

**TESTIMONY OF  
Deirdre Gilbert  
Department of Marine Resources**

**The Department of Marine Resources (DMR) is testifying  
In Support of  
LD 1595 An Act to Strengthen Working Waterfronts Against Nuisance Complaints Regarding  
Aquaculture  
Before the Committee on Marine Resources  
Sponsored by Representative Rielly  
Date of Hearing: April 24, 2025**

Senator Tepler, Representative Hepler, and members of the Joint Standing Committee on Marine Resources, my name is Deirdre Gilbert, Director of State Marine Policy for DMR and I am testifying on behalf of the Department in support of LD 1595.

Existing law prohibits a private nuisance action from being brought against a person engaged in a commercial fishing activity or commercial fishing operation, so long as the activity or operation is undertaken in compliance with applicable licensing and permitting requirements and other applicable statutes, rules and ordinances. LD 1595 would amend this section of law to reference the definition of commercial fishing in Title 12 section 6001, which is as follows:

**6-A. Commercial fisheries business.** "Commercial fisheries business" means an enterprise directly or indirectly concerned with the commercial harvest of wild or aquacultured marine organisms, whose primary source of income is derived from these activities. "Commercial fisheries business" includes, but is not limited to:

- A. Persons who fish under a commercial license, aquaculturists and cooperatives of persons who fish under a commercial license;
- B. Persons providing direct services to persons who fish commercially, aquaculturists or cooperatives of persons who fish commercially, as long as provision of these direct services requires the use of working waterfront property; and
- C. Municipal and private piers and wharves operated to provide waterfront access to persons who fish commercially, aquaculturists or cooperatives of persons who fish commercially.

In doing so, activities associated with aquaculture would also be included in the activities that are protected against private nuisance actions. However, there is also an existing exception to the definition of commercial fishing activities or operations that excludes activities and conditions associated with licensed finfish aquaculture (that is, such activities are not protected from nuisance claims under the current law or the proposed amendment).

In Maine, private nuisance actions are governed by the state's tort law, with specific rules and remedies outlined in the law. If a person's use or enjoyment of their property is harmed by the actions of another, they can file a civil action for damages or seek an injunction. The law protecting commercial fishing activities from nuisance claims has been in effect for nearly 25 years. With that

law, Maine enacted a policy that the common sights, smells, and sounds of commercial fishing are not grounds for a private landowner to complain about their enjoyment of their private property. As Maine's working waterfront has diversified to include aquaculture, the Department supports its equitable treatment with commercial fishing.

Thank you for your consideration and I would be happy to answer any questions you may have.