

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

Date: (Filing No. H- )

**MARINE RESOURCES**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1365, L.D. 1844, “An Act To Provide for Special Fees for Certain Aquaculture Lease Applications and To Amend Other Provisions in the Laws Governing Aquaculture Leases”

Amend the bill by striking out the title and substituting the following:

**'An Act To Amend Provisions in the Laws Governing Aquaculture Leases'**

Amend the bill by striking out all of section 1 and inserting the following:

**'Sec. 1. 12 MRSA §6072, sub-§1-A,** as amended by PL 1999, c. 567, §1, is further amended to read:

**1-A. Lease requirement; finfish and suspension culture.** Except as provided in paragraphs B and B-1 and sections 6072-A, 6072-B and 6072-C, it is unlawful for a person who does not have a lease issued by the commissioner under this section to construct or operate in the coastal waters of the State a facility for the culture of finfish in nets, pens or other enclosures or for the suspended culture of any other marine organism. For the purposes of this subsection, "suspended culture" includes all forms of culture except for the placement of marine organisms on the ocean bottom without the use of gear of any type.

B. A person operating a facility in the coastal waters of the State, on or before the effective date of this subsection, for the culture of finfish in nets, pens or other enclosures or for the suspended culture of shellfish that is not leased under this section must register the facility with the commissioner on or before January 1, 1992 on a form specified by the commissioner. A person registering under this paragraph must submit a completed lease application on or before July 1, 1992. A registrant whose application under this paragraph is denied shall immediately cease operations at the facility and remove all related structures from the coastal waters of the State.

B-1. A person operating a facility in the coastal waters of the State for the suspended culture of a marine organism other than shellfish that is not leased under this section must register the facility with the commissioner on or before January 1, 1994 on a form specified by the commissioner. A person registering under this paragraph must submit a completed lease application on or before July 1, 1994. A registrant whose application

**COMMITTEE AMENDMENT**

1 under this paragraph is denied shall immediately cease operations at the facility and  
2 remove all related structures from the coastal waters of the State.

3 C. The commissioner may not consider an application for a lease under this section on  
4 an area registered under paragraph B or B-1 from a person other than the registrant  
5 prior to rendering a final decision on any application submitted by a registrant under  
6 paragraph B or B-1.

7 A person who violates this subsection is subject to a civil penalty, payable to the State, of  
8 no more than \$1,000 for each day of the violation.'

9 Amend the bill by striking out all of sections 2 and 3.

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

## 12 SUMMARY

13 This amendment removes the provisions of the bill that authorize the Department of  
14 Marine Resources to designate certain research and aquaculture lease applications as  
15 subject to special fees based on the size, uniqueness or complexity of the application. It  
16 clarifies that, for purposes of a research or aquaculture lease to construct or operate in  
17 coastal waters a facility for the suspended culture of marine organisms, "suspended culture"  
18 includes all forms of culture except for the placement of marine organisms on the ocean  
19 bottom without the use of gear of any type. The amendment retains the provision in the bill  
20 that authorizes the department to hold an emergency aquaculture lease for shellfish without  
21 having to also hold another lease and the provision in the bill that authorizes the  
22 Commissioner of Marine Resources to issue a marine organism aquaculture license for  
23 more than one calendar year.

## 24 FISCAL NOTE REQUIRED

25 (See attached)