**13**

**DEPARTMENT OF MARINE RESOURCES**

2019-2020 Regulatory Agenda

September 25, 2019

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 36**: 36.01, Herring Management Plan

STATUTORY BASIS: 12 M.R.S. §6171-3(B)

PURPOSE: Atlantic herring can only be landed from Management Area 1A on days that have been designated landing days by the Atlantic States Marine Fisheries Commission (ASMFC). ASMFC monitors the consumption of the available Trimester 2 (June 1 – September 30) quota via NOAA Fisheries Atlantic Herring Quota Monitoring site and initiates the move to zero landing days when the Area 1A quota has reached 95% of the available quota allowance. Full utilization of the Trimester 2 quota had been projected and ASMFC designated zero landing days for the Atlantic herring fishery beginning 12:01am on Thursday, September 13, 2018. Fish taken on Wednesday, September 12, 2018 could be landed on Thursday, September 13 until 12pm. The Commissioner determined that it was necessary to take emergency action to implement these limitations to prevent the depletion of the supply of Atlantic herring and to comply with the changes to the interstate management of the Atlantic herring resource.

EFFECTIVE DATE OF ADOPTED RULE: September 12, 2018

AFFECTED PARTIES: Herring fishermen

**CHAPTER 41**: 41.30, Menhaden Fishery Management Program

STATUTORY BASIS: 12 M.R.S. §6171-3(B)

PURPOSE: The fishery for Atlantic menhaden is managed through the Atlantic States Marine Fisheries Commission (ASMFC). Maine’s allocated quota share for 2018 was 2,439,114 pounds, which was fully consumed on July 22, 2018. Recently, Maine Department of Marine Resources (DMR) has been the recipient of additional quota via transfers of Atlantic menhaden quota from partnering states to allow for a re-opening of the directed fishery for the fall. As a result of these transfers, Maine reopened the State Allocation fishery. Beginning September 17, 2018, harvest could occur between 12:01 a.m. on Monday and 11:59 p.m. Thursday each week; daily landing limit was reduced by this regulation to 80,000 pounds, with a weekly limit of 160,000 pounds. Harvesting and landings were restricted to Maine territorial waters and could occur once per 24-hour period. All landings were required to be reported daily via email to menhaden.dmr@maine.gov. The Commissioner determined that it is necessary to take emergency action to implement the reduction of the daily limit to prevent the depletion of the supply of Atlantic menhaden. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3)(B).

EFFECTIVE DATE OF ADOPTED RULE: September 15, 2018

AFFECTED PARTIES: Menhaden fishermen

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

STATUTORY BASIS: 12 M.R.S. §6171-3(C)

PURPOSE: 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). The Atlantic Herring Section held a Days Out conference call on September 18, 2018 to determine the landing days for Trimester 3 (October 1 – December 31) and designated five consecutive landings days for all vessels. Trimester 3 was open at 12:01 a.m. on Monday, October 1, 2018 and harvesters could land Atlantic herring through to 11:59 p.m. Friday, October 5. Starting October 7, 2018, landing of Atlantic herring resumed the schedule of 6 p.m. on Sundays through to 6 p.m. on Fridays. All vessels landing herring caught in Management Area 1A in any Maine port were limited to one landing per 24 hour period (6:00 p.m. to 6:00 p.m.). The Commissioner determined that it was necessary to take emergency action to implement these limitations to prevent the depletion of the supply of Atlantic herring and to comply with the changes to the interstate management of the Atlantic herring resource. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3)(C).

EFFECTIVE DATE OF ADOPTED RULE: September 29, 2018

AFFECTED PARTIES: Herring fishermen

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

STATUTORY BASIS: 12 M.R.S. §6171-3(C)

PURPOSE: 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). The Atlantic Herring Section held a Days Out conference call on November 13, 2018 to amend the landing days for Trimester 3 (October 1 – December 31) and designated seven landings days for all vessels. All vessels landing herring caught in Management Area 1A in any Maine port were limited to one landing per 24 hour period (6:00 p.m. to 6:00 p.m.). The Commissioner determined that it was necessary to take emergency action to implement these limitations to comply with the changes to the interstate management of the Atlantic herring resource. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3)(C).

EFFECTIVE DATE OF ADOPTED RULE: November 16, 2018

AFFECTED PARTIES: Herring fishermen

**CHAPTER 11**: 11.08, Targeted Closures: (7) Gouldsboro and Dyers Bays

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to implement conservation closures in the Gouldsboro and Dyers Bays within the Gouldsboro and Dyers Bay Rotational Area to protect Maine’s scallop resources from the risk of unusual damage and imminent depletion. The Department was concerned that continued harvesting for the duration of the 2018-19 fishing season in this small area would greatly reduce the abundance of the remaining broodstock as well as seed scallop resource that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure was necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in the Gouldsboro and Dyers Bays within the Gouldsboro and Dyers Bay Rotational Area. The last day of harvesting for scallop draggers was Friday, December 14, 2018. The final day of harvesting for scallop divers was Wednesday, December 19, 2018. These specific days allowed for equal harvest opportunity of ten days. This action stemmed from a recommendation from the Scallop Advisory Council during their July 2018 meeting that requested parity of harvest opportunity when possible during emergency closures. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A)

EFFECTIVE DATE OF ADOPTED RULE: December 16, 2018

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

**CHAPTER 11**: 11.08, Targeted Closures: (8) Machias and Little Machias Bays

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to implement a conservation closure in Machias and Little Machias Bays within the Machias Bay Rotational Area to protect Maine’s scallop resources from the risk of unusual damage and imminent depletion. The Department was concerned that continued harvesting for the duration of the 2018-19 fishing season in this small area would greatly reduce the abundance of the remaining broodstock as well as seed scallop resource that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure was necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in a portion of the Machias Bay Rotational Area. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: December 30, 2018

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

**CHAPTER 11**: 11.08, Targeted Closures: (9) West Vinalhaven

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to implement conservation closure west of Vinalhaven within Lower Penobscot Bay Rotational Area to protect Maine’s scallop resources from the risk of unusual damage and imminent depletion. The Department was concerned that continued harvesting for the duration of the 2018-19 fishing season in this small area would greatly reduce the abundance of the remaining broodstock as well as seed scallop resource that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure was necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in the inside islands west of Vinalhaven within the Lower Penobscot Bay Rotational Area. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: January 6, 2019

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

**CHAPTER 11**: 11.08, Targeted Closures: (10) Wohoa Bay; (11) Cobscook Bay including Whiting and Denny’s Bays

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to implement a conservation closure in Wohoa Bay within the Wohoa/Western Bay Rotational Area. Additionally, the Zone 3 harvesting calendar in Cobscook Bay was reduced to one day only for drag (Monday, January 28, 2019) and dive (Saturday, February 2, 2019), followed by a conservation closure in Cobscook Bay including Whiting and Denny’s Bay on Sunday, February 3, 2019. These closures were required to protect Maine’s scallop resources from the risk of unusual damage and imminent depletion. The Department was concerned that continued harvesting for the duration of the 2018-19 fishing season in these areas would greatly reduce the abundance of the remaining broodstock as well as seed scallop resource that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource. Immediate conservation closures were necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in Wohoa Bay in Zone 2 and Whiting, Denny and Cobscook Bays in Zone 3. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: January 27, 2019

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

**CHAPTER 11**: 11.08, Targeted Closures: (7) Gouldsboro/Dyers Bays Rotational Area, (8) Upper Machias Bay Rotational Area, and (9) Vinalhaven Islands in the Lower Penobscot Bay Rotational Area

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to implement conservation closures in Gouldsboro Dyers Bay Rotational Area, Upper Machias Rotational Area and Vinalhaven Islands in the Lower Penobscot Bay Rotational Area. These closures were required to protect Maine’s scallop resources from the risk of unusual damage and imminent depletion. The Department was concerned that continued harvesting for the duration of the 2018-19 fishing season would further reduce the abundance of remaining broodstock that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: February 10, 2019

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

**CHAPTER 11**: 11.08, Targeted Closures: (11) Cobscook including…St. Croix River, (12) Blue Hill Bay/Union River RA, (13) West Lower Jericho Bay, (14) Upper Damariscotta River

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to implement conservation closures in St. Croix River, Blue Hill Bay/Union River RA, West Lower Jericho Bay and Upper Damariscotta River. The Department was concerned that continued harvesting for the duration of the 2018-19 fishing season in these areas would greatly reduce the abundance of the remaining broodstock as well as seed scallop resource that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource. Immediate conservation closures were necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in St. Croix River, Blue Hill Bay/Union River RA, West Lower Jericho Bay and Upper Damariscotta River. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: February 24, 2019

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

**CHAPTER 11**: 11.08, Targeted Closures: (14) Damariscotta River

PURPOSE: The Commissioner adopted this emergency rulemaking to expand the conservation closure in the Damariscotta River. The Department was concerned that continued harvesting for the duration of the 2018- 19 fishing season in this area will greatly reduce the abundance of the remaining broodstock as well as sublegal scallop resource that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource. Immediate conservation closures were necessary to reduce the risk of unusual damage and imminent depletion of the Damariscotta River Limited Access Area. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: March 17, 2019

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

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

STATUTORY BASIS: 12 M.R.S. §6171-3(C)

PURPOSE: This rulemaking amended the existing seasonal spawning closures in accordance to the recently approved Addendum II of Amendment 3 to the Interstate Fishery Management Plan for Atlantic herring: the initial closure period was extended from 28 days to 42 days; the default closure date for both the Western Closure and the Massachusetts/New Hampshire Closure was modified from October 4 to September 23; and, the re-closure protocol was initiated with a lower percentage of spawning fish present in the population, from 25% to 20%. This rulemaking amended the start date for the mobile Atlantic herring fishery to commence on Sunday, July 14, 2019 and sets harvest parameters for the Atlantic Herring fishery as determined at the Days Out meeting held April 3, 2019. The Days Out Commissioners designated zero landing days for Period 1 (June). The Days Out Commissioners designated four consecutive landing days, beginning at 6:00 p.m. Sunday to 6:00 p.m. Thursday for vessels issued an Atlantic Herring Limited Access Category A Permit for Period 2 (July – August). These vessels were limited to landing 160,000 lbs. (4 trucks) weekly). The Days Out Commissioners designated five consecutive landing days, beginning at 6:00 p.m. Sunday to 6:00 p.m. Friday for vessels issued an Atlantic Herring Limited Access Category C Permit. Limited access harvester vessels could transfer Atlantic herring at-sea to other limited access harvester vessels. All harvester vessels were prohibited from at-sea transfers of Atlantic herring to carrier vessels. All vessels landing herring caught in Management Area 1A in any Maine port were limited to one landing per 24 hour period (6:00 p.m. to 6:00 p.m.). The Commissioner determined that it was necessary to take emergency action to implement these limitations to prevent the depletion of the supply of Atlantic herring and to comply with the changes to the interstate management of the Atlantic herring resource. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3)(C).

EFFECTIVE DATE OF ADOPTED RULE: June 1, 2019

AFFECTED PARTIES: Herring fishermen

**CHAPTER 41**: 41.30, Menhaden Fishery Management Program

STATUTORY BASIS: 12 M.R.S. §6171-3(B)

PURPOSE: The fishery for Atlantic menhaden is managed through the Atlantic States Marine Fisheries Commission (ASMFC). Maine’s allocated quota share for FY2019 was 2,438,677 pounds, which was fully consumed on June 30, 2019. Department of Marine Resources (DMR) requested, and was granted, approval to participate in the Episodic Event Set Aside program to access an available 4.7 million lbs. of menhaden quota. Beginning July 15, 2019, harvest occurred between 12:01 a.m. on Monday and 11:59 p.m. Thursday each week; daily landing limit was 120,000 lbs. and this regulation reduced the weekly limit to 120,000 lbs. as well. Harvesting and landings were restricted to Maine territorial waters; only one landing could occur per calendar day. All landings were reported daily via email to menhaden.dmr@maine.gov. The Commissioner determined that it was necessary to take emergency action to implement the reduction of the weekly limit to prevent the depletion of the supply of Atlantic menhaden. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3)(B).

EFFECTIVE DATE OF ADOPTED RULE: July 14, 2019

AFFECTED PARTIES: Menhaden fishermen

**CHAPTER 41**: 41.30, Menhaden Fishery Management Program

STATUTORY BASIS: 12 M.R.S. §6171-3(B)

PURPOSE: The fishery for Atlantic menhaden is managed through the Atlantic States Marine Fisheries Commission (ASMFC). Maine’s allocated quota share for FY2019 was 2,438,677 pounds, which was fully consumed by June 30, 2019. Additionally, Department of Marine Resources (DMR) was granted access to the Episodic Event Set Aside program (EESA); it was projected that 80% of the 4.7 million lbs. EESA had been consumed by Thursday, July 18, 2019. The Commissioner secured several transfers of menhaden quota that allowed for the DMR to re-open the directed state allocated fishery. Beginning July 22, 2019, harvest occurred between 12:01 a.m. on Monday and 11:59 p.m. Thursday each week; daily landing limit was 120,000 lbs. and this regulation reduced the weekly limit to 120,000 lbs. as well. Harvesting and landings were restricted to Maine territorial waters; only one landing could occur per calendar day. All landings were reported daily via email to menhaden.dmr@maine.gov. The Commissioner determined that it was necessary to take emergency action to implement the reduction of the weekly limit to prevent the depletion of the supply of Atlantic menhaden. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3)(B).

EFFECTIVE DATE OF ADOPTED RULE: July 21, 2019

AFFECTED PARTIES: Menhaden fishermen

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

STATUTORY BASIS: 12 M.R.S. §6171-3

PURPOSE: As of August 13, 2019, the Herring Management Area (HMA) 1A fishery had harvested 92% of the Period 2 (July – August) allocation. The Atlantic States Marine Fisheries Commission (ASMFC) had designated zero landing days for the remainder of Period 2, starting Sunday, August 18 through August 31, 2019. Period 3 (September – October) Atlantic herring fishery commenced on Sunday, September 1, 2019. At the Days Out meeting on April 3, 2019, the Commissioners designated four consecutive landing days, beginning at 6:00 p.m. Sunday to 6:00 p.m. Thursday for vessels issued an Atlantic Herring Limited Access Category A Permit with a weekly landing limit of 160,000 lbs. (4 trucks). The Commissioners designated five consecutive landing days, beginning at 6:00 p.m. Sunday to 6:00 p.m. Friday for vessels issued an Atlantic Herring Limited Access Category C Permit. Limited access harvester vessels could transfer Atlantic herring at-sea to other limited access harvester vessels. All harvester vessels were prohibited from at-sea transfers of Atlantic herring to carrier vessels. All vessels landing herring caught in Management Area 1A in any Maine port were limited to one landing per 24 hour period (6:00 p.m. to 6:00 p.m.). The Commissioner determined that it was necessary to take emergency action to implement these limitations to prevent the imminent depletion of the supply of Atlantic herring and to comply with the changes to the interstate management of the Atlantic herring resource. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3).

EFFECTIVE DATE OF ADOPTED RULE: August 17, 2019

AFFECTED PARTIES: Herring fishermen

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

STATUTORY BASIS: 12 M.R.S. §6171-3

PURPOSE: The Herring Management Area (HMA) 1A fishery had harvested 92% of the Period 3 (September – October) allocation. The Atlantic States Marine Fisheries Commission (ASMFC) had designated zero landing days for the remainder of Period 3, starting Sunday, September 15 through October 31, 2019. The Commissioner determined that it was necessary to take emergency action to implement these limitations to prevent the imminent depletion of the supply of Atlantic herring and to comply with the changes to the interstate management of the Atlantic herring resource. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3).

EFFECTIVE DATE OF ADOPTED RULE: September 14, 2019

AFFECTED PARTIES: Herring fishermen

**EXPECTED 2019-2020 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 that modify portions of the Limited Purpose Aquaculture (LPA) and leasing programs, to implement past legislation, and to 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** **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 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, to provide for the distribution of elver quota and to ensure enforceability of the elver quota system.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Eel and elver 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**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend the regulation to implement a maximum length for landlocked brown trout.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Brown trout harvesters

**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**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amend regulations as necessary to manage the striped bass fishery.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Striped bass harvesters

**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 94: SANITARY CONTROL OF MOLLUSCAN SHELLFISH**

STATUTORY BASIS: 12 M.R.S. §6171-A; §6856

PURPOSE: To amend regulations as necessary to reference current versions of the National Shellfish Sanitation Program Model Ordinance (NSSP MO), or update existing Department requirements for the retail trade and various permits that are not currently included in the NSSP MO.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Individuals engaged in the retail trade of shellfish including dealers, depuration processors, shellstock shippers, reshippers, enhanced retail seafood license holders, and relay activities.

**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

**CHAPER 115: *VIBRIO PARAHAEMOLYTICUS* CONTROL PLAN**

STATUTORY BASIS: 12 M.R.S. §6171-A

PURPOSE: New and amended regulations as necessary for compliance and safety.

SCHEDULE FOR ADPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish harvesters and dealers in affected areas