

**TESTIMONY OF  
Amanda Ellis  
Department of Marine Resources**

**The Department of Marine Resources (DMR) is testifying  
In Support of  
LD 2025 An Act to Create a Limited-purpose License for  
Aquaculture Nursery and Husbandry Activities  
and to Clarify the Aquaculture Lease Amendment Process  
Before the Committee on Marine Resources  
Sponsored by Representative Reilly  
Date of Hearing: February 5, 2026**

Senator Tepler, Representative Hepler, and members of the Joint Standing Committee on Marine Resources, my name is Amanda Ellis, I am the Director of Aquaculture for the Maine Department of Marine Resources, and I am testifying on behalf of the Department in support of LD 2025. This is a Department bill and we are grateful to Representative Reilly for sponsoring this bill on our behalf.

As you may recall, last session you considered LD 1596, also sponsored by Representative Reilly. That bill sought to amend the process by which activities on a lease site may be modified (i.e. lease amendments). It was not passed in its original form, but was turned into a Resolve, directing the Department to submit a report on the findings and recommendations of the Aquaculture Advisory Council on that topic. That report is appended to this testimony. LD 2025 proposes to implement the recommendations of the Department and the Aquaculture Advisory Council with regard to the lease amendment process, and also to address a licensing issue identified by the Council.

Section 2 of this bill creates a new license type that would be available to aquaculturists. The need for this license was identified by the Aquaculture Advisory Council because while these activities are currently being licensed under the Limited Purpose Aquaculture (LPA) License, that license is not a good fit in a number of respects. This new license is intended to be used to license a subset of activities currently authorized under the LPA license, specifically nursery activities (e.g. upwellers) and husbandry activities (e.g. equipment for sorting product).

This new license is modeled after the LPA license, but differs from that license in some specific ways, to address the limitations of the LPA license, as described in the following bullets.

- The new license can be used only for the following purposes:
  1. To place marine organisms in early life stages in gear or equipment that is located in the subtidal zone (not the intertidal). The holder of the license can only sell these organisms to another person while they are still in the early life stage (for example, for placement on the person who is purchasing the organisms lease or LPA license site) OR place the organisms while they are still in the early life stage onto a lease or LPA that the license holder holds.

2. To conduct husbandry activities for marine organisms, specific in nature and short in duration, in gear or equipment that is located in the subtidal zone (not the intertidal). These organisms will then be deployed to an aquaculture lease or license site (that is, they cannot go directly to market from the license site).

If the holder of the new license is a municipal shellfish management committee, they would be exempted from having to move the organisms in the early life stages to a lease or LPA license site – they could deploy the marine organisms onto the town managed shellfish flats, as part of the municipal shellfish management program.

- The gear or equipment for the new license would be limited to no more than 1600 square feet, which is 4 times larger than LPAs, which are limited in law to 400 square feet. This is because aquaculturists doing these activities have been obtaining 4 LPAs (the current limit) and locating them next to each other, in order to achieve the 1600 square feet that is needed. This change would allow them to purchase a single license instead of four licenses, which would cost \$400 (4 times the cost of a single LPA). Additionally, because this would create a single license and not four, the sites would not have to be marked separately or otherwise treated as four separate licenses, which has implications for compliance and enforcement.
- The new license may be held by a “person” which by definition includes an individual, firm, corporation or agency or political subdivision of government, whereas LPAs may only be held by individuals.
- There is no limitation how many of the new license a person could hold, unlike LPAs which are limited to a maximum of 4. It is not possible to effectively enforce a limitation on a number of licenses when that license may be held by a corporation, because creating a new corporation would circumvent any proposed limit. However, the number of licenses is expected to be limited by their limited utility – that is, they cannot be used to grow out product to bring to market - organisms from these sites must be moved onto a lease or LPA site. In addition, under the proposed law, organisms cannot remain on the license site for more than 6 months.
- Unlike LPAs, the new license is not intended to limit the licensed activities to a specific individual and their primary helper. Instead, the employees of the company that holds the license could conduct the activities as necessary. This is important flexibility for these types of operations.

Beyond the limitations specified in the bill, the language also requires the Department to adopt rules to implement the license, including rules establishing the type of gear and equipment that is approved for use, minimum standards for maintaining gear and equipment, methods of gear and equipment identification, and license application and review procedures. The commissioner may also adopt rules to limit the period of the year during which license applications may be submitted.

If approved, the Department would seek to make the new licenses available in 2027, upon completion of the necessary rule-making. Finally, there is no expectation that individuals who are currently doing

these activities successfully under an LPA and wish to remain doing so would be required to obtain this new license in lieu of that LPA, if the LPA is working for their specific needs.

Section 3 of the bill addresses the same issue that Representative Reilly raised last session, which is the need to modify the process for reviewing and granting lease amendments. The process of applying for lease amendments is one that the industry has identified as unclear (in terms of when an amendment is needed) and unnecessarily time-consuming. There is an existing provision for lease amendments in law which this bill proposes to repeal (Section 1) and a new section of law (6072-F) created.

When originally issued, leases may be granted for a term of up to 20 years. Leases are based on the species, gear, equipment, and operations specified during the lease application process, but it is possible that the lease holder may want to change one or more of those things at some point during the life of the lease. Section 6072-F is meant to create a clear and efficient process by separating out the different types of amendments a lease holder may seek. For example, if a lease holder is only seeking to change a species, but not gear or equipment, they could be authorized to do that if they had a source of stock and the change would not cause the applicant to violate any existing condition of the lease. However, if a lease holder is seeking to change gear or equipment, the process would be more extensive, including notice to the public, riparian landowners and municipality, and the opportunity to provide comment. In addition, the proposed law would prohibit a lease that was granted for bottom culture only (that is, no gear) from subsequently seeking an amendment to add gear to the lease site.

As part of the limitation on seeking amendments, the Department had requested language specifying that amendments for gear changes or the addition of equipment or structure may not be requested for a period of at least one year from the date of execution of the lease. This was to prevent an applicant from going through the leasing process and then immediately requesting such changes after the lease was granted. The drafting the Revisor's Office provided is unclear on this point, and we would appreciate the opportunity to work with the committee to further clarify that.

Section 6072-F would also authorize the Department to conduct rule-making to further define the process for lease amendments. For example, the Department would use rule-making to define gear categories, so it would be clear that gear that is functionally similar to what was approved in the original lease decision could be used without requiring a lease amendment. The rule-making would also specify whether a lease holder could apply to make changes to the gear category for which they were authorized, and the process for making and evaluating such applications. Within the statute, fees are established for different types of lease amendments, ranging from \$200 for a species amendment to \$500 for a gear or equipment amendment.

Again, the primary reasons for this bill were to 1. address the issue of lease amendments that was brought forward last session, and 2, bring forward the new license type that was requested by the Aquaculture Advisory Council. However, since drafting, the Department has identified four additional issues for consideration.

First, aquaculture staff has identified an outdated "seeding and harvesting" report requirement applying to standard leases (6072) and limited purpose aquaculture licenses (6072-C). This

requirement preceded reporting responsibility for aquaculture leases and licenses being included in the Landings Program, is no longer needed and is proposed for repeal.

Last session, the Committee passed LD 1722, which clarified the time frame under which the holder of a standard lease must submit their application to renew that lease. Experimental leases that are held for commercial purposes may not be renewed. However, experimental leases that are held for scientific purposes can be renewed. The Department would suggest making the renewal of scientific experimentals align with the changes that were made for standard lease renewals for clarity and consistency. Draft language for this change is provided.

In addition, a review of the authorizing language for the Aquaculture Management Fund has determined that the description of the uses of the Fund is outdated, in that it contemplates funding water quality monitoring work that is not done by the Aquaculture Division, but other programs within DMR. For this reason, DMR recommends a clean up of this language. Draft language for this change is provided.

Finally, in recent years the Aquaculture Division has created a new program specifically for the inspection of lease and license sites. We currently have one staff person, and are in the process of hiring a second, who are responsible for annually inspecting all lease and license sites for compliance. Part of the inspection process involves examining equipment to ensure that the leasee or license holder is using equipment for which they are authorized, and only growing those species they are authorized to grow. For this reason, DMR is proposing to explicitly authorize inspectors to raise equipment and take samples at such times may be necessary. Draft language for this change is provided.

If this bill is supported by the committee, DMR would like to ensure that it is clear in the statute that both the new license and the new amendment process become available only at the conclusion of the necessary rulemaking that is authorized in the bill. Thank you for your consideration and I would be happy to answer any questions you may have.

**A Report to the Joint Standing Committee on Marine Resources on the Findings and Recommendations of the Department of Marine Resources Aquaculture Advisory Council (DMR AqAC).**

**Background**

LD 1596 was a bill presented by Representative Rielly during the First Special Session of the 132<sup>nd</sup> Maine Legislature. In its original form, the bill proposed four primary changes to statutes pertaining to aquaculture leasing:

1. It would change the current process by which operational activities on a lease site may be modified;
2. It addressed the use of 3<sup>rd</sup> parties to conduct site dives for prospective standard leases;
3. It directed the DMR AqAC to create a subcommittee to address equity issues in the aquaculture industry; and
4. It directed DMR to create guidelines for shellfish hatcheries that receive state funding.

DMR's testimony on LD 1596 noted that the DMR AqAC had developed a work plan that included the formation of three committees that were currently exploring some of the issues that LD 1596 attempted to address including:

1. Developing a pathway for upwellers other than a Limited Purpose Aquaculture (LPA) license;
2. Lease application processing time expectations; and
3. The lease amendment process

Ultimately, LD 1596 was amended and replaced by a resolve titled, *Directing the Department of Marine Resources to Submit a Report on the Findings and Recommendations of the Aquaculture Advisory Council*. The resolve provides:

*That the Department of Marine Resources shall, no later than January 1, 2026, submit a report to the Joint Standing Committee on Marine Resources detailing the findings and recommendations of the Aquaculture Advisory Council and the council's subcommittees, particularly as these relate to the council's deliberations concerning changes to the aquaculture leasing process. The department shall communicate this information to industry members, and the committee may report out a bill based on the report to the Second Regular Session of the 132nd Legislature.*

**Summary**

In consideration of the resolve, below is a summary of the composition and work of each of the three committees.

**Lease Application Processing Committee**

**Committee Members:** Briana Warner, Chair, DMR AqAC; Christopher Davis, DMR AqAC; Matthew Moretti, DMR AqAC; Greg Lambert, DMR AqAC; Sebastian Belle, Maine Aquaculture Association (MAA); Kohl Kanwit, Director, Bureau of Public Health and Aquaculture (DMR); and Amanda Ellis, Director, Aquaculture Division (DMR).

**Meetings:** December 2, 2024, and January 6, 2025, June 9, 2025

**Summary:** On October 28, 2024, the DMR AqAC created a committee to evaluate and reduce lease application processing timeframes. The Committee members, listed above, are comprised of DMR staff, DMR AqAC members, and Sebastian Belle, who requested to join the Committee on behalf of MAA. Briana Warner is no longer part of the committee as she vacated her seat on the DMR AqAC, but she participated in the initial work of the Committee and was Chair. When Briana Warner vacated her seat, Christopher Davis was appointed Chair.

The Committee met on December 2, 2024, and January 6, 2025. The goal of the meetings was to develop a better understanding of the current leasing process to help inform recommendations. DMR staff presented an overview of each step in the aquaculture leasing process, identified current bottlenecks, and described how those challenges have been or are being addressed. Committee members acknowledged the complexity and rigor of the leasing process and noted that the discussions provided insight into the existing constraints that contribute to application processing timeframes.

The Committee found that the continued use of a remotely operated vehicle (ROV) was critical to maintaining the number of site visits and reports DMR can complete, but that DMR's current ROV was on the verge of becoming inoperable. The Committee recommended that DMR pursue grant funding through the Maine Aquaculture Innovation Center (MAIC) to acquire a new, more technologically advanced ROV. DMR subsequently applied for and received \$51,024 in funding from MAIC for this purpose. On August 19, 2025, DMR issued a press release announcing the new ROV.

The Committee is still active but has not made recommendations to the DMR AqAC concerning lease processing timeframes. Chris Davis resigned from the chairmanship in September to lead another committee addressing the bonding structure and Jake Patryn an AqAC member from Machias accepted the chair position for this committee.

#### **Lease Amendment Committee**

**Committee Members:** Lauren Gray, Chair, DMR AqAC; William Owen, DMR AqAC; Christopher Davis, DMR AqAC; Matthew Moretti, DMR AqAC; Greg Lambert, DMR AqAC; Sebastian Belle, Maine Aquaculture Association (MAA); Kohl Kanwit, Director, Bureau of Public Health and Aquaculture (DMR); and Amanda Ellis, Director, Aquaculture Division (DMR).

**Meetings:** November 22, 2024, January 16, 2025, March 13, 2025, April 10, 2025, May 7, 2025, June 6, 2025, July 10, 2025, and August 14, 2025

**Summary:** On October 28, 2024, the DMR AqAC created a committee to improve the lease amendment process. The Committee members, listed above, were comprised of DMR staff, DMR AqAC members, and Sebastian Belle, who requested to join the Committee on behalf of MAA.

During its initial meetings, the Committee identified its primary goal as improving the lease amendment process to provide greater flexibility for certain types of changes, clarify which modifications require an amendment, and reduce processing timeframes. DMR staff presented an overview of the existing lease amendment process, including relevant laws and rules. Once the Committee had established its goals and gained a shared understanding of the current framework, members began developing potential revisions and evaluating whether they met the intended objectives and could be implemented by DMR. Throughout this process, the Committee regularly sought input from industry representatives on the proposed changes. After finalizing its recommendations, the Committee documented them in writing and presented them to the DMR AqAC on September 9, 2025. At that meeting, the DMR AqAC voted unanimously to support advancing the proposed changes during the next legislative session.

Having developed recommendations that were unanimously supported by the DMR AqAC, the Committee is no longer active.

#### **Upweller/Husbandry Committee**

Report by the Department of Marine Resources to the Joint Standing Committee on Marine Resources  
Submitted February 5, 2026

**Committee Members:** Steve Zimmerman, Chair, DMR AqAC; William Owen, DMR AqAC; Greg Lambert, DMR AqAC; Lauren Gray, DMR AqAC; Sebastian Belle, Maine Aquaculture Association (MAA); Kohl Kanwit, Director, Bureau of Public Health and Aquaculture (DMR); and Amanda Ellis, Director, Aquaculture Division (DMR).

**Meetings:** November 21, 2024, January 20, 2025, April 25, 2025, May 30, 2025, and July 23, 2025

**Summary:** On October 28, 2024, the DMR AqAC formed a committee to create a new licensing pathway for upweller operations and certain aquaculture husbandry activities. The Committee members, listed above, were comprised of DMR staff, DMR AqAC members, and Sebastian Belle, who requested to join the Committee on behalf of MAA.

During its initial meetings, the Committee identified that the Limited Purpose Aquaculture (LPA) license, the only licensing pathway currently available for upwellers and certain husbandry activities, is not well suited for these specific uses. For example, LPAs cannot be held by companies, and existing size restrictions limit their practicality. To address these constraints, the Committee sought to develop a new license tailored specifically for upwellers and husbandry activities, while incorporating elements of the LPA licensing framework where appropriate. DMR staff provided an overview of the existing LPA system and other applicable laws and regulations governing licensing. Once the Committee had established its objectives and developed a shared understanding of current frameworks, members began designing a new license that met the intended goals and could be effectively implemented by DMR. Throughout this process, the Committee regularly sought feedback from industry. After finalizing its recommendations, the Committee documented them in writing and presented them to the DMR Aquaculture Advisory Council (AqAC) on September 9, 2025. At that meeting, the AqAC voted unanimously to support advancing the proposed licensing pathway during the next legislative session.

Having developed recommendations that were unanimously supported by the DMR AqAC, the Committee is no longer active.

1. Draft language to remove an outdated reporting requirement:

## 12 MRS 6072

**10. Notification of granted leases.** After the granting of a lease:

A. [PL 2015, c. 68, §1 (RP).]

B. The department shall notify all riparian owners, intervenors and the municipality in which the lease is located that a lease has been granted. The notice must include a description of the area and how a copy of the lease may be obtained;

C. The lessee shall mark the leased area in a manner prescribed by the commissioner; and

~~D. The lessee shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Upon written request, the department shall provide a copy of the report to the municipality or municipalities in which or adjacent to which the lease is located. The seeding and harvesting reports submitted by a lessee under this paragraph are considered confidential statistics for the purposes of section 6173. A copy of a report provided to a municipality pursuant to this paragraph is confidential. [PL 2021, c. 581, §1 (AMD).]~~

## 12 MRS 6072-C

~~**10. Reporting requirement; confidentiality.** A holder of a limited-purpose aquaculture license shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Information provided in seeding and harvesting reports submitted by a license holder under this subsection is considered confidential information reported to the commissioner pursuant to section 6173.~~

11. Inspection. The department shall inspect a license issued under this section on annual basis.

2. Draft language to address renewal of limited purpose (experimental) leases for scientific purposes:

## 12 MRS 6072-A

**20. Extension of commercial lease.** If a person who holds a limited-purpose lease for commercial aquaculture research and development submits an application under section 6072 for that lease area or a portion of that area before the expiration of that limited-purpose lease, or within 30 days of the expiration and accompanied by a nonrefundable late fee of \$500, and if the commissioner's decision under section 6072 occurs after the expiration of that limited-purpose lease, the lease remains in effect until the commissioner makes a decision. If the commissioner grants that person a lease under section 6072, that person's limited-purpose lease remains in effect until the effective date of the lease issued under section 6072. The late fee may be waived if a substantial illness or a medical condition prevented the leaseholder from submitting the application within 30 days of the date of expiration. The applicant shall provide the commissioner with documentation from a physician describing the substantial illness or medical condition. If the commissioner denies that person a lease under section 6072, that person's limited-purpose lease remains in effect until ~~30~~ 120 days after the commissioner's decision. The commissioner may not process applications under section 6072, subsection 12-D received more than 30 days after the expiration of a lease, and the leaseholder is responsible for removing all gear and products within 120 days.



3. Draft language for clarifying uses of the Aquaculture Management Fund:

#### **6072-D Aquaculture Management Fund**

**4. Uses of fund.** The commissioner may make expenditures from the fund to develop and manage effective and cost-efficient ~~water quality licensing and monitoring criteria, analyze and evaluate monitoring data, process lease aquaculture applications processing~~ and make information about aquaculture available to the public. Expenditures may also be used to help with improving agency management of existing aquaculture sites including conducting education and outreach about compliance and inspection.

4. Draft language for authorization of aquaculture inspections:

#### **6085-B Aquaculture Inspection**

**Right to inspect.** Whenever a lease has been issued under 6072, 6072-A, and 6072-B, or a license has been issued under 6072-C and 6085 the commissioner or the commissioner's agents, shall have access to the lease or license area or licensed facility for the purpose of inspection or collection of samples. The commissioner or the commissioner's agents has the authority to handle gear and product as part of the inspection or sample collection. The holder of the lease or license shall make applicable marine resource license or permits available for inspection upon the request of the commissioner or the commissioner's agents. Denial of access is grounds for revocation of any lease or license issued pursuant to 6072, 6072-A, 6072-B, 6072-C and 6085.