

§6085. Marine organism aquaculture license

1. License required. The commissioner may require a license for aquaculture of marine organisms in facilities that are not located in the coastal waters of the State but are located in the State. [PL 2019, c. 310, §5 (REEN).]

2. Licensed activities. The holder of a license under this section may possess marine organisms the holder has raised by means of aquaculture. The holder of such a license is exempt from any requirement regarding the time of taking or possessing, minimum or maximum length or other minimum or maximum size requirement for any marine organism the holder has raised by means of aquaculture. [PL 2019, c. 310, §5 (REEN).]

3. Permit denial. The commissioner may refuse to issue a license under this section if the commissioner finds that the aquaculture activity presents an unreasonable risk to indigenous marine life or its environment. In determining whether or not to refuse to issue a license, the commissioner shall consider factors, including, but not limited to:

A. Risk of accidental or intentional introduction of marine organisms or marine organism products into the coastal waters of the State; [PL 2019, c. 310, §5 (REEN).]

B. Risk of the introduction or spread of disease within the State; and [PL 2019, c. 310, §5 (REEN).]

C. Interference with the enforcement of possession, size or season limits for wild marine organisms. [PL 2019, c. 310, §5 (REEN).]

[PL 2019, c. 310, §5 (REEN).]

4. Monitoring and revocation. The commissioner shall monitor licensed facilities under this section on an annual basis. If the commissioner determines following an annual review or at any other time that the licensed aquaculture activity presents an unreasonable risk to indigenous marine life or its environment, the commissioner may revoke the license after the licensee has been given an opportunity for a hearing before the department.

[PL 2019, c. 310, §5 (REEN).]

5. Reporting. The commissioner may require the holder of a license under this section to file periodic reports regarding the aquaculture practices and production of the facility. Information obtained pursuant to this provision is considered fisheries statistics for the purposes of section 6173, except that information about marine organism health reported pursuant to section 6071 may not be considered fisheries statistics.

[PL 2019, c. 310, §5 (REEN).]

6. Fee. The commissioner may charge a fee for a license under this section not to exceed \$1,000, the amount to be established in rules adopted by the commissioner depending on the type and amount of aquaculture. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2019, c. 310, §5 (REEN).]

7. Rules. The commissioner may adopt rules establishing procedures to implement the issuance, renewal and amendment of licenses under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 52, §18 (NEW).]

8. License expiration. Notwithstanding section 6301, subsection 2, the commissioner may issue a license under this section for more than one calendar year.

[PL 2021, c. 557, §3 (NEW).]

SECTION HISTORY

PL 2009, c. 229, §12 (NEW). PL 2017, c. 94, §5 (RP). PL 2019, c. 310, §5 (REEN). PL 2021, c. 52, §18 (AMD). PL 2021, c. 557, §3 (AMD).

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