMMITTEE AMENDMENT

1 J. For defining seed size or seed management and harvest seasons.'

2 Amend the bill by inserting after section 6 the following:

3 'Sec. 7. 12 MRSA §6072, sub-§15, as enacted by PL 1987, c. 453, §1, is
4 repealed.'

5 Amend the bill by inserting after section 8 the following:

6 'Sec. 9. 12 MRSA §6072-C, sub-§2-B is enacted to read:

7 2-B. Exceptions. Upon request, the commissioner may grant the holder of a limited-
8 purpose aquaculture license an exception to the requirement in subsection 2 that the
9 license holder provide direct supervision of unlicensed individuals assisting the license
10 holder in the licensed activities at the license holder's limited-purpose aquaculture license
11 site. The commissioner may grant exceptions to:

12 A. A license holder who is also the holder of or a majority shareholder in a
13 corporation that holds a lease issued pursuant to section 6072, 6072-A or 6072-B;

14 B. A license holder using specific gear types as specified in rule; or

15 C. A license holder who has applied for a lease under section 6072 or 6072-A for an
16 area that includes the area authorized by the license holder's existing limited-purpose
17 aquaculture license.

18 The commissioner may adopt rules to implement this subsection, including, but not
19 limited to, establishing requirements for an application for an exception and the reasons
20 for which an exception may be granted. Rules adopted pursuant to this subsection are
21 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

22 Amend the bill by inserting after section 9 the following:

23 'Sec. 10. 12 MRSA §6651, sub-§1-A is enacted to read:

24 1-A. Additional fees to be paid into fund. Any fees collected pursuant to section
25 6072, subsection 13, paragraph I must be deposited into the Shellfish Fund.

26 **Sec. 11. Appropriations and allocations.** The following appropriations and
27 allocations are made.

28 **MARINE RESOURCES, DEPARTMENT OF**

29 **Bureau of Policy and Management 0258**

30 Initiative: Provides ongoing allocations for expenditure of funds to develop and manage
31 effective and cost-efficient water quality licensing and monitoring criteria, analyze and
32 evaluate monitoring data, process lease applications and make information about
33 aquaculture available to the public.

34	OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
35	All Other	\$0	\$20,000
36			
37	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$20,000



129th MAINE LEGISLATURE

LD 1930

LR 3015(02)

An Act To Amend Maine's Aquaculture Leasing and Licensing Statutes

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$20,000	\$40,000	\$40,000
Revenue				
Other Special Revenue Funds	\$0	\$20,000	\$40,000	\$40,000

Fiscal Detail and Notes

This bill amends certain rules regarding aquaculture leasing and licenses. It also increases the fee for a resident limited-purpose aquaculture license from \$50 to \$100 and increases the fee for a nonresident limited-purpose aquaculture license from \$300 to \$400 starting January 1, 2021. This will increase Other Special Revenue Funds revenue to the Aquaculture Management Fund (AMF) in the Department of Marine Resources (DMR) by \$20,000 in fiscal year 2020-21 and by \$40,000 in subsequent years. The bill includes a corresponding ongoing allocation to the DMR to allow for expenditure of the additional revenue.