

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Laws Regarding Aquaculture Leases

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

Sec. 1. 12 MRSA §6072, sub-§13-A, as enacted by PL 2003, c. 660, Pt. A, §14, is amended to read:

13-A. Lease acreage increase; fallowing. The commissioner may authorize a person to exceed the 300-acre limit established in subsections 2, 12 and 12-A if that person submits ~~an annual~~ fallowing plan ~~to the commissioner~~ that identifies lease sites that have been actively operated during the lease period and will be fallowed ~~for a 12-month period~~ and includes a reassessment schedule for the plan. The commissioner shall review the plan and reassessment schedule and may approve them, reject them or request changes. Revisions to the plan must be submitted in accordance with the reassessment schedule unless the commissioner authorizes an exception due to extraordinary circumstances. A person may not be a tenant of any kind in leases covering an aggregate of more than 300 nonfallowed acres at any time. A person may not be a tenant of any kind in leases covering an aggregate of more than 500 acres including fallowed leases at any time. For purposes of this subsection, "fallow" means a lease site without cultured fish, shellfish, scallops and gear ~~except marked mooring blocks~~organisms. A lease site fallowed pursuant to an enforcement action may not be considered fallowed for the purpose of this subsection.

SUMMARY

This bill:

1. Deletes the 12-month minimum fallow time so that fallows may be of any duration;
2. Creates a requirement for a reassessment schedule for a fallowing plan instead of an automatic annual reassessment; and
3. Amends the definition of "fallow" to allow gear at the lease site.