

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1844

H.P. 1365

House of Representatives, December 22, 2021

**An Act To Provide for Special Fees for Certain Aquaculture Lease
Applications and To Amend Other Provisions in the Laws
Governing Aquaculture Leases**

Submitted by the Department of Marine Resources pursuant to Joint Rule 203.

Received by the Clerk of the House on December 20, 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 "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREIGHT of Harpswell.

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

2 **Sec. 1. 12 MRSA §6072, sub-§4, ¶J,** as amended by PL 2003, c. 660, Pt. A, §4, is
3 further amended to read:

4 J. ~~Include~~ Except as provided in subsection 4-B, include a nonrefundable application
5 fee of at least \$100, but not more than \$2,000, the amount to be set by the commissioner
6 depending on the proposed acreage, type of aquaculture proposed and complexity of
7 the application.

8 **Sec. 2. 12 MRSA §6072, sub-§4-B** is enacted to read:

9 **4-B. Special fees.** If the commissioner determines that a particular application, by
10 virtue of its size, uniqueness, complexity or other relevant factors, is likely to result in
11 significantly greater cost to the department to process than can be offset by the fee
12 established under subsection 4, the commissioner may designate that application as subject
13 to special fees. The commissioner shall make such a designation at, or prior to, the time
14 the department determines the application is complete and may not base such a designation
15 solely on the likelihood of extensive public controversy. The maximum fee for processing
16 an application that is subject to special fees may not exceed \$250,000. All staff of the
17 department, the Department of Inland Fisheries and Wildlife, the Department of
18 Agriculture, Conservation and Forestry and the Department of Environmental Protection
19 who have worked on the review of the application, including, but not limited to,
20 preapplication consultations, shall submit quarterly reports to the commissioner detailing
21 the time spent on the application and all expenses attributable to the application, including
22 the costs of any appeals filed by the applicant and, after taking into consideration the
23 interests of fairness and equity, any other appeals if the commissioner finds it in the public
24 interest to do so. Any appeal filed by the applicant of an application fee must be to the
25 agency of jurisdiction of the application. The processing fee for the application must be
26 the actual cost to the department, the Department of Inland Fisheries and Wildlife, the
27 Department of Agriculture, Conservation and Forestry and the Department of
28 Environmental Protection. The commissioner shall distribute the processing fee to each
29 department that incurs a cost to be deposited in the account in which the expenses were
30 incurred in that department to reimburse the actual cost to that department. The
31 commissioner shall bill the applicant quarterly, and the applicant shall pay all fees before
32 the lease may be issued.

33 **Sec. 3. 12 MRSA §6072-A, sub-§14-A** is enacted to read:

34 **14-A. Special fees.** If the commissioner determines that a particular application, by
35 virtue of its size, uniqueness, complexity or other relevant factors, is likely to result in
36 significantly greater cost to the department to process than can be offset by the fee
37 established under subsection 14, the commissioner may designate that application as
38 subject to special fees. The commissioner shall make such a designation at, or prior to, the
39 time the department determines the application is complete and may not base such a
40 designation solely on the likelihood of extensive public controversy. The maximum fee
41 for processing an application that is subject to special fees may not exceed \$250,000. All
42 staff of the department, the Department of Inland Fisheries and Wildlife, the Department
43 of Agriculture, Conservation and Forestry and the Department of Environmental Protection
44 who have worked on the review of the application, including, but not limited to,
45 preapplication consultations, shall submit quarterly reports to the commissioner detailing

1 the time spent on the application and all expenses attributable to the application, including
2 the costs of any appeals filed by the applicant and, after taking into consideration the
3 interests of fairness and equity, any other appeals if the commissioner finds it in the public
4 interest to do so. Any appeal filed by the applicant of an application fee must be to the
5 agency of jurisdiction of the application. The processing fee for the application must be
6 the actual cost to the department, the Department of Inland Fisheries and Wildlife, the
7 Department of Agriculture, Conservation and Forestry and the Department of
8 Environmental Protection. The commissioner shall distribute the processing fee to each
9 department that incurs a cost to be deposited in the account in which the expenses were
10 incurred in that department to reimburse the actual cost to that department. The
11 commissioner shall bill the applicant quarterly and the applicant shall pay all fees before
12 the lease may be issued.

13 **Sec. 4. 12 MRSA §6072-B, sub-§2, ¶A**, as enacted by PL 1997, c. 231, §6, is
14 amended to read:

15 A. The applicant holds a lease pursuant to section 6072 or 6072-A, except that this
16 paragraph does not apply if the department is the applicant;

17 **Sec. 5. 12 MRSA §6085, sub-§8** is enacted to read:

18 **8. License expiration.** Notwithstanding section 6301, subsection 2, the commissioner
19 may issue a license under this section for more than one calendar year.

20 SUMMARY

21 This bill authorizes the Department of Marine Resources to designate certain research
22 and aquaculture lease applications as subject to special fees based on the size, uniqueness
23 or complexity of the application. It also authorizes the department to hold an emergency
24 aquaculture lease for shellfish without having to also hold a lease issued under the Maine
25 Revised Statutes, Title 12, section 6072 or 6072-A. It also authorizes the Commissioner of
26 Marine Resources to issue a marine organism aquaculture license for more than one
27 calendar year.