

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Marine Resources*

May 2002

Members:

*Sen. Kenneth F. Lemont, Chair
Sen. Peggy A. Pendleton
Sen. Betheda G. Edmonds*

*Rep. David G. Lemoine, Chair
Rep. Paul Volenik
Rep. Ronald E. Usher
Rep. Thomas D. Bull
Rep. Nancy B. Sullivan
Rep. Walter E. Ash, Jr.
Rep. William D. Pinkham
Rep. Deborah K. McNeil
Rep. Howard A. Chick
Rep. Kevin M. Muse*

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Maine State Legislature
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120th Legislature
Second Regular Session

Summary Of Legislation Before The Joint Standing Committees
May 2002

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES..... House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PASSED..... Joint Order passed in both bodies
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED..... Bill held by Governor
VETO SUSTAINED..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

Patrick T. Norton, Interim Director
Offices located in Room 215 of the Cross Office Building

Joint Standing Committee on Marine Resources

HP 1570

ORDERED, the Senate Concurring, that the Joint Standing Committee on Marine Resources Report Out, to the House, Legislation to Make Changes to the Laws Governing Aquaculture Leasing

INDEF PP

Sponsor(s)
LEMOINE

Committee Report

Amendments Adopted

Joint Order, HP 1570 authorized the Joint Standing Committee on Marine Resources to report out legislation to make changes to the laws governing aquaculture leasing. The committee considered two proposals but no legislation was reported out of committee.

Proposal “A” proposed to make the following changes to the aquaculture leasing laws:

1. It proposed to provide for criminal and civil penalties for violations of the aquaculture laws. It also amended conflicting penalty provisions.
2. It proposed to authorize the Commissioner of Marine Resources to designate professional staff to sign lease documents for standard leases. It also proposed to authorize the commissioner to designate professional staff to issue final decisions and sign lease documents for limited-purpose leases. Decisions issued by staff would have been final agency actions.
3. It proposed to prohibit the commissioner from leasing any area without municipal approval if the municipality adopted an aquaculture lease siting ordinance and the lease area was within 2,500 feet of the mean high-water mark and the area was inside the boundaries of the municipality. It also proposed to prohibit the commissioner from leasing any area within LURC jurisdiction where LURC had established aquaculture lease siting standards.
4. It proposed to require applicants to submit notification of their intent to file a lease application prior to the filing of an application.
5. It proposed to amend the notice requirements for standard leases. It proposed to require the commissioner to send notice of a public hearing to riparians within 2,500 feet of a proposed standard lease site; to require the applicant to provide the names and addresses of the riparian landowners with the application; to repeal the requirement that the applicant publish notice of public hearing for a standard lease in the newspaper; and to require the commissioner to give 30 days notice of public hearings for standard leases.
6. It proposed to amend the notice requirements for limited-purpose leases. It proposed to require the commissioner to provide notice of an application for a limited-purpose lease to riparian owners within 2,500 feet of the proposed project when the application was complete; to require the applicant to provide the names and addresses of the riparian landowners with the application; to allow comments on the proposed lease for 30 days; to require the commissioner to provide notice of public hearing to riparian owners within 2, 500 feet of the proposed project; to require the commissioner to publish notice of public hearing at least 30 days before the hearing; and to delete the requirement that the holder of a limited-purpose lease publish notice of the lease area.
7. It proposed to delete language regarding Department of Environmental Protection certification.

Joint Standing Committee on Marine Resources

8. It proposed to require leaseholders to annually certify to the Department of Marine Resources that the activities in the lease meet the requirements of all necessary federal and state discharge or pollution permits. It proposed to exempt shellfish aquaculture sites from the requirement.
9. It proposed to authorize a dedicated fund derived from the weight of harvested finfish, an alternative production fee schedule based on the amount of feed used, and additional application fee and lease rents.
10. It proposed to rename and amend the composition of the Maine Salmon Aquaculture Advisory Council; to increase membership from 4 members to 7 members; and to make the commissioner a voting member. Other members would include 3 members of the finfish aquaculture industry and 3 members of the shellfish aquaculture industry.
11. It proposed to create 2 positions to be funded from dedicated funds from the Aquaculture Monitoring, Research and Development Fund.

Proposal “B” proposed to make the following changes to the aquaculture leasing laws:

1. It proposed to change the notification requirements for limited-purpose aquaculture leases to require that the Department of Marine Resources, rather than the applicant, notify riparians after an application has been determined complete. It also proposed to remove the requirement for an applicant to publish notice of a public hearing in addition to that provided by the department.
2. It proposed to provide the Commissioner of Marine Resources or deputy commissioner the authority to delegate to staff the authority to sign decision documents on limited-purpose leases and lease documents on all types of leases following approval by either the commissioner or the department delegate.
3. It proposed to remove the requirement for the publication of legal notice on the approval of a limited-purpose lease and the filing of limited-purpose lease documents at the registry of deeds.
4. It proposed to enact language that decriminalizes the Maine Revised Statutes, Title 12, chapter 605, subchapter II except where there is current language making offenses of the aquaculture leasing and special license laws a civil offense.
5. It proposed to clarify that the commissioner has the exclusive authority to regulate moorings used in aquaculture operations located within the boundaries of a lease.
6. It proposed to repeal those sections of law that authorize an existing dedicated fund and advisory council to oversee a dedicated revenue source derived from the weight of harvested salmon at finfish aquaculture farms. New language was proposed that would broaden the purposes of the fund to include all forms of aquaculture, including shellfish, and would authorize additional sources of revenue from lease fees, application fees or other production fees to be determined by the department by rulemaking. New language was proposed to create an advisory council composed of representatives from all aquaculture sectors to oversee the fund.
7. It proposed to create 2 positions to be funded from dedicated funds from the Aquaculture Monitoring, Research and Development Fund.