

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 75 Technical Correction

TYPE OF RULE (*check one*): Routine Technical Major Substantive

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

This proposed rule-making makes a technical correction that removes three USCG buoys as boundary markers due to these buoys either being “de-established” or moving locations. The coordinates of their former locations will remain as boundary markers for the purpose of the State of Maine Exemption Line regulation.

Date, time and location of PUBLIC HEARING (*if any*): No public hearing scheduled

COMMENT DEADLINE: July 21, 2023

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

NAME: Deirdre Gilbert

MAILING ADDRESS: 21 State House Station, Augusta, Maine 04333-0021

E-MAIL: dmr.rulemaking@maine.gov

TELEPHONE: 207-624-6553

FAX: 207-624-6024

TTY: 207-624-6500 (Deaf/Hard of Hearing)

Hearing facilities: If you require accommodations due to disability, please contact 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 MRS 6171

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

75.01 Definitions

A. In addition to the definitions set forth in 1 M.R.S.A. §§ 71 and 72 and 12 M.R.S.A. §6001, the following definitions shall apply in this chapter.

1. “Area 1” means EEZ Nearshore Management Area 1, for Lobster Management Areas, that is defined by the area, including state and federal waters that are near-shore in the Gulf of Maine, bounded by straight lines connecting the following points, in the order stated, and the coastline of Maine, New Hampshire, and Massachusetts to the northernmost point on Cape Cod:

Point	Latitude	Longitude
A.....	43 deg. 58[min] N.	67 deg. 22[min] W.
B.....	43 deg. 41[min] N.	68 deg. 00[min] W.
C.....	43 deg. 12[min] N.	69 deg. 00[min] W.
D.....	42 deg. 49[min] N.	69 deg. 40[min] W.
E.....	42 deg. 15.5[min] N.	69 deg. 40[min] W.
G.....	42 deg. 05.5[min] N.	70 deg. 14[min] W.
G1.....	42 deg. 04.25[min] N.	70 deg. 17.22[min] W.
G2.....	42 deg. 02.84[min] N.	70 deg. 16.1[min] W.
G3.....	42 deg. 03.35[min] N.	70 deg. 14.2[min] W.

Along the coastline of Massachusetts, New Hampshire, Maine, and the seaward EEZ boundary back to point A. (50 CFR 697.18(a))

2. “ALWTRP” stands for the federal Atlantic Large Whale Take Reduction Plan. The federal citation for these rules is 50 CFR Wildlife and Fisheries, CHAPTER II National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, Subchapter C Marine Mammals, Part 229 Authorization for Commercial Fisheries Under the Marine Mammal Protection Act of 1972. (50 CFR Part 229, 64 FR 7552, effective February 16, 1999) Also see <http://www.greateratlantic.fisheries.noaa.gov/Protected/whaletrp/> .

3. NOAA Fisheries Assistant Administrator contact information:

NOAA Fisheries Service
 Greater Atlantic Regional Fisheries Office
 55 Great Republic Drive
 Gloucester, MA 01930-2276

Web site: <http://www.greateratlantic.fisheries.noaa.gov/Protected/whaletrp/> .

4. “State of Maine Exemption Line” or “Exemption Line” means the area landward, to within the rise and fall of the tide, of a line which connects the following 25 numbered coordinates from the Maine/New Hampshire Border to Maine/Canadian Border:

- | | | | |
|----|--------------------------------|--------------|--------------|
| 1. | Odiornes Pt. Portsmouth NH: | 43° 02.55' N | 70° 43.33' W |
| 2. | R 2KR Whistle - Kittery Point: | 43° 02.93' N | 70° 41.47' W |
| 3. | N 2MR - Murray Rock: | 43° 04.06' N | 70° 36.70' W |

4.	RW CP Whistle - Cape Porpoise:	43° 20.23' N 70° 23.64' W*
5.	RW WI Whistle - Wood I	43° 27.63' N 70° 17.48' W*
6.	G 1 - East Hue and Cry:	43° 31.9452' N 70° 08.6841' W
7.	RG N BS - Bulwark Shoal:	43° 36.04' N 70° 03.98' W
8.	R 20ML Bell - Mile Ledge:	43° 41.44' N 69° 45.27' W
9.	R 2BR Bell - Bantam Rock:	43° 43.64' N 69° 37.58' W
10.	GR C PL - Pemaquid Ledge:	43° 48.96' N 69° 31.15' W
11.	R 2 OM Whistle - Old Man Ledge:	43° 50.28' N 69° 18.86' W
12.	G 5TB Bell - Two Bush Channel:	43° 56.72' N 69° 04.89' W
13.	R 2A Bell - Old Horse Ledge:	43° 59.83' N 68° 50.06' W
14.	R 2 Bell - Roaring Bull Ledge, Isle Au Haut:	43° 59.36' N 68° 37.95' W
15.	Southern point Great Duck I:	44° 08.36' N 68° 14.75' W
16.	R 8BI Whistle - Baker I:	44° 13.55' N 68° 10.71' W
17.	R 2S Bell - Schoodic I:	44° 19.08' N 68° 02.05' W
18.	R N 2 - Petit Manan I:	44° 21.66' N 67° 51.78' W
19.	R 2SR Bell - Seahorse Rock, west of Great Wass I:	44° 25.74' N 67° 38.39' W
20.	Freeman Rock - east of Great Wass I:	44° 27.77' N 67° 32.86' W
21.	Obstruction - southeast of Cutler:	44° 37.70' N 67° 09.75' W
22.	R 28M Whistle - Baileys Mistake:	44° 45.51' N 67° 02.87' W
23.	R N 2 - Morton Ledge:	44° 47.36' N 66° 59.25' W
24.	G 1 Whistle - West Quoddy Head:	44° 48.64' N 66° 56.43' W
25.	R N 2 - Quoddy Narrows:	44° 49.67' N 66° 57.77' W

~~* Note: These US Coast Guard buoys have been “de-established”, i.e., they are not being replaced; however for purposes of these regulations their coordinates are being used without their former marker.~~

5. “Maine Sliver Area” or the “Sliver” means the area between the State of Maine Exemption Line and the 3-mile limit, as identified on National Oceanographic and Atmospheric Administration nautical charts.
6. The Maine Six-Mile Line waters are defined for a minimum number of traps per trawl and are as follows:

The Maine Six-Mile Line is a line connecting the following points (Machias Seal to Isles of Shoals).

- * 44°31.98' N. lat., 67°9.72' W. long (Machias Seal)
- * 44°3.42' N. lat., 68°10.26' W. long (Mount Desert Island)
- * 43°40.98' N. lat., 68°48.84' W. long (Matinicus)
- * 43°39.24' N. lat., 69°18.54' W. long (Monhegan)
- * 43°29.4' N. lat., 70°5.88' W. long (Casco Bay)
- * 42°55.38' N. lat., 70°28.68' W. long (Isles of Shoals)

7. The Maine Pocket Waters are defined for a minimum number of traps per trawl and are as follows:

Maine Pocket Waters

- * West of Monhegan Island in the area north of the line 43°42.17' N. lat., 69°34.27' W. long and 43°42.25' N. lat., 69°19.3' W. long
- * East of Monhegan Island in the area located north of the line 43°44' N. lat., 69°15.08' W. long and 43°48.17' N. lat., 69°8.02' W. long

* South of Vinalhaven Island in the area located west of the line 43°52.31' N. lat., 68°40' W. long and 43°58.12' N. lat., 68°32.95' W. long

* South of Bois Bubert Island in the area located northwest of the line 44°19.27' N. lat., 67°49.5' W. long and 44°23.67' N. lat., 67°40.5' W. long

8. Trap trawl regulatory requirements relative to the three-mile line shall be based on the “three nautical mile line” as depicted on NOAA nautical charts.
9. Trap trawl regulatory requirements relative to the twelve-mile line shall be based on the “territorial sea and contiguous zone” line as depicted on NOAA nautical charts.
10. “Maine Zone A East” is defined as the portion of Lobster Zone A whose western boundary runs along the 67°18.00' W longitude line to Cross Island and whose eastern and offshore boundaries follow the International Boundary Line between Canada and Maine extending to and following the Exclusive Economic Zone boundary to approximately 44°08' N. lat., 67°18.00' W long.
11. “Maine Zone A West” is defined as the portion of Lobster Zone A whose eastern boundary is the 67°18.00' W longitude line to Cross Island and whose western boundary is equivalent to that of the western boundary of Zone A (see Chapter 25.92). The offshore boundary is the LMA 1/3 boundary.
12. “LMA1 Restricted Area” is defined as by the following coordinates and falls within the offshore portions of Maine Zones C, D, and E
 - 69° 36.77' W 43° 06.00' N
 - 68° 21.60' W 43° 44.00' N
 - 68° 17.27' W 43° 32.68' N
 - 69° 32.16' W 42° 53.52' N
 - 69° 36.77' W 43° 06.00' N

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6553; web address: <http://www.maine.gov/dmr/rulemaking/>

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DATE AND PLACE OF PUBLIC HEARING(S): No hearing scheduled

COMMENT DEADLINE: July 21, 2023

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)] This proposed rule-making makes a technical correction that removes three USCG buoys as boundary markers due to these buoys either being “de-established” or moving locations. The coordinates of their former locations will remain as boundary markers for the purpose of the State of Maine Exemption Line regulation.

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)] This proposed rule-making will clarify the existing line and remove references to buoys that have been de-established.

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]: DMR considered information provided by Maine Marine Patrol in proposing this change.

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.