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STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
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Updates to Aquaculture Leasing and Licensing Statutes

The First Special Session of the 130th Legislature approved several changes to the laws governing aquaculture licensing and leasing. This notice is intended to provide industry with an overview of the recent statutory changes that the Aquaculture Division is now implementing. The statutory changes (unless otherwise noted) became effective on October 18, 2021.

Leases:

- The fee for a lease transfer is now due with the application instead of at the time the transferred lease is executed.
- Standard lease holders must now hold their lease for a minimum of two years before they can apply to expand the site. The two years is counted from the date the lease was executed.
- Experimental leases held for commercial purposes can no longer be amended.
- An application to renew a standard lease is now due 30 days prior to the expiration of the lease. Prior to this change, applications to renew were due 90 days prior to the expiration of the lease.
- The reasons why DMR may initiate lease revocation proceedings have expanded to include operating a site in a manner that is substantially injurious to public health or violating minimum lease maintenance standards, which are contemplated in Chapter 2.75 of DMR's regulations.

Limited Purpose Aquaculture (LPA) Licenses:

- The fee to apply for or renew a LPA license increases for Maine residents from \$50.00 to \$100.00. The fee increases for non-residents from \$300.00 to \$400.00. All 2022 LPA license applications will be subject to the respective fee increase.
- Effective January 1, 2024: The holder of a LPA license will need to directly supervise any unlicensed individual who is participating in the activities authorized under the LPA. There are limited exceptions to this provision. As noted, this change will not take effect until January 1, 2024. DMR anticipates initiating rulemaking and issuing further guidance before this becomes effective.

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Other changes enacted during the recent session expand DMR's rulemaking authority over certain elements of the aquaculture leasing and licensing programs. For example, DMR now has the authority to establish fees for lease amendments. Proposed changes to aquaculture licensing and leasing associated with this expanded authority will be processed through agency rulemaking. When DMR initiates rulemaking, notice will be provided to industry and other stakeholders. The rulemaking process provides for public feedback on any proposed changes.

If you have any questions about these changes, please email DMRaquaculture@maine.gov and your inquiry will be directed to the appropriate staff person.