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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT " " to COMMITTEE AMENDMENT "A" to S.P. 588, L.D. 1545, Bill, "An Act To Make Technical Changes to Maine's Marine Resources Laws and Elver Enforcement Mechanisms"

Amend the amendment by striking out all of section 1 and inserting the following:

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

G. For adding or deleting authorization for the holder of an aquaculture lease to grow specific species and use specific gear on the lease site; and. A change in authorization is not an adjudicatory proceeding. The regulations must provide for notice of proposed changes in gear authorization to the lessee, the public, riparian landowners and the municipality in which the lease is located and an opportunity to submit written comments on the proposal. Authorization to add or delete species or gear must be consistent with the findings made under subsection 7-A when the lease was approved.'

Amend the amendment by inserting after section 2 the following:

'Sec. 3. 12 MRSA §6072-A, sub-§8, as amended by PL 2001, c. 122, §1, is further amended to read:

8. Rules; general and lease application. The commissioner may adopt rules to implement the provisions of this section. Within 180 days of the effective date of this section, the commissioner shall adopt rules regarding a limited-purpose lease application. The rules must require an applicant to, at a minimum, meet the requirements of section 6072, subsection 2, paragraph E and subsection 4, paragraphs A, B, C, E, F, G and J. The rules must also require an applicant to provide to the department proof of access to the lease area. If access will be across riparian land, the applicant shall provide to the department the written permission of every riparian owner whose land will be used to access the lease area. The commissioner may adopt rules to add or delete authorization for the holder of an aquaculture lease to grow specific species and to use specific gear on the lease site. A change in authorization is not an adjudicatory proceeding. The rules must provide for notice of proposed changes in gear authorization to the lessee, the public, riparian landowners and the municipality in which the lease is located and an opportunity to submit written comments on the proposal. Authorization to add or delete

1 species or gear must be consistent with the findings made under subsection 13 when the  
2 lease was approved.'

3 **SUMMARY**

4 This amendment changes provisions in Committee Amendment "A" governing  
5 regulations that the Commissioner of Marine Resources may adopt or amend governing  
6 research and aquaculture leases. The committee amendment conditions authorization for  
7 a species or gear amendment on the provision of notice of the proposed amendment to the  
8 public, the owners of riparian land within 1,000 feet of the lease site and the municipal  
9 officers of the municipality within which the lease is located and specifies that the notice  
10 must provide an opportunity for submission of written comments on the proposed  
11 amendment within 14 days. This amendment instead requires that these regulations  
12 provide for notice of proposed changes in only gear authorization to the lessee, the public,  
13 riparian landowners and the municipality in which the lease is located, and provide an  
14 opportunity for submission of written comments. The amendment provides that a change  
15 in authorization is not an adjudicatory proceeding.

16 This amendment also allows the commissioner to adopt similar rules for limited-  
17 purpose leases for commercial or scientific research.

18 **SPONSORED BY:** \_\_\_\_\_

19 **(Representative DEVIN)**

20 **TOWN: Newcastle**