

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

**CHAPTER 92  
H.P. 12 - L.D. 20**

**An Act Establishing a Vietnam War Remembrance Day**

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

**Sec. 1. 1 MRSA §150-G** is enacted to read:

**§150-G. Vietnam War Remembrance Day**

In recognition of the service and sacrifice of those veterans of the United States Armed Forces who served during the Vietnam War, the State designates March 30th of each year as Vietnam War Remembrance Day. The Governor shall annually issue a proclamation urging the people of the State to observe the day with appropriate celebration and activity.

**Sec. 2. Fiftieth anniversary program.** The Department of Defense, Veterans and Emergency Management shall work with the Governor's office and the United States Department of Defense to develop a program to commemorate the contribution of Maine veterans in the Vietnam War in conjunction with the 10-year program being developed by the Federal Government to recognize the 50th anniversary of the Vietnam War.

**Sec. 3. Review.** No later than April 1, 2021, the joint standing committee of the Legislature having jurisdiction over veterans matters shall review the establishment of Vietnam War Remembrance Day pursuant to the Maine Revised Statutes, Title 1, section 150-G and determine whether the language establishing the day of remembrance requires amendment or modification.

See title page for effective date.

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**CHAPTER 93  
H.P. 270 - L.D. 337**

**An Act To Make Technical Changes to Aquaculture Laws**

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

**Sec. 1. 12 MRSA §6072, sub-§8**, as amended by PL 1997, c. 231, §4, is further amended to read:

**8. Preference.** ~~Except as provided in subsection 8-A, if~~ If more than one person applies to lease an area, preference must be given as follows:

A. First, to the ~~department~~ person who holds a lease for the area or a portion of the area under section 6072-A and who submitted an application for a lease under this section for the area or a por-

tion of the area before the lease under section 6072-A expired;

B. Second, to the ~~riparian owner of the intertidal zone within the leased area~~ department;

C. Third, to a ~~person who fishes commercially and who has traditionally fished in or near the proposed lease area~~ the riparian owner of the intertidal zone in which the leased area is located; and

D. Fourth, to the ~~riparian owner within 100 feet of leased coastal waters.~~ a person who fishes commercially and who has traditionally fished in or near the proposed lease area; and

E. Fifth, to the riparian owner within 100 feet of leased coastal waters.

**Sec. 2. 12 MRSA §6072, sub-§8-A**, as enacted by PL 1997, c. 231, §5, is repealed.

**Sec. 3. 12 MRSA §6072, sub-§12**, as amended by PL 2005, c. 535, §2, is further amended to read:

**12. Renewal.** The commissioner shall renew a lease if:

A. The commissioner receives, at least 90 days prior to the ~~termination~~ expiration of a lease, an application for renewal that includes information on the type and amount of aquaculture to be conducted during the new lease term;

B. The lessee has complied with the lease agreement during the term of the lease;

C. The commissioner determines that renewal of the lease is in the best interest of the State;

D. Except as provided in subsection 13-A, the renewal will not cause the lessee to become a tenant of any kind in leases covering an aggregate of more than 500 acres; and

E. The lease is not being held for speculative purposes.

If a person who holds a lease pursuant to this section applies to renew the lease, the lease remains in effect until the commissioner makes a decision on the renewal application. If the renewal is denied, the lease expires 30 days after the date of the commissioner's decision.

When aquaculture has not been routinely or substantially conducted on a lease that is proposed for renewal, the commissioner may renew the lease, as long as the proposed renewal will continue to meet the criteria for approval in subsection 7-A.

A lease renewal is an adjudicatory proceeding under Title 5, chapter 375, subchapter 4. Public notice must be given as required under subsection 6 and a hearing must be held if it is requested in writing by 5 persons.