An Act To Protect Maine's Ocean Waters and Support Regulatory Oversight and the Long-term Health of the Aquaculture Industry

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Presented by Representative ALLEY of Beals.
Cosponsored by Representative: WILLIAMS of Bar Harbor, Senator: President JACKSON of Aroostook.
Be it enacted by the People of the State of Maine as follows:

CONCEPT DRAFT

SUMMARY

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to amend the Maine Revised Statutes, Title 12, chapter 605 and Title 38, chapter 3 to protect Maine’s ocean waters, support robust regulatory oversight and the long-term health of the aquaculture industry and advance the interests of the people of the State.

The bill seeks to examine the permitting framework for aquaculture leases in this State and best practices regarding aquaculture leases in other states in order to improve the regulatory system in this State.

The bill also seeks to examine the resources available to the Department of Marine Resources for regulatory oversight of aquaculture leases, including the review of aquaculture lease applications and the number of staff available to provide regulatory oversight and environmental monitoring throughout the terms of aquaculture leases. The examination will include a review of statutory caps on the amounts charged for aquaculture lease rents and aquaculture lease application fees.

The bill requires that all rights conveyed to a lessee under an aquaculture lease revert back to the State at the expiration of the lease term and that transfers or renewals of aquaculture leases must demonstrate compliance with all currently applicable standards at the time of transfer or renewal. Further, for leases greater than 5 acres in size, the bill removes the current exemption from compliance with Title 38, chapter 3, including the Natural Resources Protection Act and the site location of development laws.

The bill amends the laws governing the lease size requirements to provide that each lease may not exceed 50 acres in area and that a person may not have an ownership interest in more than 10 leases nor total lease areas in excess of 100 acres.

Finally, the bill requires the Department of Marine Resources to convene stakeholder meetings to develop a strategic aquaculture plan with input from leaders in the aquaculture, lobster, fishing, tourism and recreation industries, as well as experts from the environmental and water quality regulatory community. The plan must be designed to support robust regulatory oversight, protect the marine environment, reduce conflicts with aquaculture sites and public trust users of the marine and coastal waters, improve the lease application and review process, support the long-term health of the aquaculture industry and advance the interests of the people of the State. The plan must identify whether certain areas of waters of the State can be designated as expedited permitting areas for aquaculture leases in excess of 5 acres.