



126th MAINE LEGISLATURE

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Legislative Document

No. 1605

H.P. 1177

House of Representatives, December 30, 2013

An Act To Amend Maine's Aquaculture Laws

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DEVIN of Newcastle.

Cosponsored by Representative: EVANGELOS of Friendship.

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

2 **Sec. 1. 12 MRSA §6072, sub-§18** is enacted to read:

3 **18. Violation.** A person who violates a condition of a lease under this section
4 commits a civil violation for which a fine of not less than \$100 for each violation may be
5 adjudged.

6 **Sec. 2. 12 MRSA §6072-A, sub-§24** is enacted to read:

7 **24. Violation.** A person who violates a condition of a lease under this section
8 commits a civil violation for which a fine of not less than \$100 for each violation may be
9 adjudged.

10 **Sec. 3. 12 MRSA §6072-C, sub-§2,** as amended by PL 2009, c. 229, §5, is
11 further amended to read:

12 **2. Licensed activities; criteria.** The holder of a limited-purpose aquaculture license
13 may place marine organisms on the ocean bottom without gear or utilize approved
14 aquaculture gear in a site in the coastal waters of the State to engage in certain
15 aquaculture activities that meet the criteria established in this subsection and in rules
16 adopted by the commissioner. The license also authorizes unlicensed individuals to assist
17 the license holder in the licensed activities with the written permission of the license
18 holder. The commissioner, or qualified professional department staff designated in
19 writing by the commissioner, may issue a limited-purpose aquaculture license for certain
20 aquaculture activities if:

21 A. The proposed activity generates no discharge into coastal waters;

22 B. The applicant proposes to utilize aquaculture gear and markings approved by the
23 commissioner in rules adopted pursuant to subsection 8;

24 C. The gear, excluding mooring equipment, does not cover more than 400 square
25 feet of area and the gear does not present an unreasonable impediment to safe
26 navigation;

27 D. The proposed activity does not unreasonably interfere with the ingress and egress
28 of riparian owners;

29 E. The proposed activity does not unreasonably interfere with fishing or other uses of
30 the area, taking into consideration the number and density of aquaculture leases and
31 licensed aquaculture activities in that area;

32 F. The applicant holds no more than 3 other limited-purpose aquaculture licenses
33 issued under this section; and

34 G. The consent of the riparian ~~landowner~~ owner is obtained if the proposed activity
35 is located above the mean low-water mark.

36 **Sec. 4. 12 MRSA §6072-C, sub-§7-A** is enacted to read:

1 growers license for those individuals who hold an aquaculture lease or limited-purpose
2 aquaculture license.