

126th MAINE LEGISLATURE

SECOND REGULAR SESSION-2014

Legislative Document

No. 1603

H.P. 1175

House of Representatives, December 30, 2013

An Act Regarding Wet Storage Sites for Cultured Marine Organisms

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 23, 2013. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. Macfarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DEVIN of Newcastle.
Cosponsored by Senator JOHNSON of Lincoln and
Representatives: BEAVERS of South Berwick, GILLWAY of Searsport, HUBBELL of Bar Harbor.

Sec. 1. 12 MRSA §6072-E is enacted to read:
§6072-E. Wet storage for cultured organisms
1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.
A. "Wet storage" means the temporary storage of shellstock from growing areas in containers or floats in natural bodies of water or onshore in tanks containing natural or synthetic seawater.
2. Permit required. A holder of a lease or license issued pursuant to section 6072, 6072-A, 6072-B or 6072-C may conduct wet storage only if the leaseholder or licensee first obtains a permit from the department.
3. Application. A leaseholder or licensee under subsection 2 seeking to conduct wet storage shall apply to the department on an annual basis for a permit for each wet storage site. The application must include:
A. The name, address and telephone number of the leaseholder or licensee requesting a permit for wet storage;
B. For a near-shore wet storage site, a map indicating the exact location, including Loran or global positioning system coordinates, of the storage site and any associated floats;
C. For an onshore wet storage site, a map indicating the location of the storage site, a complete description of the source of water to be used for wet storage and a detailed description of any water treatment system proposed to be used. A water treatment system proposed to be used must be approved by the department;
D. A detailed physical description and diagram or photograph of the design of the wet storage system;
E. A local code enforcement officer's or plumbing inspector's inspection form indicating, to the satisfaction of the department, that all new and existing plumbing and sewage for the wet storage system meets state and local requirements;
F. A copy of a waste discharge license issued by the Department of Environmental Protection pursuant to Title 38, section 413 or a determination letter from the Department of Environmental Protection that the proposed wet storage will not violate the water quality standards of the receiving waters;
G. A written standard operating procedure that includes a description of:
(1) The purpose for the wet storage, such as holding, conditioning or salinization, and any species-specific physiological factors that may affect design criteria;
(2) How the shellstock will be tagged or identified during wet storage; and

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

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1	(3) How the shellstock will be handled and tagged when it comes out of wet
2	storage;
3	H. A letter from the harbor master or, if there is no harbor master, other appropriate
4	local authority indicating that the wet storage and activities associated with the wet
5	storage will not unreasonably interfere with existing commercial or recreational uses
6	of the area and will not unreasonably interfere with the ingress and egress of riparian
7	owners; and
8	I. A list of riparian owners within 1,000 feet of the proposed wet storage site.
9	4. Notification. Within 20 days after receiving a complete application under
10	subsection 3, the department shall notify, in writing, riparian owners identified by the
11	applicant pursuant to subsection 3, paragraph I.
12	5. Rulemaking. The department shall adopt rules to implement this section,
13	including rules for the application review process, including a public comment process,
14	and for design, construction and operating requirements for wet storage. Rules adopted
15	pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375,
16	subchapter 2-A.
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1	SUMMARY
18	This bill establishes a permit system to allow aquaculture leaseholders and licensees