

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

1. License required. A person may not engage in the activities authorized under this section without a current limited-purpose license for aquaculture nursery and husbandry activities or a lease issued under this Part authorizing the activities. For the purposes of this section, "husbandry" means specific activities designed to care for, manage and improve marine organisms. "Husbandry" is distinct from culture, which includes the production and development of marine organisms. [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

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

A. Place marine organisms in early life stages, before sale to another person or before further deployment to an aquaculture site pursuant to section 6072, 6072-A, 6072-B or 6072-C, in aquaculture gear or equipment at a site below the mean low-water mark in the coastal waters of the State to engage in certain aquaculture activities that meet the criteria established in subsection 3 and in rules adopted by the commissioner; [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

B. Conduct husbandry activities specific in nature and short in duration, before further deployment to an aquaculture site pursuant to section 6072, 6072-A or 6072-B or a license pursuant to 6072-C, using aquaculture gear or equipment at a site below the mean low-water mark in the coastal waters of the State to engage in certain aquaculture activities that meet the criteria established in subsection 3 and in rules adopted by the commissioner; and [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

C. Deploy marine organisms in early life stages to a site other than the aquaculture site identified in the lease pursuant to section 6072, 6072-A, 6072-B or 6072-C if the lease holder is a municipal shellfish management committee established pursuant to section 6671 or a municipal officer for a municipal project. [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]
[PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

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

A. The proposed activity generates no discharge into coastal waters; [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

B. The applicant has an existing aquaculture lease pursuant to section 6072, 6072-A or 6072-B or a license pursuant to 6072-C, unless the applicant is a municipal shellfish management committee established pursuant to section 6671 or a municipal officer for a municipal project; [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

C. The applicant is using a source of stock approved by the commissioner; [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

D. The applicant proposes to use aquaculture gear or equipment approved by the commissioner under the rules adopted pursuant to subsection 11; [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

E. The gear or equipment, excluding mooring equipment, does not cover more than 1,600 square feet of area and does not present an unreasonable impediment to safe navigation; [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

F. The proposed activity does not unreasonably interfere with the ingress and egress of riparian owners; and [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

G. The proposed activity does not unreasonably interfere with fishing or other uses of the area taking into consideration the number and density of aquaculture leases and licensed aquaculture activities in that area. [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]
[PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

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

A. A lease of an area in, on or under the coastal waters of the State; or [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

B. Any other necessary permit or license from a state, federal or municipal authority required for a specified activity. [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]
[PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

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

A. First, to the person that holds the limited-purpose license for aquaculture nursery and husbandry activities in the area and that submitted an application for a lease under section 6072 for the area; and [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

B. Second, to the person that applied to lease the area but does not hold a limited-purpose license for aquaculture nursery and husbandry activities in the area. [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]
[PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

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

A. Be written on forms supplied by the commissioner; [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

B. Identify the species to be cultivated; [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

C. Describe the proposed source of organisms to be grown using the approved aquaculture gear or equipment; [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

D. Describe the location of the approved aquaculture gear or equipment deployment by coordinates or metes and bounds; [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

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

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

(2) Two gear and equipment drawings, one with an overhead plan view and one with a cross-sectional elevation view of the approved aquaculture gear and equipment proposed to be used. The gear and equipment drawings must be clearly dimensioned and include, at a minimum, mean high-water and mean low-water marks and the dimensions, profiles and materials used in the construction, deployment and securing of the approved aquaculture gear and equipment; [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

F. Include documentation that riparian owners within 300 feet of the proposed activity have been notified of the license application and proposed activity; and [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

G. Include documentation that the municipality has been notified of the license application. [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

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

[PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

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

[PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

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

A. A municipal shellfish management committee established pursuant to section 6671, if the organisms cultured on the license site are not used for commercial purposes; or [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

B. A municipal officer for a municipal project, if the organisms cultured on the license site are not used for commercial purposes. [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]
[PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

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

[PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

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

[PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

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

[PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

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

A. Order that person to pay to the owner of the approved aquaculture gear and equipment that was cut or damaged an amount equal to twice the replacement value of the gear and equipment that was

lost or damaged as a result of the cutting or damaging action; and [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

B. Direct that person to provide the commissioner, upon making full payment as ordered by the court, proof of that payment. [PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]
[PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

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

[PL 2025, c. 672, §8 (NEW); PL 2025, c. 672, §12 (AFF).]

SECTION HISTORY

PL 2025, c. 672, §8 (NEW). PL 2025, c. 672, §12 (AFF).

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