

**Notice of Agency Rule-making Proposal**

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 110 Marine Harvesting Demonstration License

PROPOSED RULE NUMBER *(leave blank; to be assigned by Secretary of State)*:

**BRIEF SUMMARY:**

Pursuant to 12 MRS §6810-A(7-A) Marine Harvesting Demonstration License holders are exempt from prohibitions on raising and hauling lobster traps during closed periods as specified in 12 MRS §6440 subsection 2. This proposed change removes language from the existing regulation, which did not recognize the exemption provided for in statute. This is a minor technical change intended to provide consistency between relevant statutory provisions and the regulation.

Date, time and location of PUBLIC HEARING *(if any)*: September 10, 2018, 1:30pm, DMR Offices, 32 Blossom Lane, Augusta, conference room 118.

COMMENT DEADLINE: September 21, 2018

CONTACT PERSON FOR THIS FILING *(include name, mailing address, telephone, fax, TTY, e-mail)*:

NAME: Amanda Ellis

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Hearing facilities: If you require accommodations due to disability, please contact Meredith Mendelson at 207-624-6553.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*: Same

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: None

STATUTORY AUTHORITY FOR THIS RULE: 12 M.R.S. § 6810-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: Same

AGENCY WEBSITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: dmr.rulemaking@maine.gov

\* Check one of the following two boxes.

X The summary provided above is for publication in both the newspaper and website notices.

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

**Please approve bottom portion of this form and assign appropriate AdvantageME number.**

APPROVED FOR PAYMENT \_\_\_\_\_ DATE: \_\_\_\_\_

*(authorized signature)*

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
010	13A	1120	10	4946				

## DEPARTMENT OF MARINE RESOURCES

### Chapter 110-Marine Harvesting Demonstration License

#### 110.03 Limitations and Prohibitions

- A. All marine organisms collected must be immediately liberated alive into the area from which they were taken.
- B. Lobster
  - 1. Lobster taken by trap must be immediately liberated alive.
  - 2. When collecting organisms by hand while SCUBA diving, the holder of a marine harvesting demonstration license may not take or possess lobsters.
- C. When collecting marine organisms, other than lobster pursuant to Chapter 110.03(B), by hand while SCUBA diving, the holder of a marine harvesting demonstration license shall limit the number of individual specimens to not more than six (6) per species or not greater than six (6) clusters of colonial marine organisms.
- D. ~~Unless specifically exempted in this chapter, the~~ The holder of a marine harvesting demonstration license is subject to all applicable marine resources laws and regulations including but not limited to:
  - 1. ~~Lobster gear utilized must be rigged to conform to whale take reduction protocols pursuant to Chapter 25.20; and~~
  - 2. ~~This license does not exempt the license holder from the closed periods for lobster fishing under 12 M.R.S.A. §6440.~~

## Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 110 Marine Harvesting Demonstration License

STATUTORY AUTHORITY: 12 M.R.S. §6810-A

DATE AND PLACE OF PUBLIC HEARING(S): September 10, 2018, 1:30pm, DMR Offices, 32 Blossom Lane, Augusta, conference room 118.

COMMENT DEADLINE: September 21, 2018

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]

The intent of the proposed rule is to provide consistency between the statute and associated rule governing the Marine Harvesting Demonstration License.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? \_\_\_ YES \_\_\_ X NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

The proposed rule will create consistency between statutory and the relevant regulatory provision.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]

The Department considered existing statutory requirements pertaining to the Marine Harvesting Demonstration License and determined that the regulation needed to be updated.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

Enforcement of these proposed amendments will not require additional activity in this Agency. Existing enforcement personnel will monitor compliance during their routine patrols.

***FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:***

*ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:*

[see §8057-A(2)(A)]

*INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED:* [see §8057-A(2)(B)]

*BENEFITS OF THE RULE:* [see §8057-A(2)(C)]

*Note: If necessary, additional pages may be used*