

**Testimony in Opposition of LD 1722 An Act to Simplify the Regulation of Aquaculture  
Leases Before the Joint Standing Committee on Marine Resources April 24, 2025**

Honorable Senator Tepler, Representative Hepler, and distinguished members of the Joint Standing Committee on Marine Resources, I am Trey Angera, the Executive Director of the Maine Seaweed Exchange and a member of Springtide Seaweed, LLC, both located in Gouldsboro Maine. The Maine Seaweed Exchange is a 501(c)(3) non-profit that provides education and advocacy programs for seaweed and other aquaculture species. Springtide Seaweed, LLC is a fully integrated organic seaweed farm operating the largest seaweed farms, seaweed nursery, and urchin hatchery in Maine.

I am writing in opposition to the above captioned bill as currently drafted.

My comments on HP 149, LD 1722 are:

1. I strongly oppose the conversion of limited purpose leases to a regular lease without full review. The experimental lease for commercial purposes are often what I call “Loophole Leases” that avoid full evaluation of the lease that would occur under the standard lease process. By permitting ready conversion would eliminate community involvement and destroy what limited social license that may exist for these leases. The fact is that any experimental lease for commercial purposes should need to document its experimental purpose and methodology and be required to document what research occurred to DMR. The notion that evaluating a site is an experimental purpose is simply not required when the LPA (Limited Purpose Aquaculture License) system was designed just for this purpose. The bulk of experimental leases for commercial purposes are merely a strategy to avoid the full lease process and never conduct any research whatsoever.
2. Rather than amend the leasing regulations that eliminates social license and undermines DMRs ability to protect our marine resources, what should be changed is DMR

Regulations Chapter 2, section 2.43. Section 2.43 requires that leases be paid for based on annual usage, even though the lease only provides for seasonal usage—for example, leaseholders may pay for 12 months when they may only have 6 months of access to the leasehold. Equity requires that lease rents be pro-rated.

3. DMR Regulations Chapter 2, Section 2.44 should also be changed, and states: "The Commissioner shall not amend a lease in such a way that it materially alters the findings of the original decision or would result in a change to the original lease conditions." "Amendments may be requested only for leases issued under 12 MRSA §6072, or scientific leases issued under 12 MRSA §6072-A to add or remove species or gear type, or modify operations." This language is often interpreted by DMR in an arbitrary fashion and is simply not necessary. For example, this requirement has been interpreted to mean seasonal leases cannot be changed to year-round leases, or vice versa. Thus to change a seasonal lease to a full year lease would require abandoning the seasonal lease and reapplying for a year-round lease—which makes no sense, especially considering the cost and DMR resources involved in such a process. Furthermore, there is no review of amendment decisions, which should also be changed by making lease amendment decisions adjudicatory proceedings.
4. Also, leases that are abandoned should be put up for auction, so that the state may recover resources expended on these leases and are thus not wasted. What constitutes abandonment or lack of use must be defined.
5. Additionally, the financial responsibility of defaulting leaseholders should be defined. Currently a bond or escrow account is required to be posted to assure performance, however this bond is simply insufficient when so many new leases involve significant amounts of gear in the water. With new leases often having twenty-year terms, the lessee's obligations, financially and otherwise, should be set forth with specificity. The requirement for personal guarantors or enhanced escrow/bond requirements should be considered.

The current lease laws and regulations should be amended to make them more equitable and to reflect changes in the industry. This bill would not do this, in fact it does the opposite.

Making it easier for Loophole Leases to be converted standard leases is simply unwise and a violation of the public trust.

Respectfully submitted.