

# 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)

STATE OF MAINE  
130<sup>TH</sup> LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

JOINT STANDING COMMITTEE ON  
MARINE RESOURCES

December 2021

**MEMBERS:**

SEN. DAVID R. MIRAMANT, CHAIR  
SEN. CHLOE S. MAXMIN  
SEN. KIMBERLY C. ROSEN

REP. JOYCE "JAY" MCCREIGHT, CHAIR  
REP. ROBERT W. ALLEY, SR.  
REP. LYDIA C. BLUME  
REP. JAMES THORNE\*  
REP. ALLISON HEPLER  
REP. GENEVIEVE McDONALD  
REP. VICTORIA W. DOUDERA\*  
REP. SHERMAN HUTCHINS  
REP. LYDIA V. CRAFTS  
REP. BILLY BOB FAULKINGHAM  
REP. PEGGY JO STANLEY

**STAFF:**

LYNNE CASWELL, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/opla/>

\*Committee member for a portion of the session

## JOINT STANDING COMMITTEE ON MARINE RESOURCES

### LD 77

#### **An Act To Authorize the Department of Marine Resources To Charge an Application Fee for Entering a Lottery for a Scallop License**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 27 authorizes the Commissioner of Marine Resources to charge an application fee of up to \$50 to enter a lottery for a scallop license. All application fees collected must be deposited in the Scallop Research Fund established in the Maine Revised Statutes, Title 12, section 6729-A.

### **LD 106 An Act To Amend Maine's Aquaculture Leasing and Licensing Statutes**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 52 amends the aquaculture leasing and licensing statutes to:

1. Authorize the Commissioner of Marine Resources to require an applicant for a lease issued under the Maine Revised Statutes, Title 12, section 6072 or 6072-A to reimburse the Department of Marine Resources for costs incurred in providing general notice of and public hearing on the lease application;
2. Provide that the Department of Environmental Protection only receives notices of an aquaculture lease application that involves a discharge into the waters of the State;
3. Move the responsibility for notifying riparian landowners of an application for a lease expansion from the applicant to the Department of Marine Resources;
4. Move the responsibility for providing public notice of an application for a lease expansion from the department to the applicant;
5. Clarify notice requirements when a standard lease is proposed for renewal;
6. Expand the reasons under which the Commissioner of Marine Resources may initiate lease revocation proceedings to include operating in a manner substantially injurious to public health or violating minimum lease maintenance standards that have been adopted by rule pursuant to the Maine Revised Statutes, Title 12, section 6072, subsection 13, paragraph A;
7. Reduce the number of days in advance of which an individual must apply for the renewal of a lease from 90 days prior to the expiration to 30 days prior to the expiration;
8. Require the fee for a lease transfer be paid upon application for the transfer instead of at the execution of the lease transfer;
9. Require the commissioner to establish a fee for making changes to a lease;

#### ENACTED LAW SUMMARIES

130<sup>TH</sup> FIRST REGULAR AND FIRST SPECIAL SESSIONS – 2021

## JOINT STANDING COMMITTEE ON MARINE RESOURCES

10. Raise the fee for a limited-purpose aquaculture license from \$50 to \$100 for a resident and from \$300 to \$400 for a nonresident, effective January 1, 2022;
11. Specify that a person may not apply for an expansion of a lease until the person has held that lease for a minimum of two years from the date the lease was originally executed;
12. Establish the Commissioner's rule-making authority to:
  - A. Set fees for services provided by the department to lease holders for testing or studies requested to ensure their products are safe for human consumption. The fees collected must be deposited in the Shellfish Fund established in Title 12, Maine Revised Statutes, section 6651;
  - B. Adopt and amend rules to implement the issuance, renewal and amendment of marine organism aquaculture licenses; and
  - C. Adopt rules to limit the period of the year during which an applicant may submit an application for a limited-purpose aquaculture license;
13. Remove the commissioner's rule-making authority regarding changes to limited-purpose leases;
14. Broaden the language allowing changes to leases, including to allow modifications in operations as a result of changes in species and gear authorizations;
15. Effective January 1, 2024, require the holder of a limited-purpose aquaculture license to directly supervise any unlicensed individuals participating in the licensed activities;
16. Permit the commissioner to grant an exception to the direct supervision requirement to a limited-purpose aquaculture license holder that also has an ownership interest in an entity, including as a shareholder of a corporation, that also holds an aquaculture lease; and
17. Allow a license holder of a limited-purpose aquaculture license to designate one unlicensed individual as a primary assistant who may conduct the licensed activities without the direct supervision of the license holder.

### **LD 152 An Act To Address Training Requirements for Harbor Masters**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 53 requires newly appointed or reappointed harbor masters or deputy harbor masters who have not held the position within the last five years to complete the basic harbor master training course. It requires harbor masters and deputy harbor masters to complete eight hours of continuing education every three years. It permits, but does not require,