



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1844

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H.P. 1365

House of Representatives, December 22, 2021

**An Act To Provide for Special Fees for Certain Aquaculture Lease  
Applications and To Amend Other Provisions in the Laws  
Governing Aquaculture Leases**

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Submitted by the Department of Marine Resources pursuant to Joint Rule 203.

Received by the Clerk of the House on December 20, 2021. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative McCREIGHT of Harpswell.

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

2 **Sec. 1. 12 MRSA §6072, sub-§4, ¶J**, as amended by PL 2003, c. 660, Pt. A, §4, is  
3 further amended to read:

4 J. ~~Include~~ Except as provided in subsection 4-B, include a nonrefundable application  
5 fee of at least \$100, but not more than \$2,000, the amount to be set by the commissioner  
6 depending on the proposed acreage, type of aquaculture proposed and complexity of  
7 the application.

8 **Sec. 2. 12 MRSA §6072, sub-§4-B** is enacted to read:

9 **4-B. Special fees.** If the commissioner determines that a particular application, by  
10 virtue of its size, uniqueness, complexity or other relevant factors, is likely to result in  
11 significantly greater cost to the department to process than can be offset by the fee  
12 established under subsection 4, the commissioner may designate that application as subject  
13 to special fees. The commissioner shall make such a designation at, or prior to, the time  
14 the department determines the application is complete and may not base such a designation  
15 solely on the likelihood of extensive public controversy. The maximum fee for processing  
16 an application that is subject to special fees may not exceed \$250,000. All staff of the  
17 department, the Department of Inland Fisheries and Wildlife, the Department of  
18 Agriculture, Conservation and Forestry and the Department of Environmental Protection  
19 who have worked on the review of the application, including, but not limited to,  
20 preapplication consultations, shall submit quarterly reports to the commissioner detailing  
21 the time spent on the application and all expenses attributable to the application, including  
22 the costs of any appeals filed by the applicant and, after taking into consideration the  
23 interests of fairness and equity, any other appeals if the commissioner finds it in the public  
24 interest to do so. Any appeal filed by the applicant of an application fee must be to the  
25 agency of jurisdiction of the application. The processing fee for the application must be  
26 the actual cost to the department, the Department of Inland Fisheries and Wildlife, the  
27 Department of Agriculture, Conservation and Forestry and the Department of  
28 Environmental Protection. The commissioner shall distribute the processing fee to each  
29 department that incurs a cost to be deposited in the account in which the expenses were  
30 incurred in that department to reimburse the actual cost to that department. The  
31 commissioner shall bill the applicant quarterly, and the applicant shall pay all fees before  
32 the lease may be issued.

33 **Sec. 3. 12 MRSA §6072-A, sub-§14-A** is enacted to read:

34 **14-A. Special fees.** If the commissioner determines that a particular application, by  
35 virtue of its size, uniqueness, complexity or other relevant factors, is likely to result in  
36 significantly greater cost to the department to process than can be offset by the fee  
37 established under subsection 14, the commissioner may designate that application as  
38 subject to special fees. The commissioner shall make such a designation at, or prior to, the  
39 time the department determines the application is complete and may not base such a  
40 designation solely on the likelihood of extensive public controversy. The maximum fee  
41 for processing an application that is subject to special fees may not exceed \$250,000. All  
42 staff of the department, the Department of Inland Fisheries and Wildlife, the Department  
43 of Agriculture, Conservation and Forestry and the Department of Environmental Protection  
44 who have worked on the review of the application, including, but not limited to,  
45 preapplication consultations, shall submit quarterly reports to the commissioner detailing

1 the time spent on the application and all expenses attributable to the application, including  
2 the costs of any appeals filed by the applicant and, after taking into consideration the  
3 interests of fairness and equity, any other appeals if the commissioner finds it in the public  
4 interest to do so. Any appeal filed by the applicant of an application fee must be to the  
5 agency of jurisdiction of the application. The processing fee for the application must be  
6 the actual cost to the department, the Department of Inland Fisheries and Wildlife, the  
7 Department of Agriculture, Conservation and Forestry and the Department of  
8 Environmental Protection. The commissioner shall distribute the processing fee to each  
9 department that incurs a cost to be deposited in the account in which the expenses were  
10 incurred in that department to reimburse the actual cost to that department. The  
11 commissioner shall bill the applicant quarterly and the applicant shall pay all fees before  
12 the lease may be issued.

13 **Sec. 4. 12 MRSA §6072-B, sub-§2, ¶A**, as enacted by PL 1997, c. 231, §6, is  
14 amended to read:

15 A. The applicant holds a lease pursuant to section 6072 or 6072-A, except that this  
16 paragraph does not apply if the department is the applicant;

17 **Sec. 5. 12 MRSA §6085, sub-§8** is enacted to read:

18 **8. License expiration.** Notwithstanding section 6301, subsection 2, the commissioner  
19 may issue a license under this section for more than one calendar year.

## 20 SUMMARY

21 This bill authorizes the Department of Marine Resources to designate certain research  
22 and aquaculture lease applications as subject to special fees based on the size, uniqueness  
23 or complexity of the application. It also authorizes the department to hold an emergency  
24 aquaculture lease for shellfish without having to also hold a lease issued under the Maine  
25 Revised Statutes, Title 12, section 6072 or 6072-A. It also authorizes the Commissioner of  
26 Marine Resources to issue a marine organism aquaculture license for more than one  
27 calendar year.