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8. Strikes an exemption on the prohibition of washing or holding shellfish in closed areas;
9. Reallocates section 6728-A to section 6721-A;
10. Strikes language that was repealed during the First Regular Session of the 121st Legislature, but was inadvertently restored in a subsequent bill;
11. Allows the transfer of funds from the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund and allows the transfer of funds from the gas tax fund to the newly created Marine Fisheries Research and Development Fund; and
12. Strikes language that allows a person under certain conditions to wash or keep mussels in closed waters.

PUBLIC 573 **An Act To Provide for Department of Marine Resources** **LD 1702**
EMERGENCY **Jurisdiction Over Certain Sections of the State's Endangered**
 Species Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM MAJ OTP-AM MIN	H-741 BULL S-403

Public Law 2003, chapter 573 does the following:

1. Gives the Commissioner of Marine Resources authority over the State's endangered or threatened marine species. It establishes the state endangered or state threatened marine species list and designates as endangered or threatened 8 marine species that are already federally listed as endangered or threatened species;
2. Authorizes the Commissioner of Marine Resources to recommend to the Legislature that a marine species be listed if that species is already federally listed as an endangered or threatened species. It provides that the Legislature has sole authority to include a marine species in or remove a marine species from the list;
3. Authorizes the Commissioner of Marine Resources to establish programs necessary for the protection of state-listed endangered or threatened marine species and to enter into agreements with other governmental and nongovernmental entities for such purposes;
4. Requires the Commissioner of Marine Resources to submit a written report by January 1st of each year to the joint standing committee of the Legislature having jurisdiction over marine resources matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters describing the status of all current and planned programs, activities and rules of the department pertaining to the conservation or management of state endangered or state threatened marine species; and
5. Requires the Commissioner of Inland Fisheries and Wildlife to include the joint standing committee of the Legislature having jurisdiction over marine resources matters when the commissioner submits the commissioner's annual report on threatened and endangered species to the joint standing committee of the

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Legislature having jurisdiction over inland fisheries and wildlife matters, as required by current law and requires both commissioners to send notice to the Legislature by January 1st of each year that the reports have been delivered.

Public Law 2003, chapter 573 was enacted as an emergency measure effective on March 24, 2004 except those sections of the Act that amend the Maine Revised Statutes, Title 12, sections 12801 and 12803 that are effective on July 29, 2004.

PUBLIC 593 An Act To Provide for the Assessment of the Mahogany Quahog LD 1749
EMERGENCY Resource

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL DAMON	OTP-AM	H-769

Public Law 2003, chapter 593 changes the name of the Toxin Monitoring Fund to the "Mahogany Quahog Monitoring Fund" and expands the allowable uses of the fund to include conducting stock assessments of the mahogany quahog resource.

Public Law 2003, chapter 593 provides that, beginning July 1, 2004, 58% of the total revenue from the \$1.20 per bushel fee for mahogany quahogs or \$56,000, whichever is greater, must be credited to the Mahogany Quahog Monitoring Fund and 42% or the remainder, as applicable, to the General Fund.

Public Law 2003, chapter 593 also requires the Department of Marine Resources to conduct mahogany quahog stock assessments starting no later than January 1, 2005 and to report biennially to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the progress of the stock assessments and the status of the Mahogany Quahog Monitoring Fund starting January 1, 2006.

Public Law 2003, chapter 593 was enacted as an emergency measure effective April 6, 2004.

PUBLIC 660 An Act To Implement the Recommendations of the Task Force on LD 1857
the Planning and Development of Marine Aquaculture in Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-844
	OTP-AM MIN	H-847 BULL

Public Law 2003, chapter 660 implements the recommendations of the Task Force on the Planning and Development of Marine Aquaculture in Maine.

The bill does the following:

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1. Removes the Department of Marine Resources as the primary agency responsible for the promotion and marketing of the aquaculture industry;
2. Defines agricultural products to include aquaculture products;
3. Increases the number of lease acres a person may be a tenant of from 250 to 300 and authorizes the Commissioner of Marine Resources to allow a person to exceed the 300-acre lease limit if that person provides a fallowing plan to the commissioner identifying lease sites that will remain fallow for at least 12 months. It also limits the total amount of active and fallowed lease acreage that may be held by one person to 500 acres, of which only 300 may be active;
4. Requires the commissioner to consider as part of the criteria for granting a lease certain "conserved lands" that include governmental land held in fee to protect important ecological, recreational, scenic, cultural or historic attributes of that property;
5. Authorizes the commissioner to consider more than one lease renewal application at a public hearing;
6. Makes technical changes to reflect requirements in Maine Pollution Discharge Elimination System permits and to facilitate the transition from the finfish aquaculture monitoring program to the Maine Pollution Discharge Elimination System permit and to require finfish aquaculture leaseholders to get approval from the department of contractors to be used by leaseholders for data collection required by law;
7. Grants a municipality that has a shellfish conservation program the authority to issue a municipal shellfish aquaculture permit ("permit") for mud flats within its jurisdiction. It requires the municipality to publish a summary of the proposed permit and allows for public comment for 30 days after the publication of the application summary. It also requires a municipality to adopt ordinances that establish procedures for consideration of a permit and requires the municipality to hold a public hearing prior to the granting of the permit if requested by 5 or more people in writing. This amendment provides the decision criteria a municipality must consider when making a decision on a proposed permit and requires that the municipality put its findings in writing. Additionally, it requires the municipality to forward an approved permit to the department and provides that a municipality may not charge more than \$50 an acre for a permit. It gives the municipality authority to put conditions and limits on a permit and caps the length of a permit at 10 years, renewable upon application of the permit holder. Finally, it requires a municipality to hold a public hearing on a permit renewal application if requested in writing by 5 or more people and provides that a permit renewal must be granted if it continues to meet the decision criteria;
8. Establishes the Aquaculture Management Fund to develop and manage water quality licensing and monitoring criteria for aquaculture and to analyze collected data, process license applications and make information about aquaculture available to the public;
9. Increases certain aquaculture fees and establishes new fees related to aquaculture leases. Revenues raised pursuant to these fees are dedicated to the Aquaculture Management Fund;
10. Repeals the tax of 1¢ per pound assessed on finfish;
11. Provides that municipalities may not charge a mooring fee for and do not have jurisdiction over siting or specifications of structural moorings used to secure aquaculture equipment. It grants authority to municipalities for boat and vessel moorings inside the boundaries of an aquaculture lease site. It prohibits

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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-494 DAMON

Resolve 2003, chapter 139 requires the Commissioner of Marine Resources to review the licensing requirements for the harvest of certain marine resources and to submit the commissioner's report and any recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 3, 2005. It also authorizes the commissioner to submit a bill related to the report to the First Regular Session of the 122nd Legislature.