

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 39**S.P. 491 - L.D. 1485****Resolve, To Update Water Quality Criteria**

Sec. 1. Review. Resolved: That the Department of Environmental Protection shall review the necessity of amending the bacteria criteria for Class B waters, the bacteria criteria and the dissolved oxygen standard for Class C waters and the dissolved oxygen standard for estuarine and marine waters; and be it further

Sec. 2. Legislation. Resolved: That the Department of Environmental Protection shall recommend any needed changes related to the bacteria criteria for Class B waters, the bacteria criteria and the dissolved oxygen standard for Class C waters and the dissolved oxygen standard for estuarine and marine waters to the Joint Standing Committee on Natural Resources by January 1, 2004. The Joint Standing Committee on Natural Resources may report out legislation on these issues to the Second Regular Session of the 121st Legislature.

See title page for effective date.

CHAPTER 40**H.P. 1112 - L.D. 1519****Resolve, To Establish a Task Force on the Planning and Development of Marine Aquaculture in Maine**

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, marine aquaculture is controversial and of great public interest. There is controversy surrounding its impact on the environment, existing wild fisheries, recreation, tourism and conserved land; and

Whereas, marine aquaculture is an important element of the State's marine economy and is a legitimate use of state water; and

Whereas, the process by which state water is leased for the conduct of marine aquaculture is affected by this controversy, which is leading to lengthy administrative procedures, litigation and acrimony; and

Whereas, there is an immediate need for a distinguished group of citizens to deliberate upon state

policy for aquaculture leasing in order to develop a broader consensus on the place of aquaculture among other sectors of the marine economy; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Task force established. Resolved: That the Task Force on the Planning and Development of Marine Aquaculture in Maine, referred to in this resolve as "the task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force includes 11 members of the public with expertise in marine resources, fisheries, economic development, business, planning and natural resource conservation to be appointed by the Governor; and be it further

Sec. 3. Chair. Resolved: That the task force shall elect a chair from among its members; and be it further

Sec. 4. Appointments; convening of task force. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. Within 15 days after appointment of all members, the Chair of the Legislative Council shall call and convene the first meeting of the task force; and be it further

Sec. 5. Staff assistance; technical assistance. Resolved: That the Department of Marine Resources, with cooperation from the Maine Coastal Program of the Executive Department, State Planning Office, shall provide staff services to the task force. The task force or the department may also seek or contract for technical assistance from any other agency, institution, individual or group that it determines appropriate to support the work of the task force; and be it further

Sec. 6. Issues to be considered. Resolved: That the task force shall, at a minimum, consider the following issues in developing its recommendations on how to balance the range of potential uses of state waters and plan for the growth of marine aquaculture while considering all applicable scientific data and all reasonable constraints and opportunities:

1. Any bay management or aquaculture development strategies presently being developed in this State and in other national and international jurisdictions that allocate or plan for amounts of aquaculture within geographically defined areas. An examination of these examples must include an investigation of the