**13**

**DEPARTMENT OF MARINE RESOURCES**

2020-2021 Regulatory Agenda

July 2, 2020

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, Period 4 Opens

STATUTORY BASIS: 12 M.R.S. §6171(3)

PURPOSE: The Atlantic States Marine Fisheries Commission (ASMFC) scheduled a Days Out Conference Call on Wednesday, October 23, 2019 to determine effort controls for Quota Period 4 (November – December) in the Herring Management Area 1A. The Commissioners designated one landing day per week for Quota Period 4 to begin Sunday, November 3, 2019 at 6:00 p.m. Quota Period 4 opened at 12:01 a.m. on November 1, 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: October 31, 2019

AFFECTED PARTIES: Herring fishermen

**CHAPTER 11**: 11.08, Targeted Closures: (8) Moosabec Reach

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to establish a scallop conservation closure in Moosabec Reach within the Chandler Bay/Head Harbor Island Rotational Area in Zone 2. The Department was concerned that continued harvesting for the remainder of the 2019-2020 fishing season in this area would reduce scallop broodstock further, as well as jeopardize sublegal scallop abundance that was observed in the 2019 Spring Scallop survey 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 Moosabec Reach 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 8, 2019

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

**CHAPTER 11**: 11.08, Targeted Closures: (9) Upper Narraguagus Bay

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to establish a scallop conservation closure in upper Narraguagus Bay in Zone 2. The Department was concerned that continued harvesting for the remainder of the 2019-2020 fishing season in these areas will reduce scallop broodstock further, as well as jeopardize sublegal scallop abundance that was observed in the 2019 Spring Scallop survey 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 upper Narraguagus Bay 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 5, 2020

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

**CHAPTER 11**: 11.08, Targeted Closures: (10) Chandler and Eastern Bays

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to expand the scallop conservation closure to include Chandler and Eastern Bay areas in Zone 2. The Department was concerned that continued harvesting for the remainder of the 2019-2020 fishing season in these areas would reduce scallop broodstock further, as well as jeopardize sublegal scallop abundance that was observed in the 2019 Spring Scallop survey 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 Chandler and Eastern Bay areas. 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 19, 2020

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

**CHAPTER 11**: 11.08, Targeted Closures: (11) Middle Penobscot Bay

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to establish scallop conservation closures within Middle Penobscot Bay Islands, and also, Somes Sound and Cranberry Isles in Zone 2. The Department was concerned that continued harvesting for the remainder of the 2019-2020 fishing season in these areas would reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2019 Spring Scallop survey 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 Middle Penobscot Bay and Cranberry Isles areas 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 2, 2020

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

**CHAPTER 11**: 11.08, Targeted Closures: (13) Cobscook, Whiting & Dennys Bays

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopts this emergency rulemaking to establish scallop conservation closures for Cobscook, Whiting and Dennys Bays, all within Zone 3. The Department is concerned that continued harvesting for the remainder of the 2019-2020 fishing season in these areas will impact the abundant sublegal scallop resource, as well as lower the existing scallop broodstock further, observed in the 2019 Fall Scallop survey that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource that supports an annual fishery. An immediate conservation closure is necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in these Zone 3 areas. For these reasons, the Commissioner hereby adopts 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 16, 2020

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

**CHAPTER 32**: 32.03, Elver Harvesting Regulations Area Closures

STATUTORY BASIS: 12 M.R.S. §6171-A

PURPOSE: The Commissioner adopted this emergency rulemaking to close the coastal waters of the state to the fishing for, or taking of elvers. The elver fishery is undertaken in a manner that causes fishermen to be in close proximity on Maine’s rivers, which could have resulted in the continued spread of COVID-19. Early in the season, fishermen are concentrated in the southern part of the State, where the number of cases and evidence of community spread was highest. In order to protect public health, the Commissioner closed the coastal waters of the State to the fishing for and taking of elvers for a minimum of two weeks. Conditions will be reassessed at that time, and the emergency regulation repealed when appropriate. For these reasons, the Commissioner adopted an emergency closure of the coastal waters of the state to the fishing for or taking of elvers to protect public health as authorized by 12 MRS §6171-A.

EFFECTIVE DATE OF ADOPTED RULE: March 22, 2020

AFFECTED PARTIES: Elver fishermen and dealers

**CHAPTER 32**: 32.03, Amendment to Elver Harvesting Regulations Area Closures

STATUTORY BASIS: 12 M.R.S. §6171-A

PURPOSE: Beginning at 8:00am on March 30, 2020, the coastal waters of the state were re-opened to the fishing for, or taking of elvers. Protocols were developed for elver harvesters and dealers to follow, which minimized the potential for the spread of COVID-19. For these reasons, this emergency rulemaking amended the March 22, 2020 closure of the elver fishery, which was authorized under 12 MRS §6171-A.

EFFECTIVE DATE OF ADOPTED RULE: March 29, 2020

AFFECTED PARTIES: Elver fishermen and dealers

**CHAPTER 34**: 34.07, Atlantic Halibut Emergency Regulation

STATUTORY BASIS: 12 M.R.S. §6171-3(C)

PURPOSE: In order to remain within the State Waters subcomponent’s target catch of the federal annual catch limit, and to prevent the Allowable Biological Catch from being exceeded and Accountability Measures being triggered, Maine took this emergency action to reduce catch in the state waters halibut fishery by reducing the length of the state waters halibut season by one week at each end of the season (resulting in a season of May 18-June 13). This action was intended to protect and conserve the halibut resource in compliance with the federal management plan and avoid future implementation of accountability measures which include zero possession of Atlantic halibut by all federal permit holders. For these reasons, the Commissioner determined that it was necessary to take this emergency action under 12 M.R.S. 6171(3)(C).

EFFECTIVE DATE OF ADOPTED RULE: May 6, 2020

AFFECTED PARTIES: Halibut fishermen

**CHAPTER 36**: Atlantic Herring; 2020 Harvest Rules

STATUTORY BASIS: 12 M.R.S. §6171-3(C)

PURPOSE: This rulemaking set the start date for the mobile Atlantic herring fishery to commence on Sunday, July 19, 2020 and set harvest parameters for the Atlantic Herring fishery as determined at the Days Out meeting held May 12, 2020. The Days Out Commissioners designated zero landing days June 1 through July 18, 2020. 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. These vessels are limited to landing 240,000 lbs. (6 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 may transfer Atlantic herring at-sea to other limited access harvester vessels. All harvester vessels are prohibited from at-sea transfers of Atlantic herring to carrier vessels. All vessels landing herring caught in Management Area 1A in any Maine port are limited to one landing per 24-hour period (6:00 p.m. to 6:00 p.m.). Daily electronic landings reports are required. The Commissioner determined that it is 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: May 30, 2020

AFFECTED PARTIES: Herring fishermen

**CHAPTER 41**: Menhaden Open EESA

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The fishery for Atlantic menhaden is managed through the Atlantic States Marine Fisheries Commission (ASMFC). Maine’s allocated quota share for FY2020 was 2,438,696 pounds, which was fully consumed by June 18, 2020. The 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 Monday, June 29, 2020 at 12:01 a.m., the harvest and landing is permitted on Mondays and Thursdays, 12:01 a.m. to 11:59 p.m. only. Reporting was required on the same day as fish are landed. The Commissioner determined that it was necessary to take emergency action to reduce harvest days and provide more timely reports to prevent unusual damage to the menhaden resource by exceeding available quota. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: June 27, 2020

AFFECTED PARTIES: Menhaden fishermen

**CHAPTER 41**: Menhaden EESA Reduction

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Department of Marine Resources (DMR) was granted approval to participate in the Episodic Event Set Aside (EESA) program to access an available 4.7 million lbs. of menhaden quota. Due to the high rate of effort, it was projected that landings on Monday, June 29 exceeded 2.5 million pounds, and continued fishing would result in an overage of the available EESA. To allow for continued participation in the EESA, the daily landing limit was reduced to 6,000 lbs. on open harvest days and carriers are prohibited; Mondays and Thursdays. The Commissioner has determined that it was necessary to take emergency action to reduce the daily landing limit to prevent unusual damage to the menhaden resource by exceeding available quota. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: July 2, 2020

AFFECTED PARTIES: Menhaden fishermen

**EXPECTED 2020-2021 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 an apprenticeship program and/or 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 tag 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.

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 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**

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**

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