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H.P. 1355

House of Representatives, December 5, 2025

**An Act to Create a Limited-purpose License for Aquaculture
Nursery and Husbandry Activities and to Clarify the Aquaculture
Lease Amendment Process**

Submitted by the Department of Marine Resources pursuant to Joint Rule 203.

Received by the Clerk of the House on December 3, 2025. Referred to the Committee on Marine Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative RIELLY of Westbrook.

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

2 **Sec. 1. 12 MRSA §6072, sub-§13, ¶G,** as amended by PL 2021, c. 52, §8, is
3 repealed.

4 **Sec. 2. 12 MRSA §6072-E** is enacted to read:

5 **§6072-E. Limited-purpose license for aquaculture nursery and husbandry activities**

6 **1. License required.** A person may not engage in the activities authorized under this
7 section without a current limited-purpose license for aquaculture nursery and husbandry
8 activities or a lease issued under this Part authorizing the activities. For the purposes of this
9 section, "husbandry" means specific activities designed to care for, manage and improve
10 marine organisms. "Husbandry" is distinct from culture, which includes the production and
11 development of marine organisms.

12 **2. Licensed activities.** The holder of a limited-purpose license for aquaculture nursery
13 and husbandry activities may:

14 A. Place marine organisms in early life stages, before sale to another person or before
15 further deployment to an aquaculture site pursuant to section 6072, 6072-A, 6072-B or
16 6072-C, in aquaculture gear or equipment at a site below the mean low-water mark in
17 the coastal waters of the State to engage in certain aquaculture activities that meet the
18 criteria established in subsection 3 and in rules adopted by the commissioner;

19 B. Conduct husbandry activities specific in nature and short in duration, before further
20 deployment to an aquaculture site pursuant to section 6072, 6072-A or 6072-B or a
21 license pursuant to 6072-C, using aquaculture gear or equipment at a site below the
22 mean low-water mark in the coastal waters of the State to engage in certain aquaculture
23 activities that meet the criteria established in subsection 3 and in rules adopted by the
24 commissioner; and

25 C. Deploy marine organisms in early life stages to a site other than the aquaculture site
26 identified in the lease pursuant to section 6072, 6072-A, 6072-B or 6072-C if the lease
27 holder is a municipal shellfish management committee established pursuant to section
28 6671 or a municipal officer for a municipal project.

29 **3. Criteria.** The commissioner, or staff designated in writing by the commissioner,
30 may issue a limited-purpose license for aquaculture nursery and husbandry activities if:

31 A. The proposed activity generates no discharge into coastal waters;

32 B. The applicant has an existing aquaculture lease pursuant to section 6072, 6072-A or
33 6072-B or a license pursuant to 6072-C, unless the applicant is a municipal shellfish
34 management committee established pursuant to section 6671 or a municipal officer for
35 a municipal project;

36 C. The applicant is using a source of stock approved by the commissioner;

37 D. The applicant proposes to use aquaculture gear or equipment approved by the
38 commissioner under the rules adopted pursuant to subsection 11;

39 E. The gear or equipment, excluding mooring equipment, does not cover more than
40 1,600 square feet of area and does not present an unreasonable impediment to safe
41 navigation;

1 F. The proposed activity does not unreasonably interfere with the ingress and egress of
2 riparian owners; and

3 G. The proposed activity does not unreasonably interfere with fishing or other uses of
4 the area taking into consideration the number and density of aquaculture leases and
5 licensed aquaculture activities in that area.

6 **4. License limitations.** The issuance of a limited-purpose license for aquaculture
7 nursery and husbandry activities does not constitute the issuance of:

8 A. A lease of an area in, on or under the coastal waters of the State; or

9 B. Any other necessary permit or license from a state, federal or municipal authority
10 required for a specified activity.

11 **5. Preference.** If a person applies to lease an area that is the subject of a limited-
12 purpose license for aquaculture nursery and husbandry activities, the department shall
13 notify the holder of the limited-purpose license for aquaculture nursery and husbandry
14 activities. If the holder of the limited-purpose license for aquaculture nursery and
15 husbandry activities documents to the department that that holder wants to lease the area,
16 preference must be given as follows:

17 A. First, to the person that holds the limited-purpose license for aquaculture nursery
18 and husbandry activities in the area and that submitted an application for a lease under
19 section 6072 for the area; and

20 B. Second, to the person that applied to lease the area but does not hold a limited-
21 purpose license for aquaculture nursery and husbandry activities in the area.

22 **6. Application.** The application for a limited-purpose license for aquaculture nursery
23 and husbandry activities must:

24 A. Be written on forms supplied by the commissioner;

25 B. Identify the species to be cultivated;

26 C. Describe the proposed source of organisms to be grown using the approved
27 aquaculture gear or equipment;

28 D. Describe the location of the approved aquaculture gear or equipment deployment
29 by coordinates or metes and bounds;

30 E. Include a clear set of plans that includes at a minimum:

31 (1) A location plan with an overhead plan view showing the aquaculture gear and
32 equipment deployed at the proposed location. The area occupied by the gear and
33 equipment must be drawn to scale on the plan. The location plan must include a
34 north arrow, ebb and flood directions, any federal or local channels and
35 anchorage, any nearby structures and property lines for all riparian owners within
36 300 feet; and

37 (2) Two gear and equipment drawings, one with an overhead plan view and one
38 with a cross-sectional elevation view of the approved aquaculture gear and
39 equipment proposed to be used. The gear and equipment drawings must be clearly
40 dimensioned and include, at a minimum, mean high-water and mean low-water
41 marks and the dimensions, profiles and materials used in the construction,
42 deployment and securing of the approved aquaculture gear and equipment;

1 F. Include documentation that riparian owners within 300 feet of the proposed activity
2 have been notified of the license application and proposed activity; and

3 G. Include documentation that the municipality has been notified of the license
4 application.

5 License sites that are used for nursery and husbandry activities must also include in the
6 application a detailed description of specific activities to be conducted on the site and the
7 duration a marine organism will be located at the site for specific nursery and husbandry
8 activities. The maximum duration may not exceed 6 months.

9 **7. Fee.** Except as provided in subsection 8, the application fee for a limited-purpose
10 license for aquaculture nursery and husbandry activities is \$400. The application fee is
11 nonrefundable. All fees collected under this subsection must be deposited in the
12 Aquaculture Research Fund established in section 6081.

13 **8. Fee exemptions.** The commissioner may not assess an application fee for a limited-
14 purpose license for aquaculture nursery and husbandry activities that is issued to:

15 A. A municipal shellfish management committee established pursuant to section 6671,
16 if the organisms cultured on the license site are not used for commercial purposes; or

17 B. A municipal officer for a municipal project, if the organisms cultured on the license
18 site are not used for commercial purposes.

19 **9. Prohibition; molesting gear.** A person other than a marine patrol officer, an
20 aquaculture inspector authorized by the commissioner or the licensee may not utilize, raise,
21 lift, transfer, possess or in any manner molest any approved aquaculture gear or equipment
22 that is deployed under a current limited-purpose license for aquaculture nursery and
23 husbandry activities.

24 **10. Prohibition; taking product.** A person other than a marine patrol officer, an
25 aquaculture inspector authorized by the commissioner or the licensee may not take any
26 marine organism grown on the license site in accordance with applicable rules.

27 **11. Rules.** The commissioner shall adopt rules to implement this section, including,
28 but not limited to, rules establishing the type of gear and equipment that is approved
29 aquaculture gear and equipment for the purposes of a limited-purpose license for
30 aquaculture nursery and husbandry activities, minimum standards for maintaining gear and
31 equipment, methods of gear and equipment identification and license application and
32 review procedures. The commissioner may adopt rules to limit the period of the year during
33 which license applications may be submitted. Rules adopted under this subsection are
34 routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

35 **12. Violation; restitution.** A person who violates this section commits a civil violation
36 for which a fine of not less than \$100 for each violation may be adjudged. If a person
37 violates subsection 9 by cutting any lines or marker buoys or intentionally damaging
38 approved aquaculture gear and equipment, the court shall also:

39 A. Order that person to pay to the owner of the approved aquaculture gear and
40 equipment that was cut or damaged an amount equal to twice the replacement value of
41 the gear and equipment that was lost or damaged as a result of the cutting or damaging
42 action; and

1 B. Direct that person to provide the commissioner, upon making full payment as
2 ordered by the court, proof of that payment.

3 **13. Reporting requirement; confidentiality.** A holder of a limited-purpose license
4 for aquaculture nursery and husbandry activities shall annually submit to the department a
5 cultivation report for the past year. Information provided in cultivation reports submitted
6 by a license holder under this subsection is considered confidential information reported to
7 the commissioner pursuant to section 6173.

8 **Sec. 3. 12 MRSA §6072-F** is enacted to read:

9 **§6072-F. Lease amendments**

10 **1. Lease amendment; prohibition.** For the purposes of this section, "lease
11 amendment" means the authorized addition of species, gear, equipment and structure and
12 resultant modifications to operations to an existing lease issued under section 6072 or
13 6072-A. A lease amendment is not an adjudicatory proceeding. A lease issued under
14 section 6072-A for commercial research and development may not be amended. An
15 existing lease that does not allow discharge may not be amended to include operational
16 modifications that would result in the reclassification that allows discharge by the
17 commissioner pursuant to the lease. All fees collected under this section must be deposited
18 in the Aquaculture Management Fund established in section 6072-D.

19 **2. Species.** The holder of a lease under this subchapter must apply to the commissioner
20 to add a specific species and make resultant operational modifications to the holder's lease
21 site. The decision by the commissioner to authorize the addition of a species must be based
22 on factors, including, but not limited to, the source of stock. The commissioner may not
23 authorize the addition of a species that would cause the holder of the lease to violate any
24 existing condition of the lease. The commissioner shall establish by rule the process for
25 adding species to a lease. The commissioner shall establish by rule a nonrefundable fee for
26 applying to add species to a lease that may not exceed \$200.

27 **3. Gear.** The holder of a lease under this subchapter must apply to the commissioner
28 to add different gear categories and make resultant operational modifications to the lease
29 site if the holder has held the lease for at least one year and the lease included authorization
30 for the bottom gear category only. The commissioner may not authorize the addition of
31 gear categories that would cause the holder of the lease to violate any existing condition of
32 the lease. Leases that were originally authorized without gear are not eligible to apply to
33 add gear under this subsection. The commissioner shall establish by rule the process for
34 adding different gear categories to a lease. The commissioner shall establish by rule a
35 nonrefundable fee for applying to add different gear categories to a lease that may not
36 exceed \$500. The rules must provide for notice of proposed additions of different gear
37 categories to the public, riparian landowners and the municipality in which the lease is
38 located and an opportunity to submit written comments on the proposal. The replacement
39 of previously authorized gear does not require a lease amendment as long as the
40 replacement gear is substantially similar to the previously authorized gear. The
41 commissioner may not grant a lease amendment under this subsection that unreasonably
42 interferes with the conditions under section 6072, subsection 7-A.

43 **4. Equipment; structure.** The holder of a lease under this subchapter must apply to
44 the commissioner to add equipment or structure and make resultant operational
45 modifications to the holder's lease site if the holder has held the lease for at least one year

1 and the lease did not authorize equipment or structure. The commissioner may not authorize
2 the addition of equipment or structure that would cause the holder of the lease to violate
3 any existing condition of the lease. The commissioner shall establish by rule the process
4 for adding equipment or structure to a lease. The commissioner shall also establish by rule
5 a nonrefundable fee for applying to add equipment or structure to a lease that may not
6 exceed \$500. The rules must provide for notice of proposed additions of equipment or
7 structure to the public, riparian landowners and the municipality in which the lease is
8 located and an opportunity to submit written comments on the proposal. The replacement
9 of previously authorized equipment or structure does not require a lease amendment as long
10 as the replacement is substantially similar to the previously authorized equipment or
11 structure. The commissioner may not grant a lease amendment under this subsection that
12 unreasonably interferes with the conditions under section 6072, subsection 7-A.

13 **5. Temporary change in operation.** The commissioner may authorize the holder of
14 a lease under this subchapter to temporarily modify the operational plans approved under
15 the lease when the modifications are intended to preemptively address environmental
16 conditions that may impact public health or the health of the cultured species on a lease
17 site. An authorization may be granted to ensure compliance with department-initiated
18 action. The department shall provide written notice of the temporary operational
19 modifications to the impacted lease holder. The commissioner shall establish by a rule a
20 process by which temporary operational modifications may be authorized.

21 **6. Rules.** The commissioner shall adopt rules to implement this section. Rules adopted
22 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
23 subchapter 2-A.

24 SUMMARY

25 This bill establishes a limited-purpose license for aquaculture nursery and husbandry
26 activities and a process for amending certain types of aquaculture leases to include new
27 species, gear, equipment and structure.