

MAINE STATE LEGISLATURE

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L.D. 106

Date: 3/25/21

(Filing No. H- 47)

MARINE RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 72, L.D. 106, "An Act To Amend Maine's Aquaculture Leasing and Licensing Statutes"

Amend the bill in section 3 in paragraph C in the 2nd line (page 1, line 18 in L.D.) by inserting after the following: "discharge" the following: 'into the waters of the State'

Amend the bill in section 5 in subsection 12 in the 3rd blocked paragraph in the 2nd to 8th lines (page 2, lines 13 to 19 in L.D.) by striking out the following: "known riparian owners, the municipal officers of the municipality or municipalities in which or adjacent to which the lease is located and any interested parties that have provided a written request for notification; under the provisions of Title 5, section 9052, to the general public; and, for leases involving activities that have a discharge, to the Department of Environmental Protection. The Department of Agriculture, Conservation and Forestry and the Department of Inland Fisheries and Wildlife must be notified of all lease renewal applications" and inserting the following: 'entities required to receive notice under subsection 6'

Amend the bill in section 13 in subsection 2 in the 5th line (page 5, line 32 in L.D.) by striking out the following: "The" and inserting the following: 'The Except as provided in subsection 2-C, the'

Amend the bill in section 13 in subsection 2 in the last line (page 5, line 33 in L.D.) by striking out the following: "under" and inserting the following: 'only with'

Amend the bill in section 14 in subsection 2-B by striking out all of paragraph A (page 5, lines 40 and 41 in L.D.) and inserting the following:

'A. A license holder who is also the holder of or has an ownership interest in an entity, including as a shareholder in a corporation, that holds a lease issued pursuant to section 6072, 6072-A or 6072-B;'

Amend the bill by inserting after section 14 the following:

'Sec. 15. 12 MRSA §6072-C, sub-§2-C is enacted to read:

2-C. Primary assistant. The holder of a limited-purpose aquaculture license may designate one unlicensed individual as a primary assistant. Notwithstanding subsection 2,

COMMITTEE AMENDMENT

ROPS

1 a primary assistant may conduct the licensed activities without the direct supervision of the
2 license holder. If an individual is designated by the license holder as a primary assistant,
3 the limited-purpose aquaculture license on which the individual is designated a primary
4 assistant counts against the total number of licenses the primary assistant may hold under
5 subsection 2-A, paragraph G. An individual may be the primary assistant on no more than
6 4 limited-purpose aquaculture licenses.'

7 Amend the bill by inserting after section 18 the following:

8 'Sec. 19. Appropriations and allocations. The following appropriations and
9 allocations are made.

10 **MARINE RESOURCES, DEPARTMENT OF**

11 **Bureau of Policy and Management 0258**

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

16	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
17	All Other	\$20,000	\$40,000
18			
19	OTHER SPECIAL REVENUE FUNDS TOTAL	\$20,000	\$40,000

20 '
21 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
22 number to read consecutively.

23 **SUMMARY**

24 This amendment clarifies that the Department of Environmental Protection must
25 receive a notice when an activity under an aquaculture lease application involves a
26 discharge into the waters of the State. It clarifies who receives notice of a lease renewal
27 application. It allows the Commissioner of Marine Resources to grant an exception to the
28 direct supervision of unlicensed assistants when a license holder also has an ownership
29 interest in an entity, including as a shareholder of a corporation, that also holds an
30 aquaculture lease. It allows a license holder to designate one unlicensed individual as a
31 primary assistant who may conduct the licensed activities without the direct supervision of
32 the license holder.

33 **FISCAL NOTE REQUIRED**

34 (See attached)



130th MAINE LEGISLATURE

LD 106

LR 89(02)

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

Fiscal Note for Bill as Amended by Committee Amendment "A (H-47)"

Committee: Marine Resources

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Appropriations/Allocations				
Other Special Revenue Funds	\$20,000	\$40,000	\$40,000	\$40,000
Revenue				
Other Special Revenue Funds	\$20,000	\$40,000	\$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, 2022. 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 2021-22 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. Provisions in this bill that allow the DMR to establish fees for modifications of leases and product safety testing will increase revenues to the Shellfish Fund. An estimate of these revenues is not made at this time but is not anticipated to be significant.