

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Create an Aquaculture License

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

Sec. 1. 12 MRSA §6073-B, as enacted by PL 2007, c. 522, §2, is amended to read:

§ 6073-B. Harvester license exemption; aquaculture

The holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C and a license issued under section 6810-B is exempt from any requirement under sections 6421, 6501, 6601, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6801-A and 6803 to hold a separate license for the removal, possession, transport or sale of the cultured organisms, ~~except for molluscan bivalve shellfish,~~ from the leased area or the licensed gear.

Sec. 2. 12 MRSA §6073-C, as reallocated by RR 2007, c. 2, §4, is amended to read:

§ 6073-C. Harvester license exemption; scallop aquaculture

The holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C and a license issued under section 6810-B is exempt from any requirement under sections 6701, 6702 and 6703 to hold a separate license for the removal, possession, transport or sale of scallops from the leased area or the licensed gear when the final product form is the adductor muscle only. This exemption does not apply to scallops in any other form.

Sec. 3. 12 MRSA §6601, sub-§2-A, as amended by PL 2013, c. 509, §9, is repealed.

Sec. 4. 12 MRSA §6745, sub-§2-A, as enacted by PL 2007, c. 522, §4, is repealed.

Sec. 5. 12 MRSA §6746, sub-§2-A, as enacted by PL 2007, c. 522, §5, is repealed.

Sec. 6. 12 MRSA §6810-B is enacted to read:

§ 6810-B. Aquaculture license

1. Definition. For the purposes of this section, "shellfish" means shellstock clams, quahogs other than mahogany quahogs, mussels and oyster shellstock.

2. License required. A person may not engage in the activities authorized under this section without a current aquaculture license.

3. Licensed activities; all aquacultured organisms except shellfish. The holder of an aquaculture license or authorized representative of the holder of an aquaculture license may remove, possess, transport within the state limits or sell cultured organisms, except shellfish, the holder has removed from the leased area described in the holder's lease issued under section 6072, 6072-A or 6072-B or cultured organisms, except shellfish, the holder has cultured pursuant to a license issued under

section 6072-C. The department shall establish by rule a means to identify personnel and authorized representatives operating under the authority of such a license holder. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

4. Licensed activities; shellfish. The holder of an aquaculture license or authorized representative of the holder of an aquaculture license may remove, possess, transport within the state limits or sell to a wholesale seafood license holder certified under section 6856 cultured shellfish the holder has removed from the leased area described in the holder's lease issued under section 6072, 6072-A or 6072-B or cultured shellfish the holder has cultured pursuant to a license issued under section 6072-C. Such a holder of an aquaculture license may also sell such shellstock from that license holder's home in the retail trade. A holder of an aquaculture license who is also the holder of a lease issued under section 6072 or 6072-A or that holder's authorized representative may sell such shellstock from the holder's lease site in the retail trade. The department shall establish by rule a means to identify personnel and authorized representatives operating under the authority of such a license holder. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Eligibility. An aquaculture license may be issued only to an individual who holds a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C.

6. Fee. The fee for an aquaculture license is \$133.

7. Disposition of fees. Fees for aquaculture licenses must be deposited in the Aquaculture Management Fund established in section 6072-D.

8. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

SUMMARY

This bill creates an aquaculture license that exempts the holder from certain requirements in law to hold a separate license for the removal, possession, transport or sale of cultured marine organisms and authorizes the holder to remove, possess, transport or sell cultured marine organisms.