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Testimony of Maine Press Association

Honorable Cameron Reny, Senate Chair
Honorable Allison Hepler, House Chair
Joint Legislative Committee On Marine Resources

January 31, 2024

RE: LD 2065, An Act to Amend Maine's Aquaculture Leasing Laws

Dear Senator Reny, Representative Hepler, and Members of the Committee on Marine Resources

While we understand the need for revisions to the State's aquaculture leasing laws, the Maine Press Association opposes LD 2065 on two specific points of concern that relate to the flow of important information to the public, and the opportunity for public participation.

Maine waters are a publicly owned resource, and vital to the ecological health of the environment. Citizens deserve to fully know what, who and how the marine waters are being used, if they, as a state of stakeholders, are approving or denying aquaculture projects.

The Maine Press Association considers two clauses in the amended aquaculture leasing laws to be flawed:

- 1) **The proposed amendment states that a hearing notice must be published once in a newspaper of general circulation. However, current law requires a notice be published, "at least twice in a newspaper of general circulation in the area of the state affected."**

Sec. 3. 12 MRSA §6072, sub-§6, ¶B, as amended by PL 2021, c. 52, §2, is further amended to read:

B. ~~Under Notwithstanding~~ the provisions of Title 5, section 9052, subsection 3, paragraph A, the leasing procedure must require notice to the general public notice of hearing must be published once in a newspaper of general circulation in the area of the State affected and by any other manner considered appropriate by the department. The commissioner may require the applicant to reimburse the department for costs incurred by the department in providing public notice under this paragraph.

This proposed amendment not only reduces by half the ability of the Dept. of Marine Resources to reach the general public, it also is based on an assumption that the DMR knows how to reach a broad cross section of Maine citizens. The language, "and by other manner considered appropriate by the department" is obtuse.

What are appropriate manners? Social media? Email lists? Television? Radio? How will the DMR best reach citizens, who collectively own the State of Maine waters, about proposed marine projects, aquaculture leases, and potentially large scale marine industry along their tidal rivers, harbors, bays and the Gulf of Maine?

2) Our second concern is the threshold by which the DMR must hold a public hearing.

A lease renewal is an adjudicatory proceeding under Title 5, chapter 375, subchapter 4. Public notice must be given to the entities required to receive notice under subsection 6. A person may provide to the commissioner comments on the proposed lease renewal ~~within 30 days of receipt of notice by the 30-day deadline specified in the applicable notice to the entities required to receive notice under subsection 6~~ or within 30 days of publication of the proposed renewal. A hearing must be held if it is requested in writing by ~~5~~ 25 persons within the 30 days. The commissioner may review multiple leases concurrently during the lease renewal process.

Some projects are rural in scope, meaning they may be sited along a lonely stretch of riverfront or ocean waterfront, where the human population has thinned out.

But just because there are fewer close neighbors, or less interest in a given lease due to the remote area, does not mean the public may not be interested.

It does not make sense to reduce the opportunity for public engagement in the process. By amending the law with the statement, “A hearing must be held if is requested in writing by ~~5~~ 25 person within the 30 days” is a significant reduction by which to gauge scheduling a meeting whereby citizens can speak up about a given project.

Is it a hardship for the DMR to hold a hearing or is it an irritant? Is it costly? Can hearings be held via Zoom to reduce costs?

The MPA actively advocates for the public’s right to know and to participate in self-governance.

Both of these two aforementioned proposed amendment clauses work against those principles, and have the potential to erode citizen awareness of marine industry, which is a growing sector of the Maine economy.

We urge the committee to maintain current law on the two points that we have outlined.

Thank you for your time and consideration,

Maine Press Association Legislative Committee:

Joe Charpentier, Lewiston Sun Journal

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