**13**

**Department of Marine Resources**

2016-2017 Regulatory Agenda

August 5, 2016

AGENCY UMBRELLA-UNIT NUMBER: **13-188**

AGENCY NAME: **Department of Marine Resources**

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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

**CHAPTER 45**: 45.05, Shrimp Season Closure

STATUTORY BASIS: 12 M.R.S. §6171(3)

PURPOSE: On December 7, 2015, the Atlantic States Marine Fisheries Commission’s (ASMFC) Northern Shrimp Section approved a moratorium for the 2015-2016 shrimp fishery. This action was taken in response to the findings of the 2015 Stock Status Report, indicating current fishable biomass is the lowest on record. The Northern Shrimp Technical Committee (NSTC) evaluated a suite of indicators including fishery performance, survey indices of abundance and biomass, and environmental conditions. Despite the marginal increase in the recruitment index in 2014, the population continues to meet the criteria defining a collapsed stock. For these reasons, this emergency rule-making established that there would be no season for the taking of northern shrimp in 2015-2016.

EFFECTIVE DATE OF ADOPTED RULE: December 10, 2015

AFFECTED PARTIES: Shrimp harvesters

**CHAPTER 11**: 11.22, Targeted Closures (1)(12)(13)(14) Muscle Ridge, Gouldsboro and Dyer Bays, Wohoa Bay and Jonesport Reach and Inner Machias Rotational Area (Emergency Regulations)

STATUTORY BASIS: 12 M.R.S. §6171(3).

PURPOSE: The Commissioner adopted this emergency rule-making for the implementation of conservation closures located in Gouldsboro & Dyer Bays, Wohoa Bay & Jonesport Reach and Inner Machias Rotational Area in order to protect Maine’s scallop resource due to the risk of unusual damage and imminent depletion. The Department was concerned that unrestricted harvesting during the remainder of the 2015-16 fishing season in these areas would deplete a severely diminished resource beyond its ability to recover. Continued harvesting could have damaged sublegal scallops that would be caught during subsequent fishing seasons, as well as reducing the broodstock essential to a recovery. These immediate conservation closures were necessary to reduce the risk of unusual damage and imminent depletion. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in Gouldsboro & Dyer Bays, Wohoa Bay & Jonesport Reach and Inner Machias Rotational Area as authorized by 12 M.R.S. §6171(3). In addition, a clarification to the access in the Muscle Ridge Limited Targeted Closure was included to ensure that access to this area did not overlap with that for the West Penobscot Bay Limited Access Area for both draggers and divers.

EFFECTIVE DATE OF ADOPTED RULE: December 13, 2015

AFFECTED PARTIES: 2015 Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 11**: 11.22, Targeted Closures (6)(15)(16) South Portland Harbor, Vinalhaven & Fox Island Thorofare and Whiting & Dennys Bays

STATUTORY BASIS: 12 M.R.S. §6171(3).

PURPOSE: The Commissioner adopted this emergency rule-making for the implementation of conservation closures located in Vinalhaven & Fox Island Thorofare and Whiting & Dennys Bays order to protect Maine’s scallop resource due to the risk of unusual damage and imminent depletion. The Department was concerned that unrestricted harvesting during the remainder of the 2015-16 fishing season in these areas could deplete a severely diminished resource beyond its ability to recover. Continued harvesting could have damaged sublegal scallops that would be caught during subsequent fishing seasons, as well as reducing the broodstock essential to a recovery. These immediate conservation closures were necessary to reduce the risk of unusual damage and imminent depletion. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in Vinalhaven & Fox Island Thorofare and Whiting & Dennys Bays as authorized by 12 M.R.S. §6171(3). In addition, a correction was made to the South Portland Harbor Closure to ensure enforceability of this area.

EFFECTIVE DATE OF ADOPTED RULE: January 16, 2016

AFFECTED PARTIES: 2016 Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 11**: 11.22 ,Targeted Closures (1)(17) Muscle Ridge and Western Penobscot Bay

STATUTORY BASIS: 12 M.R.S. §6171(3).

PURPOSE: The Commissioner adopted this emergency rule-making for the implementation of conservation closures located in Muscle Ridge and Western Penobscot Bay in order to protect Maine’s scallop resource due to the risk of imminent depletion and unusual damage. While scallop populations are indicating signs of recovery in some areas of the state, the Department was concerned that unrestricted harvest during the remainder of the 2015-16 fishing season in these specific areas would reduce the broodstock essential for continuing recovery of the resource. These immediate conservation closures were necessary to reduce the risk of unusual damage and imminent depletion. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in Muscle Ridge and Western Penobscot Bay as authorized by 12 M.R.S. §6171(3).

EFFECTIVE DATE OF ADOPTED RULE: January 23, 2016

AFFECTED PARTIES: 2016 Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 11**: 11.22, Targeted Closures (18)(19)(20) Cobscook Bay, St. Croix River and Owls Head

STATUTORY BASIS: 12 M.R.S. §6171(3)

PURPOSE: The Commissioner adopted this emergency rule-making for the implementation of conservation closures located in Cobscook Bay and Owls Head in order to protect Maine’s scallop resource due to the risk of imminent depletion and unusual damage. In addition, harvesting in the St. Croix River was limited to one day per week for draggers, and one day per week for divers. While scallop populations are indicating signs of recovery in some areas of the state, the Department was concerned that unrestricted harvest during the remainder of the 2015-16 fishing season in these specific areas would damage sublegal scallops that could be caught during subsequent fishing seasons, as well as reduce the broodstock essential to a recovery. These immediate conservation closures were necessary to reduce the risk of unusual damage and imminent depletion. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in Cobscook Bay and Owls Head and restricted harvest in the St. Croix River, as authorized by 12 M.R.S. §6171(3).

EFFECTIVE DATE OF ADOPTED RULE: February 6, 2016

AFFECTED PARTIES: 2016 Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 11**: 11.22, Targeted Closures (21)(22)(23)(24)(25)(26)(27) Inner Machias Area, Wohoa/Western Bay Rotational Area, Gouldsboro/Dyers Bay Rotational Area, Upper Blue Hill Bay/Union River Rotational Area, Jericho Bay Area, Eggemoggin Reach/Southeast Harbor Rotational Area and Casco Bay

STATUTORY BASIS: 12 M.R.S. §6171(3).

PURPOSE: The Commissioner adopted this emergency rule-making for the implementation of conservation closures located in the Inner Machias Area, Wohoa/Western Bay Rotational Area, Gouldsboro/Dyers Bay Rotational Area, Upper Blue Hill Bay/Union River Rotational Area, Jericho Bay Area, Eggemoggin Reach/Southeast Harbor Rotational Area and Casco Bay (hand harvest by scuba diving allowed) in order to protect Maine’s scallop resource due to the risk of imminent depletion and unusual damage. While scallop populations are indicating signs of recovery in some areas of the state, the Department was concerned that unrestricted harvest during the remainder of the 2015-16 fishing season in these specific areas would damage sublegal scallops that could be caught during subsequent fishing seasons, as well as reducing the broodstock essential to a recovery. These immediate conservation closures were necessary to reduce the risk of unusual damage and imminent depletion. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in the Inner Machias Area, Wohoa/Western Bay Rotational Area, Gouldsboro/Dyers Bay Rotational Area, Upper Blue Hill Bay/Union River Rotational Area, Jericho Bay Area, Eggemoggin Reach/Southeast Harbor Rotational Area and Casco Bay (hand harvest by scuba diving allowed), as authorized by 12 M.R.S. §6171(3).

EFFECTIVE DATE OF ADOPTED RULE: March 20, 2016

AFFECTED PARTIES: 2016 Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 34**: Groundfish Regulations. Recreational Cod Federal Compliance (Emergency Rule-Making)

STATUTORY BASIS: 12 M.R.S. §6171(3).

PURPOSE: In accordance with the New England Fisheries Management Council and for consistency with the National Marine Fisheries Service (NMFS) federal regulations effective May 1, 2016, the Department enacted emergency rule-making for charter, party and recreational fishing vessels operating in state waters regarding cod and haddock. For the recreational fishery, the cod fishery was taken off the prohibited list and it is now lawful to take or possess one cod per day in state waters. Cod may not be possessed on board a charter, party or recreational fishing vessel from October 1 to July 31 inclusive. For cod fish, the size limit of 24" (60.1 cm) applies. In addition to complying with federal law, this emergency regulation increased fishing opportunity in Maine State waters. The rule implemented NMFS’s increase of recreational possession limits for haddock from 3 to 15 fish. Finally, restrictions on recreational haddock possession were shifted, so that haddock may not be possessed on board a recreational fishing from March 1 through April 14, whereas the rule had previously restricted recreational haddock possession in both the fall and spring months.
EFFECTIVE DATE OF ADOPTED RULE: May 7, 2016

AFFECTED PARTIES: Charter, party and recreational fishing vessels operating in state waters and fishing for cod and haddock.

**CHAPTER 25**: 25.65, Lobster and Crab Closure in Penobscot River

STATUTORY BASIS: 12 M.R.S. §6171-A(4-A)

PURPOSE: The Commissioner adopted this emergency rule-making in order to protect public health due to the risk of mercury contamination in lobsters and crabs found in the mouth of the Penobscot River north of a line starting at the westernmost point of Perkins Point in the Town of Castine continuing in a northwesterly direction to the southernmost point on Squaw Point on Cape Jellison in the Town of Stockton Springs. In 2013, DMR received data warranting the current closure in the mouth of the river, and undertook confirmation work to provide the basis for future management or public health decisions. Based on analysis of the data collected in 2014 through the confirmation work, DMR determined that a consumption advisory is warranted for lobster taken from an expanded area south of the existing closure. Because this remains a discrete area and in order to be health protective, DMR instead took immediate action to expand the existing closed area. While the confirmation work did not show levels of concern for crabs, the area remains closed to the harvest of crabs due to enforcement constraints. For these reasons, the Commissioner adopted an emergency closure to the taking of lobster and crab in this area as authorized by 12 M.R.S. §6171-A(4-A).

EFFECTIVE DATE OF ADOPTED RULE: June 21, 2016

AFFECTED PARTIES: Lobster and crab fishermen in the Penobscot River area.

**CHAPTER 36**: 36.01, Herring Management Plan

STATUTORY BASIS: 12 M.R.S. §6171(3).

PURPOSE: For Management Area 1A, Sub-ACL Trimester 2 (June 1 – September 30), Atlantic herring may only be landed from Management Area 1A on days that have been designated landing days by the Atlantic States Marine Fisheries Commission (ASMFC). All vessels landing herring caught in Management Area 1A in any Maine port are limited to fishing for and landing herring only on days designated by the Atlantic States Marine Fisheries Commission herring section, which are designated as three consecutive days until June 30, then four consecutive days per week beginning July 1. Landing days begin on Sunday of each week at 6 pm. All vessels landing herring caught in Management Area 1A in any Maine port are limited to one landing per 24 hour period (6 pm to 6 pm). For the purpose of this subsection, “landing” shall be defined as follows: To come to shore, float, or a dock and offload herring. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3).

EFFECTIVE DATE OF ADOPTED RULE: June 22, 2016

AFFECTED PARTIES: Herring fishermen.

**CHAPTER 36**: 36.01, Herring Management Plan

STATUTORY BASIS: 12 M.R.S. §6171(3).

PURPOSE: For Management Area 1A, Sub-ACL Trimester 2 (June 1 – September 30), all vessels landing herring caught in Management Area 1A in any Maine port will be limited to fishing for and landing herring for one day only: 6 pm on Sunday night to 6 pm Monday. All vessels landing herring caught in Management Area 1A in any Maine port are limited to one landing per 24 hour period (6 pm to 6 pm). “Landing” is defined to mean to come to shore, float, or a dock and offload herring. The rule also puts into effect certain measures required under the Atlantic States Marine Fisheries Commission (ASMFC) approved Amendment 3 to the Interstate Fishery Management Plan (FMP) for Atlantic Herring in February 2016. For these reasons, the Commissioner has determined that it is necessary to take emergency action under 12 MRS§6172(3)(B) and (C) to prevent the depletion of the supply of herring and to achieve compliance with changes to the interstate fisheries management plan. The Commissioner hereby adopts this emergency regulation as authorized by 12 M.R.S. §6171(3).

EFFECTIVE DATE OF ADOPTED RULE: July 2, 2016.

AFFECTED PARTIES: Herring fishermen.

**CHAPTER 36**: 36.01, Herring Management Plan

STATUTORY BASIS: 12 M.R.S. §6171(3).

PURPOSE: For Management Area 1A, Sub-ACL Trimester 2 (June 1 – September 30), all vessels landing herring caught in Management Area 1A in any Maine port will be limited to fishing for herring on three consecutive days only (6 pm Saturday to 6 pm Tuesday) and landing herring for two consecutive days only: 6 pm on Sunday night to 6 pm Tuesday. All vessels landing herring caught in Management Area 1A in any Maine port are limited to one landing per 24 hour period (6 pm to 6 pm). The rule also defined harvester vessel and carrier vessel, and imposed reporting requirements for both types of vessels. Seiners may transfer fish to another seiner (who is required to report the received catch as their own), but may only transfer fish to one carrier vessel per week. Vessels operating as harvester vessels may not operate as carrier vessels on the same trip. The Commissioner determined that it was necessary to take emergency action under 12 MRS§6172(3)(B) to prevent the depletion of the supply of herring. The Commissioner hereby adopts this emergency regulation as authorized by 12 M.R.S. §6171(3).

EFFECTIVE DATE OF ADOPTED RULE: July 9, 2016

AFFECTED PARTIES: Herring fishermen.

**CHAPTER 41:** 41.30, Menhaden Program Episodic Event Fishery

STATUTORY BASIS: 12 M.R.S. §6171(3)

CONCISE SUMMARY: As provided by Technical Addendum 1 to Amendment 2 of the Interstate Fisheries Management Plan for Atlantic Menhaden, Maine implemented the requirements necessary to provide for an episodic event fishery for Atlantic menhaden. Maine DMR was aware that the allocated state quota for menhaden had been met, and there was biomass still available such that an episodic event fishery was necessary. The requirements for daily trip level harvester reporting, requiring menhaden harvested in state waters to be landed in Maine, and limiting daily harvests and landings to 120,000 pounds/vessel were necessary to prevent unusual damage or imminent depletion of the Atlantic menhaden resource. The Commissioner adopted this emergency rule-making under the authority provided by§6172-3(A) and (C). This notice of agency emergency rule-making served as the notice that the episodic event fishery is open.

EFFECTIVE DATE: July 31, 2016

AFFECTED PARTIES: Menhaden fishermen

**CHAPTER 41**: 41.30(1), Menhaden Fishery Closure

STATUTORY BASIS: 12 M.R.S. §6171(3)

CONCISE SUMMARY: The Atlantic States Marine Fisheries Commission Atlantic Menhaden Management Board approved a total allowable catch (TAC) for the 2015 and 2016 fishing seasons of 187,880 mt per year. The percentage allocated to Maine for 2016 is 0.04%, or 161,466 lbs. States have the responsibility to close their directed commercial fisheries in their state once their quota has been reached. Based on landings reports received, Maine DMR is aware that the 2016 menhaden quota has been reached, and is closing the menhaden fishery for 2016 in order to avoid unusual damage and imminent depletion of the menhaden resource. An exception to the closure is provided in order to allow a small amount of menhaden to be taken by hook and line for personal use only. The Commissioner adopted this emergency rule-making under the authority provided by§6172-3 (A). Maine DMR also anticipated that the biomass available to the State for an episodic event fishery would be met or exceeded before August 5, 2016, and this also served as notice that the episodic event fishery is closed, as provided by 41.30(2)(A).

EFFECTIVE DATE: August 5, 2016

AFFECTED PARTIES: Menhaden fishermen

**EXPECTED 2016-2017 RULE-MAKING ACTIVITY:**

(CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated for all rules listed.)

**CHAPTER 1**: Watercraft Excise Tax Decal-No rule-making anticipated.

**CHAPTER 2**: Aquaculture

STATUTORY BASIS: 12 M.R.S. §§ 6072, 6072-A, 6072-C, 6172

PURPOSE: Update Chapter 2 to include regulations for: (1) gear variances for aquaculture gear to implement statutory changes; (2) land based aquaculture; (3) wild seed (spat) collection; (4) wet storage of shellfish grown on aquaculture sites; (5) retail sales directly from lease sites; and (6) updates to Chapter 2 to implement past legislation and clarify existing rules.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Aquaculture industry

**CHAPTER 3**: Foreign Fish Processing within the State of Maine’s Internal Waters – No rule-making anticipated

**CHAPTER 4**: Certification, Recertification, Revocation of Certification for Municipal Shellfish Conservation Warden - No rule-making anticipated

**CHAPTER 5**: Confidentiality of Statistics - No rule-making anticipated

**CHAPTER 6**: Lobster Processing, Restrictions and Prohibitions-No rule-making anticipated

**CHAPTER 7**: Requirements for Municipalities Having Shellfish Conservation Programs

STATUTORY BASIS: 12 M.R.S. §§ 6671, 6673

PURPOSE: To update and amend the regulations for towns with approved shellfish conservation management programs.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Municipalities that have DMR approved Shellfish Conservation Programs

**CHAPTER 8**: Landings Program

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6173

PURPOSE: To update landings reporting requirements in conjunction with the implementation of the Atlantic Coastal Cooperative Statistics Program (ACCSP) and to collect landings information as necessary for management purposes.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Marine harvesters and dealers

**CHAPTER 9**: Harvester: Shellstock Harvesting, Handling and Sanitation

STATUTORY BASIS: 12 MRS §6172-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish harvesters

**CHAPTER** **10**: Clams and Quahogs

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amendments to size and harvest restrictions, and regulations pertaining to management of the clam and quahog resources.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Clam and quahog harvesters

**CHAPTER 11**: Scallops

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6856, 6171-A, 6728, 6706

PURPOSE: To establish or amend local and/or state-wide regulations pertaining to the management of the scallop resource, including annual setting of the season. Establishment of a limited entry system for the scallop fishery. Amendments for inconsistencies or technical corrections.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Scallop harvesters and dealers

**CHAPTER 12**: Mussels

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amendments to size and harvest restrictions, and regulations pertaining to management of the mussel resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Mussel harvesters

**CHAPTER 13**: Whelks and Periwinkles

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Regulations pertaining to management of the periwinkle resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Periwinkle harvesters

**CHAPTER 14**: Oysters

STATUTORY BASIS: 12 M.R.S. §6171, §6863

PURPOSE: Amendments to size and harvest restrictions, regulations pertaining to management of the oyster resource

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Oyster harvesters

**CHAPTER 15**: General Shellfish Sanitation Requirements

STATUTORY BASIS: 12 M.R.S. §6171-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Certified shellfish dealers and harvesters

**CHAPTER** **16**: Uniform Physical Plant Equipment and Operation Requirements -

STATUTORY BASIS: 12 MRS §6171-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish industry

**CHAPTER** **17**: Shucker-Packer

STATUTORY BASIS: 12 MRS §6171-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish industry

**CHAPTER** **18**: Shellstock Shipping

STATUTORY BASIS: 12 MRS §6171-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish industry

**CHAPTER** **19**: Reshipping

STATUTORY BASIS: 12 MRS §6171-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish industry

**CHAPTER** **20**: Depuration

STATUTORY BASIS: 12 MRS §6171-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish industry

**CHAPTER 21**: Shellfish Relay

STATUTORY BASIS: 12 MRS §6171-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish industry

**CHAPTER** **22**: Retail Seafood

STATUTORY BASIS: 12 MRS §6172-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish industry

**CHAPTER** **23**: Standards for closure of contaminated or polluted flats-No rule-making anticipated

**CHAPTER 24**: Importation of Live Marine Organisms

STATUTORY BASIS: 12 M.R.S. §§ 6071, 6171

PURPOSE: Updates to prevent the introduction of infectious organisms that pose a danger to indigenous marine life or its environment; update shellfish health guidelines for wild and aquaculture industry; shellfish regulation updates or establishment of testing, movement restrictions and hatchery inspection requirements; and amend for applicable land-based marine organism aquaculture permitting.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Any person seeking an importation permit, aquaculturists

**CHAPTER 25**: Lobster and Crab

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6171-A, 6175, 6431, 6446, 6447, 6448

PURPOSE: To adopt lobster trap limits, number of traps per trawl, the periods allowed for complying with the trap limit and the time of day when fishing may occur as established by lobster management zones’ referenda on policy proposals; amend license entry eligibility requirements per zone; amend apprentice requirements; education and safety requirements; and resolve boundary line disputes. In addition, to update rules for consistency with new statutes or amend for clarifications and technical corrections; to amend seed lobster fund rules, double tags requirements for enforcement, rules regarding island limited entry for lobster fishing communities; rules regarding the use of fresh water and marine sources of bait; student license rules pertaining to serving a percentage of their time with their sponsor. To bring Maine into compliance with the ASMFC Amendments to the Interstate Fishery Management Plan for Lobster including but not limited to most restrictive rules, minimum & maximum sizes, gauge changes. Implementation of emergency rules, repeal of rules replaced by laws and corrections based on rules review for errors and inconsistencies would be promulgated.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: lobster harvesters; lobster dealers

**CHAPTER 26**: Sea Urchin

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6749, 6749-W, 6302-A

PURPOSE: To establish or amend local or state wide urchin regulations pertaining to management of the urchin resource. To establish a limited entry system for the urchin fishery. To amend the season to reallocate the days available for fishing or to reflect spawning conditions, set daily catch limits, adjust size limits or tolerance(s), minimum and maximum size, tolerances, closures for research, zone selection rules; establish rules to govern zone council elections etc. Designate the open days and selection of early or late season(s) for the sea urchin fishery in Zones 1 and 2.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Sea urchin harvesters, buyers, processors

**CHAPTER 27**: Sea Cucumber

STATUTORY BASIS: 12 M.R.S. §6813

PURPOSE: To establish or amend local or state wide sea cucumber regulations pertaining to management of the sea cucumber resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Sea cucumber harvesters and dealers

**CHAPTER 28**: Marine Worms

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To establish or amend regulations pertaining to management of the marine worm resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Worm harvesters and dealers

**CHAPTER** 29: Seaweed

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to implement coastwide rockweed management measures following recommendations of the Rockweed Fishery Management Plan Development Team’s Fishery Management Plan for Rockweed.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Seaweed harvesters and dealers

**CHAPTER 30**: River Herring –No rule-making anticipated

**CHAPTER 31**: Horseshoe Crabs –No rule-making anticipated

**CHAPTER** **32**: Eels

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to comply with ASMFC measures and changes in statute.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Eel harvesters and dealers

**CHAPTER 34**: Groundfish

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To manage groundfish stocks by adjusting the sizes and rules to conform with Fisheries Management Plan restrictions and adjust Maine regulations for liberalization of rules pertaining to recovering groundfish stocks. Compliance with NEFMC measures for groundfish.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Commercial and recreational groundfish harvesters

**CHAPTER** **36**: Herring

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amend regulations as necessary to conform with the joint New England Fisheries Management Council (NEFMC) and ASMFC herring plans, implementation of emergency rules, repeal of rules replaced by laws and corrections based on rules review for errors and inconsistencies. Changes may include days out of the fishery, fixed gear rules, monitoring, spawning closures, and addendums passed by ASMFC and NEFMC.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Herring harvesters and processors; bait dealers, lobstermen

**CHAPTER 37**: Freshwater Fish Regulations- No rule-making anticipated

**CHAPTER 39**: Sturgeon -No rule-making anticipated

**CHAPTER 40**: Smelts

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to manage the smelt fishery.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Smelt camp owners and harvesters

**CHAPTER 41**: Menhaden

STATUTORY BASIS: 12 M.R.S. §6171, §6171-A

PURPOSE: Restrictions as necessary on areas for management of the menhaden resource and reduce potential for gear conflict. Amend regulations as necessary to conform to ASMFC menhaden plan.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Menhaden harvesters

**CHAPTER 42**: Striped Bass-No rule-making anticipated

**CHAPTER 43**: Bluefish – No rule-making anticipated

**CHAPTER 44**: American Shad-No rule-making anticipated

**CHAPTER 45**: Shrimp

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6171-A

PURPOSE: Amend regulations as necessary to allow for the changes made to shrimp management by the ASMFC and other new measures.

 SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shrimp harvesters and dealers

**CHAPTER** **49**: Shellfish Bait Regulations – No rule-making anticipated

**CHAPTER** **50**: Spiny Dogfish and Coastal Sharks

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To provide compliance with interstate fisheries management plans (ASMFC) for coastal sharks or the National Marine Fisheries Service (NMFS) Fishery Management Plan for Dogfish in territorial seas through limits on commercial and recreational fisheries. Update rules to be consistent with federal rules.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Commercial and recreational dogfish and coastal shark harvesters, dealers

**CHAPTER 55**: Gear Restrictions

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to manage various fisheries and clarify regulations regarding methods of fishing and taking

SCHEDULE FOR ADOPTION: Throughout the year as necessary.

AFFECTED PARTIES: Commercial and recreational harvesters and commercial dealers

**CHAPTER** **60**: Resource Management Plan- No rule-making anticipated

**CHAPTER 65**: Burnt Island, Living Lighthouse and Facilities – No rule-making anticipated

**CHAPTER 70**: Cable Area Prohibitions – No rule-making anticipated

**CHAPTER 75**: Protected Resources

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Rules for compliance and consistency with NOAA Fisheries rules; species involved may include whales, sea turtles, sturgeon, etc.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Commercial and recreational harvesters

**CHAPTER 80**: Commercial Pelagic and Anadromous Fishing License – No rule-making anticipated

**CHAPTER 85**: Saltwater Fishing Registry-No rule-making anticipated

**CHAPTER 90**: Conservation Areas-No rule-making anticipated

**CHAPTER 95**: Closed Polluted Areas-No rule-making anticipated

**CHAPTER 96**: Closed Areas-No rule-making anticipated

**CHAPTER 100**: Grievance Procedures for the Handicapped –No rule-making anticipated

**CHAPTER** **105**: Safety Regulations –No rule-making anticipated

**CHAPTER** **110**: Marine Harvesting Demonstration License

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to manage licensed activities.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Marine harvesting demonstration license holders