MAINE STATE LEGISLATURE

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

Date: 8/20/2020

1	L.D. 1930				
2	Date: (Filing No. H-)				
3	MARINE RESOURCES				
4	Reproduced and distributed under the direction of the Clerk of the House.				
5	STATE OF MAINE				
6	HOUSE OF REPRESENTATIVES				
7	129TH LEGISLATURE				
8	SECOND SPECIAL SESSION				
9 10	COMMITTEE AMENDMENT " " to H.P. 1374, L.D. 1930, Bill, "An Act To Amend Maine's Aquaculture Leasing and Licensing Statutes"				
11 12 13	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'				
14 15	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'				
16 17	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:				
18	'E. For establishing and revaluing fees and rents related to aquaculture;'				
19 20	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:				
21 22 23 24 25 26 27 28 29 30 31	'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				
32	H. For establishing fallowing requirements and procedures-;				
33 34 35 36	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				

	i scasons.	J. For defining seed size or seed management and harvest seasons.'					
2 Amend the bill by inserting after section 6 the following:	Amend the bill by inserting after section 6 the following:						
3 'Sec. 7. 12 MRSA §6072, sub-§15, as enacted b repealed.'							
5 Amend the bill by inserting after section 8 the following:	Amend the bill by inserting after section 8 the following:						
6 'Sec. 9. 12 MRSA §6072-C, sub-§2-B is enacted to re	'Sec. 9. 12 MRSA §6072-C, sub-§2-B is enacted to read:						
 purpose aquaculture license an exception to the requireme license holder provide direct supervision of unlicensed indiv 	2-B. Exceptions. Upon request, the commissioner may grant the holder of a limited-purpose aquaculture license an exception to the requirement in subsection 2 that the license holder provide direct supervision of unlicensed individuals assisting the license holder in the licensed activities at the license holder's limited-purpose aquaculture license site. The commissioner may grant exceptions to:						
	A. A license holder who is also the holder of or a majority shareholder in a corporation that holds a lease issued pursuant to section 6072, 6072-A or 6072-B;						
B. A license holder using specific gear types as specified	B. A license holder using specific gear types as specified in rule; or						
	C. A license holder who has applied for a lease under section 6072 or 6072-A for an area that includes the area authorized by the license holder's existing limited-purpose aquaculture license.						
limited to, establishing requirements for an application for at for which an exception may be granted. Rules adopted pur	The commissioner may adopt rules to implement this subsection, including, but not limited to, establishing requirements for an application for an exception and the reasons for which an exception may be granted. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'						
Amend the bill by inserting after section 9 the following:							
23 'Sec. 10. 12 MRSA §6651, sub-§1-A is enacted to rea	ad:						
24 1-A. Additional fees to be paid into fund. Any fees c 25 6072, subsection 13, paragraph I must be deposited into the SI		nt to section					
Sec. 11. Appropriations and allocations. The formula allocations are made.	ollowing approp	riations and					
28 MARINE RESOURCES, DEPARTMENT OF							
Bureau of Policy and Management 0258							
Initiative: Provides ongoing allocations for expenditure of fur effective and cost-efficient water quality licensing and mon- evaluate monitoring data, process lease applications and aquaculture available to the public.	itoring criteria,	analyze and					
34 OTHER SPECIAL REVENUE FUNDS 35 All Other 36	2019-20 \$0	2020-21 \$20,000					

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Sec. 12. Effective dates. That section of this Act that amends the Maine Revised 1 Statutes, Title 12, section 6072-C, subsection 6 takes effect January 1, 2021. Those 2 sections of this Act that amend Title 12, section 6072-C, subsection 2 and enact Title 12, 3 section 6072-C, subsection 2-B take effect January 1, 2023.' 4 5 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively. 7 **SUMMARY** 8 This amendment does the following.

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- 1. It clarifies that, with regard to the revocation of a lease for the violation of minimum lease standards, the standards are those lease maintenance standards that have been adopted by rule by the Commissioner of Marine Resources pursuant to the Maine Revised Statutes, Title 12, section 6072, subsection 13, paragraph A.
- 2. It specifies that a person who has held a lease for at least 2 years from the date the lease was originally executed may apply for an expansion of a research and aquaculture lease.
- 3. It specifies that fees collected pursuant to Title 12, section 6072, subsection 13 for certain testing or study services provided by the Department of Marine Resources must be deposited in the Shellfish Fund.
- 4. It clarifies that the commissioner is authorized to adopt rules to allow changes to research and aquaculture leases to include modifications in operations as a result of changes in species and gear authorizations.
- 5. It includes an effective date of January 1, 2021 for the increase in fees for limitedpurpose aquaculture licenses.
- 6. It also includes an effective date of January 1, 2023 for the provisions of the bill that require a limited-purpose aquaculture license holder to directly supervise an unlicensed individual that assists with licensed activities and allow the commissioner to provide an exception to direct supervision to a license holder who is also the holder of or a majority shareholder in a corporation that holds a lease or a license holder using specific gear types specified in rules adopted by the commissioner.
- 7. It adds an ongoing allocation to the Department of Marine Resources for administrative costs.

FISCAL NOTE REQUIRED

(See attached)



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.