

§6072-F. Lease amendments

1. Lease amendment; prohibition. For the purposes of this section, "lease amendment" means the authorized addition of species, gear, equipment and structure and resultant modifications to operations to an existing lease issued under section 6072 or 6072-A. A lease amendment is not an adjudicatory proceeding. A lease issued under section 6072-A for commercial research and development may not be amended. An existing lease that does not allow discharge may not be amended to include operational modifications that would result in the reclassification that allows discharge by the commissioner pursuant to the lease. All fees collected under this section must be deposited in the Aquaculture Management Fund established in section 6072-D.

[PL 2025, c. 672, §9 (NEW); PL 2025, c. 672, §12 (AFF).]

2. Species. The holder of a lease under this subchapter must apply to the commissioner to add a specific species and make resultant operational modifications to the holder's lease site. The decision by the commissioner to authorize the addition of a species must be based on factors, including, but not limited to, the source of stock. The commissioner may not authorize the addition of a species that would cause the holder of the lease to violate any existing condition of the lease. The commissioner shall establish by rule the process for adding species to a lease. The commissioner shall establish by rule a nonrefundable fee for applying to add species to a lease that may not exceed \$200.

[PL 2025, c. 672, §9 (NEW); PL 2025, c. 672, §12 (AFF).]

3. Gear. The holder of a lease under this subchapter must apply to the commissioner to add different gear categories and make resultant operational modifications to the lease site if the holder has held the lease for at least one year and the lease included authorization for the bottom gear category only. The commissioner may not authorize the addition of gear categories that would cause the holder of the lease to violate any existing condition of the lease. Leases that were originally authorized without gear are not eligible to apply to add gear under this subsection. The commissioner shall establish by rule the process for adding different gear categories to a lease. The commissioner shall establish by rule a nonrefundable fee for applying to add different gear categories to a lease that may not exceed \$500. The rules must provide for notice of proposed additions of different gear categories to the public, riparian landowners and the municipality in which the lease is located and an opportunity to submit written comments on the proposal. The replacement of previously authorized gear does not require a lease amendment as long as the replacement gear is substantially similar to the previously authorized gear. The commissioner may not grant a lease amendment under this subsection that unreasonably interferes with the conditions under section 6072, subsection 7-A.

[PL 2025, c. 672, §9 (NEW); PL 2025, c. 672, §12 (AFF).]

4. Equipment; structure. The holder of a lease under this subchapter must apply to the commissioner to add equipment or structure and make resultant operational modifications to the holder's lease site if the holder has held the lease for at least one year and the lease did not authorize equipment or structure. The commissioner may not authorize the addition of equipment or structure that would cause the holder of the lease to violate any existing condition of the lease. The commissioner shall establish by rule the process for adding equipment or structure to a lease. The commissioner shall also establish by rule a nonrefundable fee for applying to add equipment or structure to a lease that may not exceed \$500. The rules must provide for notice of proposed additions of equipment or structure to the public, riparian landowners and the municipality in which the lease is located and an opportunity to submit written comments on the proposal. The replacement of previously authorized equipment or structure does not require a lease amendment as long as the replacement is substantially similar to the previously authorized equipment or structure. The commissioner may not grant a lease amendment under this subsection that unreasonably interferes with the conditions under section 6072, subsection 7-A.

[PL 2025, c. 672, §9 (NEW); PL 2025, c. 672, §12 (AFF).]

5. Temporary change in operation. The commissioner may authorize the holder of a lease under this subchapter to temporarily modify the operational plans approved under the lease when the modifications are intended to preemptively address environmental conditions that may impact public health or the health of the cultured species on a lease site. An authorization may be granted to ensure compliance with department-initiated action. The department shall provide written notice of the temporary operational modifications to the impacted lease holder. The commissioner shall establish by a rule a process by which temporary operational modifications may be authorized.

[PL 2025, c. 672, §9 (NEW); PL 2025, c. 672, §12 (AFF).]

6. Rules. The commissioner shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2025, c. 672, §9 (NEW); PL 2025, c. 672, §12 (AFF).]

SECTION HISTORY

PL 2025, c. 672, §9 (NEW). PL 2025, c. 672, §12 (AFF).

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