**13**

**Department of Marine Resources**

2014-2015 Regulatory Agenda

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 NUMBER AND TITLE: **Chapter 11.22** Atlantic Sea Scallop Regulations and 2013-2014 HarvestingSeason, Targeted Closures (2) Moosabec Reach, (7) Inner Harbor/Deep Hole/Southeast Harbor, (8) Muscle Ridge, (10) Damariscotta River, (13) Medomak (Waldoboro) River, (14) Somes Harbor. Emergency Regulations

STATUTORY BASIS: 12 M.R.S. §6171(3)

PURPOSE: This emergency rulemaking was necessary for the implementation of conservation closures located in Moosabec Reach, Inner Harbor/Deep Hole/Southeast Harbor, Muscle Ridge, Damariscotta River, Medomak (Waldoboro) River, and Somes Harbor 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 2013-14 fishing season in these areas would deplete a severely diminished resource beyond its ability to recover. Continued harvesting would have damaged sublegal scallops that could be caught during subsequent fishing seasons, as well as reduced the broodstock essential to a recovery.

EFFECTIVE DATE OF ADOPTED RULE: January 18, 2014

AFFECTED PARTIES: Scallop harvesters and dealers

CHAPTER NUMBER AND TITLE: **Chapter 11.22** Atlantic Sea Scallop Regulations and 2013-2014 Harvesting Season, Targeted Closures (8) Muscle Ridge (15) Cobscook Bay and (16) St. Croix River, Emergency Regulations

STATUTORY BASIS: 12 M.R.S. §6171(3)

PURPOSE: This emergency rulemaking was necessary for the implementation of a conservation closure in Zone 3 (Cobscook 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 2013-14 fishing season in this area would have depleted a severely diminished resource beyond its ability to recover. The 2013 survey indicated that 380,100 lbs. of harvestable biomass was available for the 2013-2014 season in Zone 3 (Cobscook Area). After 24 days of fishing, it was estimated that 278,100 pounds (or 73% of the harvestable biomass had been removed from this area) by dive and drag licenses. In contrast, for the 2012-13 season the starting biomass estimated was 385,000 lbs. and estimated landings totaled 191,160 lbs. or approximately 50% of the available harvestable biomass. Continued harvesting would have damaged sublegal scallops that could be caught during subsequent fishing seasons, as well as reduced the broodstock essential to a recovery. Continued scallop fishing in Zone 3 at the levels allowed by the existing rule would have caused unusual damage and imminent depletion to the scallop resource due to mortality of scallops contacted during fishing operations. Continued harvesting in the Zone 3 (Cobscook Area) at then current levels during the remainder of the 2013-14 scallop fishing season would have likely damaged and reduced the remaining legal-sized broodstock that is essential for successful spawning.

EFFECTIVE DATE OF ADOPTED RULE: January 24, 2014

AFFECTED PARTIES: Scallop harvesters and dealers

CHAPTER NUMBER AND TITLE: **Chapter 11.09** Harvesting Season and **Chapter 11.22** Targeted Closures (8) Muscle Ridge (10) Damariscotta River, (13) Muscongus Area, (14) Somes ~~Harbor~~ Sound, (15) Cobscook Bay, (16) St. Croix River, (17) Whiting Bay & Dennys Bay Area, (18) Gouldsboro Bay, (19) Jonesport Reach. Emergency Regulations.

STATUTORY BASIS: 12 M.R.S. §6171(3)

PURPOSE: This emergency rulemaking was necessary in order to protect Maine’s scallop resource due to the risk of unusual damage and imminent depletion. The Department was concerned that further unrestricted harvesting during the remainder of the 2013-14 fishing season in these areas would have depleted a severely diminished resource beyond its ability to recover. This was based upon industry feedback, sea & port sampling observations, Marine Patrol observations and then available survey data. Continued harvesting would have damaged sublegal scallops that could be caught during subsequent fishing seasons, as well as reduce the broodstock essential to a recovery. An immediate conservation closure was necessary in the Muscle Ridge, Damariscotta River, Muscongus Area, Somes Sound, Cobscook Bay, St. Croix River, Whiting Bay & Dennys Bay Area, Gouldsboro Bay, and Jonesport Reach areas.

EFFECTIVE DATE OF ADOPTED RULE: February 8, 2014

AFFECTED PARTIES: Scallop harvesters and dealers

CHAPTER NUMBER AND TITLE: **Chapter 11.22** Atlantic Sea Scallop Regulations and 2013-2014 HarvestingSeason, Targeted Closures (20) Machias Area and (21) Lower Sheepscot River. Emergency Regulations

STATUTORY BASIS: 12 M.R.S. §6171(3)

PURPOSE: This emergency rulemaking was necessary for the implementation of conservation closures in the Machias Area Limited Access Area (LAA) and the Lower Sheepscot River 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 2013-14 fishing season in those areas would have depleted a severely diminished resource beyond its ability to recover. Continued harvesting would have damaged sublegal scallops that could be caught during subsequent fishing seasons, as well as reduced the broodstock essential to a recovery.

EFFECTIVE DATE OF ADOPTED RULE: February 22, 2014

AFFECTED PARTIES: Scallop harvesters and dealers

CHAPTER NUMBER AND TITLE: **Chapter 25.65** - Lobster and Crab Closure in Penobscot River. Emergency Regulations

STATUTORY BASIS: 12 M.R.S. §6171-A(4-A) and 12 M.R.S. §6192

PURPOSE: This emergency rulemaking was necessary 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 above a line starting at the most northwestern point of Wilson Point (near the end of Wilson Point Road) in the Town of Castine and continuing in a northwesterly direction to the Fort Point Lighthouse on Cape Jellison in the Town of Stockton Springs. Data provided to the Department, indicated that lobsters in that area may have mercury levels above the Maine CDC action level and warranted a consumption advisory for the most sensitive populations. The Department believed immediate action was warranted as a precautionary measure and accordingly closed this area to the harvest of lobsters and crabs while the Department implemented a monitoring program inside and beyond the closure area to confirm and expand this dataset in order to inform future public health actions. Regular concurrent rulemaking followed.

EFFECTIVE DATE OF ADOPTED RULE: February 22, 2014

AFFECTED PARTIES: Local commercial and recreational lobster harvesters and dealers; crab harvesters

CHAPTER NUMBER AND TITLE: **Chapter 40** Smelt Regulations. Emergency Regulations.

STATUTORY BASIS: 12 M.R.S §6171(3)

PURPOSE: This emergency rulemaking was necessary for the implementation of a conservation closure for all anadromous smelt fishing from west of Penobscot Bay in Stonington (starting west of 68º40’W) to the New Hampshire/Kittery border in order to protect Maine’s smelt resource due to recent severe declines in populations in the southern, midcoast, and Penobscot Bay areas. An exception to this emergency rule was made for existing smelt ice fishing camp operations on the Kennebec River and its tributaries in order to allow those operations to finish their 2013-14 season. Department surveys found that many runs in Maine had declined, while others were extirpated. Because of these documented population declines and evidence of biologically stressed populations, it was necessary to pursue management measures that would sustain and restore the species. The Department was concerned that harvesting during the 2014 spawning season in those areas would deplete a severely diminished resource beyond its ability to recover. Continued harvesting on these stressed populations would have reduced the already diminished spawning success subsequently affecting future fishing seasons, as well as reduced the broodstock essential to a recovery.

EFFECTIVE DATE OF ADOPTED RULE: March 14, 2014

AFFECTED PARTIES: Smelt harvesters and smelt camp owners

CHAPTER NUMBER AND TITLE: **Chapter 32.03(1)(B)** – 2014 Elver Season Closure & **Chapter 55.07** Seasonal Net Restrictions. Emergency Regulations.

STATUTORY BASIS: 12 M.R.S §6171(3)

PURPOSE: This emergency rulemaking was necessary to delay the opening of the 2014 elver harvesting season in order to establish, implement and administer the elver transaction card system authorized by enactment of P.L. 2014, Ch. 468, Section 24 and establish an overall state quota and an individual quota system, as authorized by LD 1625. These measures were necessary in order to ensure that landingscould be reduced to 11,749 lbs. as required by the Atlantic States Marine Fisheries Commission (ASMFC). Without these management measures, no level of elver fishing could have been permitted without causing unusual damage to the American eel population. The extremely high prices paid for elvers had incentivized tremendous fishing effort on this resource that had to be controlled with additional management measures. EFFECTIVE DATE OF ADOPTED RULE: March 21, 2014

AFFECTED PARTIES: Elver harvesters and dealers

CHAPTER NUMBER AND TITLE: **Chapter 32.03** Commercial Harvesting Regulations; 32.35 Elver Quota System for 2014 Elver Season; 32.50 Mandatory Elver Dealer Meeting to Prepare for the 2014 Elver Season; 32.55 Elvers Returned to Permanent Facility Emergency Regulations.

STATUTORY BASIS; 12 M.R.S. §6505-A, sub-§3-A

PURPOSE: This emergency rulemaking was necessary to establish, implement and administer an elver individual fishing quota system in advance of the 2014 elver season in order to ensure that the elver fishery annual landings would not exceed the overall annual quota established by the Atlantic States Marine Fisheries Commission (ASMFC). The rulemaking repealed the closure implemented in a previous emergency rulemaking and established that the season would begin on April 6, 2014 at noon. In accordance with 12 M.R.S. §6575-B, sub-§8, it established the tributaries of the St. Croix River within which the use of fyke nets are prohibited. As authorized by 12 M.R.S. §6505-A, sub-§3-A, the rulemaking established the overall annual quota for 2014, the amount of quota allocated to individuals licensed under 12 M.R.S. §6505-A, the formula by which the quota was allocated to those individual license holders, and the amount of quota allocated to individuals licensed under 12 M.R.S. §6302-A. In order to implement and administer the elver individual fishing quota system, it established the process by which individuals may obtain transaction cards, and specified that the Department would deactivate the transaction card when an individual had met or exceeded the individual fishing quota they are allocated. The rulemaking established a mandatory meeting for elver dealers licensed under 12 M.R.S. §6864, to ensure that elver dealers understood their responsibilities for proper administration of the individual fishing quota system. Finally, the rulemaking clarified the existing requirement for elver dealers to bring elvers back to their permanent facility.

EFFECTIVE DATE OF ADOPTED RULE: March 26, 2014

AFFECTED PARTIES: Elver harvesters and dealers

CHAPTER NUMBER AND TITLE: **Chapter 32.35** Elver Quota System for 2014 Elver Season; **Chapter 8.10(C)(3)** Additional data elements and requirements for specific fisheries: Elvers. Emergency Regulations.

STATUTORY BASIS: §6505-A, sub-§3-A

PURPOSE: This emergency rulemaking was necessary in order to correct an inadvertent inclusion in the March 26, 2014 adopted emergency rule as part of the enacted Chapter 32.35 Elver Quota System for the 2014 Elver Season. This rulemaking action deleted the following language:

“*the maximum amount of elver individual quota that an individual licensed to fish for elvers under 12 M.R.S. §6505-A will be allocated is 1% of the total amount of elver fishing quota that will be allocated to individuals licensed to fish for elvers under 12 M.R.S. §6505-A, or 87.1 lbs.”*

This emergency rulemaking also deleted sections of the existing Chapter 8 Landings Program’s elver reporting requirements that had been found to be in conflict with 12 M.R.S. §6864, amended by P.L. 2014, Chapter 468, Sections 37 and 38 (emergency, effective March 13, 2014).

EFFECTIVE DATE OF ADOPTED RULE: March 29, 2014

AFFECTED PARTIES: Elver harvesters

CHAPTER NUMBER AND TITLE: **Chapter 8 & 32** Elver Transaction Requirements. Emergency Regulations.

STATUTORY BASIS: 12 M.R.S §6171(3)

PURPOSE: This emergency rulemaking was necessary in order to implement two additional measures pertaining to elver dealers. It had been determined by the DMR and the Maine Marine Patrol that these measures became necessary in order to prevent overfishing and to ensure continued compliance with Atlantic States Marine Fisheries Commission (ASMFC) mandated quota levels for the 2014 elver harvest season.

The first measure imposed entailed a new, minimal administrative requirement for elver dealers. Before purchasing elvers each fishing day (as defined within the regulation), licensed elver dealers would now be required to synchronize their DMR-provided reporting software in order to align with current Department records.

The second measure imposed clarified that no person may possess elvers that were harvested outside the State of Maine, except if they were exclusively transporting legally harvested elvers through the State under the authority of the laws of the United States. Maine is required to ensure strict compliance with the 11,749 pound quota mandated by ASMFC. This quota is closely tracked through the use of transaction cards, which establish the records regarding all of the elvers in possession of an elver dealer. Without this restriction, elver dealers could comingle elvers caught out of state with elvers harvested in Maine, making it impossible to ensure accurate tracking of the landings and compliance with the quota.

EFFECTIVE DATE OF ADOPTED RULE: May 6, 2014

AFFECTED PARTIES: Elver dealers

CHAPTER NUMBER AND TITLE: **Chapter 34** Groundfish. Recreational cod and haddock federal compliance regulations. Emergency Regulations

STATUTORY BASIS: 12 M.R.S. §6171(3)

PURPOSE: These emergency regulations brought the DMR in compliance with Framework 48 and Framework 50 of the Northeast Multispecies Fishery Management Plan and NOAA Fisheries Service regulations effective May 1, 2014. The Department enacted this emergency rulemaking for all persons aboard charter, party and recreational fishing vessels operating in state waters regarding cod and haddock. For recreational cod fishing, the minimum fish size increased from 19 inches to 21 inches and the closed season increased by two months. The season became September 1, 2014 through April 14, 2015. For recreational haddock fishing, the daily per angler bag limit decreased from an unlimited amount to three fish per day and the closed season increased by four months. The season became September 1 through November 20, 2014 and March 1 through April 30, 2015. The recreational catch of both Gulf of Maine cod and haddock exceeded the catch limit in place for FY 2013. Because the FY 2013 recreational overage was substantial, significant changes in management measures were deemed necessary by NMFS to ensure the recreational fisherydid not exceed its catch limit again in FY 2014. A very small bag limit was deemed required to sufficiently reduce recreational haddock catch and prevent additional quota overages. The analysis showed that many anglers encounter and keep only small numbers of haddock. The available information for FY 2013 shows that, on average, less than one haddock was kept per angler. Regular concurrent rulemaking followed.

EFFECTIVE DATE OF ADOPTED RULE: May 15, 2014

AFFECTED PARTIES: Recreational fishing harvesters

**EXPECTED 2014-2015 RULE-MAKING ACTIVITY:**

(Consensus-based rule development: Not contemplated for all rules listed.)

**CHAPTER NUMBER AND TITLE: 1** Watercraft Excise Tax Decal-No rulemaking anticipated.

**CHAPTER NUMBER AND TITLE: 2** Aquaculture

STATUTORY BASIS: 12 M.R.S. §§ 6072, 6072-A, 6072-C, 6171, 6192(4)

PURPOSE: Update Chapter 2 to include regulations for: (1) gear variances for aquaculture gear to implement statutory changes made by LD 1545; (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: Prior to October 1, 2015

AFFECTED PARTIES: Aquaculture industry

**CHAPTER NUMBER AND TITLE: 3** Foreign Fish Processing within the State of Maine’s Internal Waters – No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 4** Certification, Recertification, Revocation of Certification for Municipal Shellfish Conservation Warden-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 5** Confidentiality of Statistics – No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 6** Lobster Processing, Restrictions and Prohibitions-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 7** Requirements for Municipalities Having Shellfish Conservation Programs

STATUTORY BASIS: 12 M.R.S. §§ 6671, 6856, 6673

PURPOSE: To update and amend the regulations for towns with approved shellfish conservation management programs; update the revocation procedures; clarify the minimum 10% issuance ratio requirements of municipal shellfish licenses for residents and non-residents; spell out the procedures for opening and closing of municipal areas; and add annual report requirements for municipalities that issue aquaculture permits.

SCHEDULE FOR ADOPTION: Prior to December 1, 2014

AFFECTED PARTIES: Municipalities that have DMR approved Shellfish Conservation Programs

**CHAPTER NUMBER AND TITLE: 8** Landings Program

STATUTORY BASIS: 12 M.R.S. § §6171, 6173PURPOSE: To continue to update landings reporting requirements in conjunction with the implementation of the Atlantic Coastal Cooperative Statistics Program (ACCSP) and for greater consistency with dealer and harvesters’ reporting requirements.

SCHEDULE FOR ADOPTION: Prior to October 1, 2015

AFFECTED PARTIES: Marine harvesters and dealers

**CHAPTER NUMBER AND TITLE: 9** Harvester: Shellstock Harvesting, Handling and Sanitation-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 10** Clams and Quahogs

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amendments to quahog permitting and reporting requirements to be consistent with the federal management plan in accordance with the Mid Atlantic Fisheries Management Council, Quahog Management Plan, Amendment 10. Amendments to update with National Shellfish Sanitation Program and rule review for inconsistencies and errors.

SCHEDULE FOR ADOPTION: Prior to October 1, 2015

AFFECTED PARTIES: Quahog harvesters

**CHAPTER NUMBER AND TITLE: 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 conservation of the scallop resource. Amendments for inconsistencies or technical corrections and to set annual season..

SCHEDULE FOR ADOPTION: Prior to December 1, 2014

AFFECTED PARTIES: Scallop harvesters and dealers

**CHAPTER NUMBER AND TITLE: 12** Mussels

STATUTORY BASIS: 12 M.R.S. §6171

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

SCHEDULE FOR ADOPTION: Prior to October 1, 2015

AFFECTED PARTIES: Mussel harvesters

**CHAPTER NUMBER AND TITLE: 13** Whelks and Periwinkles – No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 14** Oysters

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

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

SCHEDULE FOR ADOPTION: Prior to October 1, 2015

AFFECTED PARTIES: Oyster harvesters

**CHAPTER NUMBER AND TITLE: 15** General Shellfish Sanitation Requirements

STATUTORY BASIS: 12 M.R.S. §6856

PURPOSE: To allow for dealer to dealer bulk tagging of product as permitted in the National Shellfish Sanitation Program Model Ordinance. Also, to make general clarification edits of the chapter.

SCHEDULE FOR ADOPTION: Prior to December 1, 2014

AFFECTED PARTIES: Certified shellfish dealers and harvesters

**CHAPTER NUMBER AND TITLE: 16** Uniform Physical Plant Equipment and Operation Requirements -No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 17** Shucker-Packer-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 18** Shellstock Shipping -No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 19** Reshipping-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 20** Depuration-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 21** Shellfish Relay-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 22** Retail Seafood-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 23** Standards for closure of contaminated or polluted flats-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 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, see PL, c. 229, 12 M.R.S.A. §6085.

SCHEDULE FOR ADOPTION: Prior to October 1, 2015

AFFECTED PARTIES: Any person seeking an importation permit, aquaculturists

**CHAPTER NUMBER AND TITLE: 25** Lobster and Crab

STATUTORY BASIS: 12 M.R.S. §§ 6001, 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: Prior to October 1, 2015

AFFECTED PARTIES: Present and future lobster harvesters; lobster dealers

**CHAPTER NUMBER AND TITLE: 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 conservation of the urchin resource. 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: Prior to September 1, 2015

AFFECTED PARTIES: Sea urchin harvesters, buyers, processors

**CHAPTER NUMBER AND TITLE: 27** Sea Cucumber

STATUTORY BASIS: 12 M.R.S. §6813

PURPOSE: To create method to access a surcharge on landings; the assessment on landings fee must be used for stock assessment. Up to 20 cents per 100 pounds may be allocated from the sea cucumber management fund (per statutory changes in 2007-2008)

SCHEDULE FOR ADOPTION: Prior to October 1, 2015

AFFECTED PARTIES: Sea cucumber dealers

**CHAPTER NUMBER AND TITLE: 28** Marine Worms–No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 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: Prior to October 1, 2015

AFFECTED PARTIES: Seaweed harvesters and dealers

**CHAPTER NUMBER AND TITLE: 30** River Herring –No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 31** Horseshoe Crabs –No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 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: Prior to October 1, 2015

AFFECTED PARTIES: Eel harvesters and dealers

**CHAPTER NUMBER AND TITLE: 34** Groundfish

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

PURPOSE: To conserve and protect the decreased groundfish stocks by adjusting the sizes and rules to conform with Fisheries Management Plan restrictions. Conversely, to adjust Maine regulations for liberalization of rules pertaining to recovering groundfish stocks. Compliance with ASMFC measures for groundfish. Halibut rules may also be updated. Revise halibut language for clarity.

SCHEDULE FOR ADOPTION: Prior to October 1, 2015

AFFECTED PARTIES: Commercial and recreational groundfish harvesters

**CHAPTER NUMBER AND TITLE: 36** Herring

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

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: Prior to October 1, 2015

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

**CHAPTER NUMBER AND TITLE: 37** Freshwater Fish Regulations- No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 39** Sturgeon -No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 40** Smelts

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to conserve and protect the smelt fishery.

SCHEDULE FOR ADOPTION: Prior to April 1, 2015

AFFECTED PARTIES: Smelt camp owners and harvesters

**CHAPTER NUMBER AND TITLE: 41** Menhaden

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

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

SCHEDULE FOR ADOPTION: Prior to October 1, 2015

AFFECTED PARTIES: Menhaden harvesters

**CHAPTER NUMBER AND TITLE: 42** Striped Bass-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 43** Bluefish – No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 44** American Shad-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 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. Set the annual shrimp season via emergency rulemaking as has historically been the case.

SCHEDULE FOR ADOPTION: Prior to February 1, 2015

AFFECTED PARTIES: The commercial shrimp fleet and the wholesale and retail seafood industry

**CHAPTER NUMBER AND TITLE: 49** Shellfish Bait Regulations – No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 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: Prior to October 1, 2015

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

**CHAPTER NUMBER AND TITLE: 55** Gear Restrictions

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to conserve and protect various fisheries and clarify regulations regarding methods of fishing and taking. Implement clarifications such as defining the head of tide in the Bangor area.

SCHEDULE FOR ADOPTION: Prior to October 1, 2015.

AFFECTED PARTIES: Commercial and recreational harvesters and commercial dealers

**CHAPTER NUMBER AND TITLE: 60** Resource Management Plan- No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 65** Burnt Island, Living Lighthouse and Facilities – No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 70** Cable Area Prohibitions – No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 75** Protected Resources

STATUTORY BASIS: 12 M.R.S. §6171

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

SCHEDULE FOR ADOPTION: Prior to October 1, 2015

AFFECTED PARTIES: Commercial and recreational harvesters and commercial dealers

**CHAPTER NUMBER AND TITLE: 80** Commercial Pelagic and Anadromous Fishing License – No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 85** Saltwater Fishing Registry-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 90** Conservation Areas-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 95** Closed Polluted Areas-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 96** Closed Areas-No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 100** Grievance Procedures for the Handicapped –No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 105** Safety Regulations –No rulemaking anticipated

**CHAPTER NUMBER AND TITLE: 110** Marine Harvesting Demonstration License

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to implement clarifications.

SCHEDULE FOR ADOPTION: Prior to October 1, 2015

AFFECTED PARTIES: Marine harvesting demonstration license holders