

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1146

H.P. 824

House of Representatives, March 22, 2021

An Act To Protect Maine's Ocean Waters and Support Regulatory Oversight and the Long-term Health of the Aquaculture Industry

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative ALLEY of Beals.
Cosponsored by Representative: WILLIAMS of Bar Harbor, Senator: President JACKSON of Aroostook.

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

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to amend the Maine Revised Statutes, Title 12, chapter 605 and Title
6 38, chapter 3 to protect Maine’s ocean waters, support robust regulatory oversight and the
7 long-term health of the aquaculture industry and advance the interests of the people of the
8 State.

9 The bill seeks to examine the permitting framework for aquaculture leases in this State
10 and best practices regarding aquaculture leases in other states in order to improve the
11 regulatory system in this State.

12 The bill also seeks to examine the resources available to the Department of Marine
13 Resources for regulatory oversight of aquaculture leases, including the review of
14 aquaculture lease applications and the number of staff available to provide regulatory
15 oversight and environmental monitoring throughout the terms of aquaculture leases. The
16 examination will include a review of statutory caps on the amounts charged for aquaculture
17 lease rents and aquaculture lease application fees.

18 The bill requires that all rights conveyed to a lessee under an aquaculture lease revert
19 back to the State at the expiration of the lease term and that transfers or renewals of
20 aquaculture leases must demonstrate compliance with all currently applicable standards at
21 the time of transfer or renewal. Further, for leases greater than 5 acres in size, the bill
22 removes the current exemption from compliance with Title 38, chapter 3, including the
23 Natural Resources Protection Act and the site location of development laws.

24 The bill amends the laws governing the lease size requirements to provide that each
25 lease may not exceed 50 acres in area and that a person may not have an ownership interest
26 in more than 10 leases nor total lease areas in excess of 100 acres.

27 Finally, the bill requires the Department of Marine Resources to convene stakeholder
28 meetings to develop a strategic aquaculture plan with input from leaders in the aquaculture,
29 lobster, fishing, tourism and recreation industries, as well as experts from the
30 environmental and water quality regulatory community. The plan must be designed to
31 support robust regulatory oversight, protect the marine environment, reduce conflicts with
32 aquaculture sites and public trust users of the marine and coastal waters, improve the lease
33 application and review process, support the long-term health of the aquaculture industry
34 and advance the interests of the people of the State. The plan must identify whether certain
35 areas of waters of the State can be designated as expedited permitting areas for aquaculture
36 leases in excess of 5 acres.