

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON  
MARINE RESOURCES  
BILL SUMMARY



JUNE 1987

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JOINT STANDING COMMITTEE  
BILL SUMMARIES  
JUNE 1987

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number under each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "COMMITTEE" if it is a committee amendment.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Sponsor: COLES, Mitchell, Salsbury, Matthews Z  
Committee Report: New Draft of LD 563  
Amendments Adopted:  
S-280 PEARSON

SUMMARY: The original bill addressed one of the recommendations of a study done by the Joint Standing Committee on Marine Resources on the blue mussel resource and harvesting in the State. It proposed a moratorium on aquaculture leases for blue mussels for one year. The moratorium would have covered pending leases if the applications had not been approved or denied by the commissioner. The purpose of the moratorium was to review the current leasing statutes and hearing process. During the interim study, subcommittee members were repeatedly told of inadequacies in the leasing process both through field visits and public hearings. The leasing statutes were originally developed in the early 1970s and were in need of some revision.

In the public hearing, there was considerable opposition to the moratorium claiming this action would dampen aquaculture expansion within the state by sending negative signals to the industry. The committee decided to identify and address major problems with the statutes and develop a new draft to revise the statutes. A subcommittee met several times during the session and presented a preliminary proposal to the full committee. This preliminary proposal was further modified with input from the Department of Marine Resources, the Maine Aquaculture Association, and various opponents and practitioners of aquaculture.

The bill addresses five major issues:

1. HEARING PROCEDURE

\* Strengthens the hearing process by requiring background information on site characteristics, source of organism to be grown at the site, and the financial and technical capability of the applicant. This information will be available prior to the public hearing and is distributed to the intervenors.

\* DMR will be required to conduct a thorough assessment of the lease site between May and September and present these findings at the hearings.

\* Any interested parties will be notified of lease hearings, the affected municipality, as well as the

Department of Environmental Protection and the Department of Conservation.

\* The lease can be granted on a conditional basis until the lessee has acquired all the necessary federal, state and local permits.

## 2. SEED HARVESTING

\* DMR is required to promulgate rules regarding mussel seed and/or mussel management.

\* The commissioner may deny a lease if the applicant cannot prove there is an available source of seed or organisms to stock the lease.

\* To address the hoarding issue, a leasee will be required to annually submit to the DMR a seeding and harvesting plan for the lease.

## 3. FUNDING

\* Lease fees are increased to a \$50 per acre minimum, with differing rental fees for different categories of leases to be set by DMR.

\* An application fee is established for aquaculture leases to be set by DMR. It will range between \$100 and \$1000 depending on the complexity and size of the proposed lease.

\* A staff person is allocated to the department to help them monitor existing lease sites, do site reviews for lease applications, and develop a mussel management strategy.

## 4. DECISION CRITERIA

\* The lease decision criteria are expanded for the commissioner to consider the following additional factors in granting a lease:

- The ability of the lease site and surrounding area to support existing flora and fauna;
- the availability of organisms to be cultured for the lease site; and
- interference with public use or enjoyment of public beaches, parks or docking facilities.

## 5. LEASE MONITORING AND SIZE RESTRICTIONS

\* Requires DMR to annually monitor the lease.

\* Reduces the allowable acreage an applicant may hold an interest in to 150 acres.

\* Puts a ceiling of 100 acres on the maximum size of a lease.

The bill was reported out of committee unanimous ought to pass in new draft. It was amended in the Senate to reduce the appropriation from approximately \$86,000 to \$43,264 to fund one position.

8891\*