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MARINE RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1355, L.D. 2025, “An Act to Create a Limited-purpose License for Aquaculture Nursery and Husbandry Activities and to Clarify the Aquaculture Lease Amendment Process”

Amend the bill by inserting before section 1 the following:

'Sec. 1. 12 MRSA §6072, sub-§10, as amended by PL 2021, c. 581, §1, is further amended to read:

10. Notification of granted leases. After the granting of a lease:

B. The department shall notify all riparian owners, intervenors and the municipality in which the lease is located that a lease has been granted. The notice must include a description of the area and how a copy of the lease may be obtained; and

C. The lessee shall mark the leased area in a manner prescribed by the commissioner; and

~~D. The lessee shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Upon written request, the department shall provide a copy of the report to the municipality or municipalities in which or adjacent to which the lease is located. The seeding and harvesting reports submitted by a lessee under this paragraph are considered confidential statistics for the purposes of section 6173. A copy of a report provided to a municipality pursuant to this paragraph is confidential.~~

Amend the bill by inserting after section 1 the following:

'Sec. 2. 12 MRSA §6072, sub-§19 is enacted to read:

19. Reports retained by department. Seeding and harvesting reports that were submitted to the department under former subsection 10, paragraph D and former section 6072-C, subsection 10 and were confidential at the time the reports were submitted to the department remain confidential until those reports are no longer retained by the department pursuant to any records retention schedule adopted pursuant to Title 5, section 95-C, subsection 2.

COMMITTEE AMENDMENT

1 **Sec. 3. 12 MRSA §6072-A, sub-§20**, as amended by PL 2011, c. 93, §6, is further
2 amended to read:

3 **20. Extension of commercial lease.** If a person who holds a limited-purpose lease
4 for commercial aquaculture research and development submits an application under section
5 6072 for that lease area or a portion of that area before the expiration of that limited-purpose
6 lease, or within 30 days after the expiration of that limited-purpose lease and accompanied
7 by a nonrefundable late fee of \$500, and if the commissioner's decision under section 6072
8 occurs after the expiration of that limited-purpose lease, the lease remains in effect until
9 the commissioner makes a decision. If the commissioner grants that person a lease under
10 section 6072, that person's limited-purpose lease remains in effect until the effective date
11 of the lease issued under section 6072. The late fee may be waived by the commissioner
12 if a substantial illness or a medical condition prevents the leaseholder from submitting the
13 application within 30 days after the date of expiration of the limited-purpose lease. The
14 applicant shall provide the commissioner with documentation from a physician describing
15 the substantial illness or medical condition. If the commissioner denies that person a lease
16 under section 6072, that person's limited-purpose lease remains in effect until 30 days after
17 the commissioner's decision. The commissioner may not process applications under
18 section 6072, subsection 12-D received more than 30 days after the expiration of a limited-
19 purpose lease, and the leaseholder is responsible for removing all gear and equipment from
20 the lease site within 120 days.

21 **Sec. 4. 12 MRSA §6072-C, sub-§10**, as enacted by PL 2013, c. 509, §8, is
22 repealed.

23 **Sec. 5. 12 MRSA §6072-C, sub-§11** is enacted to read:

24 **11. Inspection.** The department shall inspect the holder of a limited-purpose
25 aquaculture license issued under this section and the activities conducted under that license
26 on an annual basis.

27 **Sec. 6. 12 MRSA §6072-D, sub-§4**, as enacted by PL 2003, c. 660, Pt. A, §16, is
28 amended to read:

29 **4. Uses of fund.** The commissioner may make expenditures from the fund to develop
30 and manage effective and cost-efficient ~~water quality licensing and monitoring criteria,~~
31 ~~analyze and evaluate monitoring data, process lease applications~~ aquaculture lease and
32 licensing application processing and make information about aquaculture available to the
33 public. Expenditures may also be used to improve agency management of existing
34 aquaculture sites, including conducting education and outreach about compliance and
35 inspection.'

36 Amend the bill by inserting after section 3 the following:

37 '**Sec. 4. 12 MRSA §6085-B** is enacted to read:

38 **§6085-B. Right to inspect and sample**

39 The commissioner or the commissioner's agent shall have access to the leased or
40 licensed area or licensed facility for a lease issued under section 6072, 6072-A or 6072-B
41 or a license issued under section 6072-C or 6085 for the purpose of the inspection or the
42 collection of samples. A sample may be collected only if the commissioner or the
43 commissioner's agent has identified a possible risk to public health, animal health or the

1 health of other marine organisms. The commissioner or the commissioner's agent shall
2 notify the leaseholder or license holder at least 24 hours in advance of sample collection,
3 and the notice must identify the basis of the sample collection. The sample size must be as
4 small as reasonably possible. The commissioner or the commissioner's agent shall provide
5 the results of the testing on any samples to the leaseholder or license holder immediately
6 after the results become available. The leaseholder or license holder shall make applicable
7 marine resources licenses or permits available for inspection upon the request of the
8 commissioner or the commissioner's agent. Denial of access to the leased or licensed area
9 or licensed facility, including for the purposes of sample collection, is grounds for
10 revocation of any lease or license issued pursuant to section 6072, 6072-A, 6072-B, 6072-
11 C or 6085. Records collected or manufactured pursuant to this section are confidential.

12 **Sec. 5. 12 MRSA §6085-C** is enacted to read:

13 **§6085-C. Results of testing; confidentiality**

14 **1. Results of testing confidential.** Except as provided in subsection 2, the results of
15 testing of a sample collected pursuant to section 6085-B are confidential.

16 **2. Exceptions; disclosure permitted.** The department may disclose the results of
17 testing of a sample collected pursuant to section 6085-B:

18 A. When the department determines that the release of the results of testing of a sample
19 is necessary to protect public health;

20 B. To the Bureau of Marine Patrol when the results of testing of a sample is necessary
21 for enforcement purposes; and

22 C. When the department relies on the results of testing of a sample to consider a
23 renewal application of a lease or license issued under this subchapter or initiate
24 revocation of a lease or license issued under this subchapter.

25 **Sec. 6. Issuance of license or lease amendment.** Until rules are adopted pursuant
26 to this Act, the Department of Marine Resources may not issue a limited-purpose license
27 or authorize a lease amendment under the Maine Revised Statutes, Title 12, chapter 605,
28 subchapter 2.'

29 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
30 number to read consecutively.

31 **SUMMARY**

32 This amendment makes the following changes to the bill.

33 1. It removes the requirement that the holder of a research and aquaculture lease submit
34 an annual seeding and harvesting report for the past year and a seeding and harvesting plan
35 for the coming year.

36 2. It establishes a 30-day period after the expiration of a limited-purpose lease for
37 commercial aquaculture research and development in which the holder of the lease may
38 submit an application to extend the lease and submit a \$500 late fee for the lease to remain
39 in effect until the Commissioner of Marine Resources makes a decision regarding the
40 application.

