

NOTICE OF AGENCY RULE-MAKING PROPOSAL

AGENCY: Department of Marine Resources

RULE TITLE OR SUBJECT: Chapter 26 Sea Urchin Regulations and 2015-2016 Harvesting Season; Chapter 8 Landings Program

CONCISE SUMMARY:

This regulation would establish season limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 during the 2015-2016 season. It would also establish the requirements for urchin harvesters and dealers to use an electronic reporting system ("swipe card system") to record all transactions in which urchins are bought or sold.

For Zone 1, a 15-day season is proposed for divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as in the 2014-2015 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 15 days in September ("early season"), or 15 days in December ("late season"); and draggers in December and January ("early season"), or February and March ("late season").

For Zone 2, a 38-day season is proposed for divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as in the 2014-2015 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 38 days in October through December ("early season"), or 38 days in December through March ("late season"); and draggers would have 38 days in October through March ("early season") or December through March ("late season").

For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 9-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as the season in 2014-2015. Zone 2 divers, rakers and trappers may fish 9 days in November and December ("early season"), or 9 days in December and March ("late season"); both early and late season Zone 2 draggers would have 9 days in December and March. The Sea Urchin Zone Council recommended the selection of these particular days with exception of December 15 for the early dive season and December 8, 23 and 29 for the late drag season which were chosen for consistency with the 38 day calendars.

THIS RULE WILL ___ WILL NOT X HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 12 M.R.S. §§6171, 6173, 6749

PUBLIC HEARINGS:

May 18, 2015, 6:00 PM, DMR Conference Room, Marquardt Building, 32 Blossom Lane, Augusta

May 19, 2015, 6:00 PM, Ellsworth City Hall (Council Chambers), One City Hall Plaza, Ellsworth

DEADLINE FOR COMMENTS: May 29, 2015

AGENCY CONTACT PERSON:

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Hearing facilities: If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

DEPARTMENT OF MARINE RESOURCES

Chapter 26 - Sea Urchin Regulations

26.07 Sea Urchin Harvesting Season-~~2014-2015~~ 2015-2016 pursuant to 12 M.R.S. §6749

1. Zone 1 [as defined by 12 M.R.S. §6749-N(1)]

A. Early season for divers, trappers and rakers

The Zone 1 season for divers, trappers and rakers who have certified the early season on forms provided by the Commissioner, is open ~~September 1, 2, 3, 4, 8, 9, 10, 15, 16, 17, 22, 23, and 24, and October 1 and 2, 2014. 1, 2, 3, 8, 9, 10, 14, 15, 17, 18, 22, 23, 24, 28, and 29, 2015.~~

B. Late season for divers, trappers and rakers

The Zone 1 season for divers, trappers and rakers who have certified the late season on forms provided by the Commissioner, is open ~~December 4, 5, 8, 9, 11, 12, 15, 16, 18, 19, 22, 23, 29, 30, and 31, 2014. 2, 3, 4, 7, 8, 10, 11, 14, 15, 17, 18, 21, 22, 29, and 30, 2015.~~

C. Early season for draggers [in accordance with 12 M.R.S. §6749-V]

The Zone 1 season for draggers who have certified the early season on forms provided by the Commissioner, is open ~~December 15, 16, 17, 22, 23, 24, 29, 30, and 31, 2014, 14, 15, 16, 21, 22, 23, 28, 29, 30, 2015, and January 5, 6, 8, 12, 13, and 15, 2015. 4, 5, 6, 11, 12, and 13, 2016.~~

D. Late season for draggers [in accordance with 12 M.R.S. §6749-V]

The Zone 1 season for draggers who have certified the late season on forms provided by the Commissioner, is open ~~February 9, 10, 16, 17, 23, and 24, 8, 9, 15, 16, 22, 23, and 29, and March 2, 3, 5, 9, 10, 12, 16, 17, and 19, 2015. 1, 3, 7, 8, 10, 14, 15, and 17, 2016.~~

E. Designation of Zone 1 early or late season:

- (1) A person who holds a sea urchin harvesting license for Zone 1 may not harvest sea urchins in Zone 1 unless that person certifies on forms provided by the Commissioner that the person will fish for or take sea urchins during either the early season or the late season.
- (2) Divers, trappers and rakers who have certified the early or late season may, between May 1st and August 15th change that certification to the other time period as the time period in which that person will fish for or take sea urchins.
- (3) Draggers who have certified the early or late season may, between May 1st and November 15th change that certification to the other time period as the time period in which that person will fish for or take sea urchins.

2. Zone 2 [as defined by 12 M.R.S. §6749-N(2)]

A. Early season for divers, trappers and rakers

The Zone 2 season for divers, trappers and rakers who have certified the early season on forms provided by the Commissioner, is open ~~September 29 and 30, Mondays, Tuesdays and Wednesdays in the months of October and November, except October 1 and November 12 and 26 are closed; and open Mondays and Tuesdays in December, plus December 3, 17, 18, and 24, 2014. Mondays, Tuesdays, and Wednesdays in October, 2015, plus October 1 and 2, and Mondays and Tuesdays in November and December 2015, except November 30 is closed, plus November 4 and 18 and December 2, 3, 16, 17, and 23 are open.~~

B. Early season for draggers

The Zone 2 season for draggers who have certified the early season on forms provided by the Commissioner, is open ~~Wednesdays and Thursdays in October 2014 plus October 3 and 10, Thursdays and Fridays in November and December, 2014, except December 25 is closed and December 23, 27, and 31 are open, and Thursdays and Fridays in March, 2015. October, November, and December 2015, except November 26 and December 24 are closed, plus October 2 and 6, November 27, 2015, and February 16, 17, 18, and 25, and March 2, 3, 9, 10, 16, and 17, 2016 are open.~~

C. Late season for divers, trappers and rakers

The Zone 2 season for divers, trappers and rakers who have certified the late season on forms provided by the Commissioner, is open ~~December 8, 9, 10, 15, 16, 17, 18, 22, 23, 29, 30, and 31, 2014, and January 5, 6, 7, 12, 13, 14, 19, 20, 26, and 27, February 2, 3, 9, 10, 23, 24, and 25, and March 2, 3, 4, 9, 10, 11, 16, 17, and 18, 2015. December 7, 8, 9, 14, 15, 16, 17, 21, 22, 23, 28, and 29, 2015, Mondays, Tuesdays, and Wednesdays in January 2016 except January 13 is closed, plus February 1, 2, 8, 9, 22, 23, and 29, and March 1, 2, 7, 8, 9, 14, 15, and 16, 2016 are open.~~

D. Late season for draggers

The Zone 2 season for draggers who have certified the late season on forms provided by the Commissioner, is open ~~December 4, 5, 11, 12, 18, 19, 22, 23, 29, and 30, 2014, and January 8, 9, 15, 16, 21, 22, 23, 28, 29, and 30, February 4, 5, 6, 11, 12, 13, 19, 20, 26, and 27, and Thursdays and Fridays in March, 2015. December 7, 8, 9, 14, 15, 16, 17, 21, 22, 23, 28, and 29, 2015, Mondays, Tuesdays, and Wednesdays in January 2016 except January 13 is closed, plus February 1, 2, 8, 9, 22, 23, and 29, and March 1, 2, 7, 8, 9, 14, 15, 16, 2016 are open.~~

E. Designation of Zone 2 early or late season:

- (1) A person who holds a sea urchin harvesting license for Zone 2 may not harvest sea urchins in Zone 2 unless that person certifies on forms provided by the Commissioner that the person will fish for or take sea urchins during either the early season or the late season.
- (2) A person who has certified the early or late season may, between May 1st and September 15th change that certification to the other time period as the time period in which that person will fish for or take sea urchins.

26.19 Limited Access Areas:

Transiting exception:

Any vessel possessing urchins onboard, may transit the Limited Access Area, only if the vessel has all fishing gear (dredges, drags, regulators, buoyancy compensators, fins, tanks, weight belts) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at the block or on the winch for draggers, while regulators, buoyancy compensators and tanks should be disconnected with fins and weight belts removed for divers.

(1) Whiting and Denny's Bay Area:

A. Early season for divers, trappers and rakers

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by divers, trappers, and rakers who have certified the early season on forms provided by the Commissioner, on Mondays in November and December, ~~2014~~ 2015, except November 30, 2015 is closed and December 15, 2015 is open.

B. Early season for draggers

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by draggers who have certified the early season on forms provided by the Commissioner, ~~on December 2, 4, 9, 16, 18, 23, 26, 27 and 30, 2013, 2, 3, 9, 10, 16, and 17, 2015, and March 2, 9, and 16, 2016.~~

C. Late season for divers, trappers and rakers

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by divers, trappers and rakers who have certified the early season on forms provided by the Commissioner on ~~December 4, 5, 11, 12, 18, and 19, 2014, 7, 14, 15, 21, 22, and 28, 2015 and March 5, 6, and 12, 2016.~~ 1, 8, and 15, 2016.

D. Late season for draggers

It shall be unlawful to fish for, take, or possess urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting and Denny's Bay except by draggers who have certified the late season on forms provided by the Commissioner, ~~on December 8, 15, 16, 22, 23, 29 2014 8, 9, 16, 17, 23, and 29, 2015, and March 3, 10, and 17, 2015 2, 9, and 16, 2016.~~

26.50 Urchin Transaction Cards

1. **Eligibility.** In order to be eligible for an urchin transaction card, an individual must be licensed according to 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B. Valid transaction cards may only be issued by the Department of Marine Resources.
2. **Harvester Use.** It is unlawful for an individual licensed under 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B to sell or transfer urchins the license holder has taken to a person licensed under 12 M.R.S. §6851 subsection 2-B or subsection 2-C, unless the harvester presents a DMR-issued transaction card to the urchin buyer or processor during each transaction.
3. **Dealer Use.** It is unlawful for a person licensed under 12 M.R.S. §6851 subsection 2-B or subsection 2-C to purchase or transfer urchins from an individual licensed under 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B, without recording the

transaction using the electronic recording device specified by the Department for that purpose. DMR provided reporting software must be synchronized for updates to the reporting system prior to the purchase of urchins on each fishing day. A person licensed under 12 M.R.S. §6851 subsection 2-B or subsection 2-C may not purchase urchins from a harvester that does not present an urchin transaction card.

4. **Records required.** A person licensed in accordance with 12 M.R.S. §6851 subsection 2-B or subsection 2-C shall maintain transaction card documentation to account for all urchins in their possession. Any urchins legally obtained from other jurisdictions must have sufficient documentation to demonstrate their origin. Failure to provide proper documentation will be prima facie evidence that the urchins are illegal and are subject to seizure.

Strike this Zone 1 Calendar page:

2014 - 2015 Sea Urchin Season for Maine Zone 1

= Open = Closed

Early Season for Divers, Rakers and Trappers

Late Season for Divers, Rakers and Trappers

S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4 O	5	6
7	8 O	9 O	10 O	11	12	13
14	15 O	16 O	17 O	18	19	20
21	22 O	23 O	24 O	25	26	27
28	29	30				

S	M	Tu	W	Th	F	S
			1 O	2 O	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

S	M	Tu	W	Th	F	S
	1	2	3	4 O	5 O	6
7	8 O	9 O	10	11 O	12 O	13
14	15 O	16 O	17	18 O	19 O	20
21	22 O	23 O	24	25	26	27
28	29 O	30 O	31 O			

Early Season for Draggers

S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15 O	16 O	17 O	18	19	20
21	22 O	23 O	24 O	25	26	27
28	29 O	30 O	31 O			

S	M	Tu	W	Th	F	S
				1	2	3
4	5 O	6 O	7	8 O	9	10
11	12 O	13 O	14	15 O	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Late Season for Draggers

S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9 O	10 O	11	12	13	14
15	16 O	17 O	18	19	20	21
22	23 O	24 O	25	26	27	28

S	M	Tu	W	Th	F	S
1	2 O	3 O	4	5 O	6	7
8	9 O	10 O	11	12 O	13	14
15	16 O	17 O	18	19 O	20	21
22	23	24	25	26	27	28
29	30	31				

**Strike this Zone 2 Whiting & Denny's Bay Limited Access Area Calendar page:
2014 - 2015 Sea Urchin Season for Maine Zone 2
Whiting and Denny's Bay Limited Access Area**

○ = Open □ = Closed

Early Season for Divers, Rakers and Trappers

September 2014						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October 2014						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November 2014						
S	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December 2014						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

Late Season for Divers, Rakers and Trappers

December 2014						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

January 2015						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February 2015						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

March 2015						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Early Season for Draggers

October 2014						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November 2014						
S	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December 2014						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

March 2015						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Late Season for Draggers

December 2014						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

January 2015						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February 2015						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

March 2015						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Insert this Zone 1 calendar as if underlined (at the end of Ch. 26):

Proposed 2015 - 2016 Sea Urchin Season for Maine Zone 1

= Open

= Closed

Early Season for Divers, Rakers and Trappers

September 2015						
S	M	Tu	W	Th	F	S
		1 O	2 O	3 O	4	5
6	7	8 O	9 O	10 O	11	12
13	14 O	15 O	16	17 O	18 O	19
20	21	22 O	23 O	24 O	25	26
27	28 O	29 O	30			

Late Season for Divers, Rakers and Trappers

December 2015						
S	M	Tu	W	Th	F	S
		1	2 O	3 O	4 O	5
6	7 O	8 O	9	10 O	11 O	12
13	14 O	15 O	16	17 O	18 O	19
20	21 O	22 O	23	24	25	26
27	28	29 O	30 O	31		

Early Season for Draggers

December 2015						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14 O	15 O	16 O	17	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

January 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12 O	13 O	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Late Season for Draggers

February 2016						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8 O	9 O	10	11	12	13
14	15 O	16 O	17	18	19	20
21	22 O	23 O	24	25	26	27
28	29 O					

March 2016						
S	M	Tu	W	Th	F	S
		1 O	2	3 O	4	5
6	7 O	8 O	9	10 O	11	12
13	14 O	15 O	16	17 O	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Insert this Zone 2 calendar as if underlined (at the end of Ch. 26):

Proposed 2015 - 2016 Sea Urchin Season for Maine Zone 2

= Open = Closed

Early Season for Divers, Rakers and Trappers

October 2015							November 2015							December 2015						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
				<u>1</u>	<u>2</u>	3	1	<u>2</u>	<u>3</u>	<u>4</u>	5	6	7			<u>1</u>	<u>2</u>	3	4	5
4	<u>5</u>	<u>6</u>	<u>7</u>	8	9	10	8	<u>9</u>	<u>10</u>	11	12	13	14	6	<u>7</u>	<u>8</u>	9	10	11	12
11	<u>12</u>	<u>13</u>	<u>14</u>	15	16	17	15	<u>16</u>	<u>17</u>	18	19	20	21	13	<u>14</u>	<u>15</u>	16	17	18	19
18	<u>19</u>	<u>20</u>	21	22	23	24	22	<u>23</u>	<u>24</u>	25	<u>26</u>	27	28	20	<u>21</u>	<u>22</u>	<u>23</u>	24	<u>25</u>	26
25	<u>26</u>	<u>27</u>	<u>28</u>	29	30	31	29	30						27	<u>28</u>	<u>29</u>	30	31		

Late Season for Divers, Rakers and Trappers

December 2015							January 2016							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5						1	2		<u>1</u>	<u>2</u>	3	4	5	6			<u>1</u>	<u>2</u>	3	4	5
6	<u>7</u>	<u>8</u>	<u>9</u>	10	11	12	3	<u>4</u>	<u>5</u>	<u>6</u>	7	8	9	7	<u>8</u>	<u>9</u>	10	11	12	13	6	<u>7</u>	<u>8</u>	<u>9</u>	10	11	12
13	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u>	18	19	10	<u>11</u>	<u>12</u>	13	14	15	16	14	<u>15</u>	<u>16</u>	17	18	19	20	13	<u>14</u>	<u>15</u>	<u>16</u>	17	18	19
20	<u>21</u>	<u>22</u>	<u>23</u>	24	<u>25</u>	26	17	<u>18</u>	<u>19</u>	<u>20</u>	21	22	23	21	<u>22</u>	<u>23</u>	24	25	26	27	20	<u>21</u>	<u>22</u>	<u>23</u>	24	25	26
27	<u>28</u>	<u>29</u>	<u>30</u>	31			24	<u>25</u>	<u>26</u>	<u>27</u>	28	29	30	28	<u>29</u>						27	28	29	30	31		
							31																				

Early Season for Draggers

October 2015							November 2015							December 2015							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
				<u>1</u>	<u>2</u>	3	1	2	3	<u>4</u>	<u>5</u>	6	7			1	<u>2</u>	<u>3</u>	4	5		1	2	3	4	5	6			1	<u>2</u>	<u>3</u>	4	5
4	5	<u>6</u>	<u>7</u>	8	9	10	8	9	10	<u>11</u>	<u>12</u>	13	14	6	7	8	9	<u>10</u>	<u>11</u>	12	7	8	9	10	11	12	13	6	7	8	<u>9</u>	<u>10</u>	11	12
11	12	<u>13</u>	<u>14</u>	15	16	17	15	16	17	<u>18</u>	<u>19</u>	20	21	13	14	15	<u>16</u>	<u>17</u>	18	19	14	<u>15</u>	<u>16</u>	<u>17</u>	18	19	20	13	14	15	<u>16</u>	<u>17</u>	18	19
18	19	<u>20</u>	<u>21</u>	22	23	24	22	23	24	<u>25</u>	<u>26</u>	27	28	20	21	22	<u>23</u>	<u>24</u>	25	26	21	22	23	24	<u>25</u>	26	27	20	21	22	23	24	25	26
25	26	<u>27</u>	<u>28</u>	29	30	31	29	30						27	28	29	<u>30</u>	<u>31</u>			28	29						27	28	29	30	31		

Late Season for Draggers

December 2015							January 2016							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5						1	2		<u>1</u>	<u>2</u>	3	4	5	6			<u>1</u>	<u>2</u>	3	4	5
6	<u>7</u>	<u>8</u>	<u>9</u>	10	11	12	3	<u>4</u>	<u>5</u>	<u>6</u>	7	8	9	7	<u>8</u>	<u>9</u>	10	11	12	13	6	<u>7</u>	<u>8</u>	<u>9</u>	10	11	12
13	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u>	18	19	10	<u>11</u>	<u>12</u>	13	14	15	16	14	<u>15</u>	<u>16</u>	17	18	19	20	13	<u>14</u>	<u>15</u>	<u>16</u>	17	18	19
20	<u>21</u>	<u>22</u>	<u>23</u>	24	<u>25</u>	26	17	<u>18</u>	<u>19</u>	<u>20</u>	21	22	23	21	<u>22</u>	<u>23</u>	24	25	26	27	20	<u>21</u>	<u>22</u>	<u>23</u>	24	25	26
27	<u>28</u>	<u>29</u>	<u>30</u>	31			24	<u>25</u>	<u>26</u>	<u>27</u>	28	29	30	28	<u>29</u>						27	28	29	30	31		
							31																				

Insert this Zone 2 Whiting & Denny's Bay Limited Access Area calendar as if underlined (at the end of Ch. 26):

**Proposed 2015 - 2016 Sea Urchin Season for Maine Zone 2
Whiting and Denny's Bay Limited Access Area**

= Open = Closed

Early Season for Divers, Rakers and Trappers

October 2015							November 2015							December 2015						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
				1	2	3	1	<input checked="" type="checkbox"/>	3	4	5	6	7			1	2	3	4	5
4	5	6	7	8	9	10	8	9	<input checked="" type="checkbox"/>	11	12	13	14	6	<input checked="" type="checkbox"/>	8	9	10	11	12
11	12	13	14	15	16	17	15	<input checked="" type="checkbox"/>	17	18	19	20	21	13	14	<input checked="" type="checkbox"/>	16	17	18	19
18	19	20	21	22	23	24	22	<input checked="" type="checkbox"/>	24	25	<input checked="" type="checkbox"/>	27	28	20	<input checked="" type="checkbox"/>	22	23	24	<input checked="" type="checkbox"/>	26
25	26	27	28	29	30	31	29	30						27	<input checked="" type="checkbox"/>	29	30	31		

Late Season for Divers, Rakers and Trappers

December 2015							January 2016							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5						1	2		1	2	3	4	5	6			<input checked="" type="checkbox"/>	2	3	4	5
6	<input checked="" type="checkbox"/>	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	<input checked="" type="checkbox"/>	9	10	11	12
13	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	16	17	18	19	10	11	12	13	14	15	16	14	<input checked="" type="checkbox"/>	16	17	18	19	20	13	14	<input checked="" type="checkbox"/>	16	17	18	19
20	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	23	24	<input checked="" type="checkbox"/>	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26
27	<input checked="" type="checkbox"/>	29	30	31			24	25	26	27	28	29	30	28	29						27	28	29	30	31		
							31																				

Early Season for Draggers

October 2015							November 2015							December 2015							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
				1	2	3	1	2	3	4	5	6	7			1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4	5		1	2	3	4	5	6			1	<input checked="" type="checkbox"/>	3	4	5
4	5	6	7	8	9	10	8	9	10	11	12	13	14	6	7	8	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	11	12	7	8	9	10	11	12	13	6	7	8	<input checked="" type="checkbox"/>	10	11	12
11	12	13	14	15	16	17	15	16	17	18	19	20	21	13	14	15	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	18	19	14	<input checked="" type="checkbox"/>	16	17	18	19	20	13	14	15	<input checked="" type="checkbox"/>	17	18	19
18	19	20	21	22	23	24	22	23	24	25	<input checked="" type="checkbox"/>	27	28	20	21	22	23	24	<input checked="" type="checkbox"/>	26	21	22	23	24	25	26	27	20	21	22	23	24	25	26
25	26	27	28	29	30	31	29	30						27	28	29	30	31			28	29						27	28	29	30	31		

Late Season for Draggers

December 2015							January 2016							February 2016							March 2016						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
		1	2	3	4	5						1	2		1	2	3	4	5	6			1	<input checked="" type="checkbox"/>	3	4	5
6	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13	6	7	8	<input checked="" type="checkbox"/>	10	11	12
13	14	15	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	18	19	10	11	12	13	14	15	16	14	<input checked="" type="checkbox"/>	16	17	18	19	20	13	14	15	<input checked="" type="checkbox"/>	17	18	19
20	21	22	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27	20	21	22	23	24	25	26
27	28	<input checked="" type="checkbox"/>	30	31			24	25	26	27	28	29	30	28	29						27	28	29	30	31		
							31																				

DEPARTMENT OF MARINE RESOURCES

Chapter 8 Landings Program

8.10 Primary Buyer Permit Reporting

A. Primary Buyers shall report all transactions pertaining to buying any marine organism directly from harvesters on a trip level basis. The following data elements shall be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:

1. Dealer name (as it appears on the dealer license) & license number
2. Designate negative report period if no transactions purchased from harvesters.
3. Date purchased/ & date landed
4. Harvester identification & vessel identification
5. Species
6. Amount
7. Grade & market category
8. Gear type (fishing method)
9. Disposition
10. Port landed
11. Indicate if catch was carried
12. Ex-vessel value (monthly average)
13. Signature written or electronic

B. All data sent to DMR shall be legible, coherent and conform to DMR specified standards.

C. Additional data elements and requirements for specific fisheries:

1. Urchin: must report percent roe; number of harvesters or boats; and price/lb by trip.

- (a) Dealers may be charged a fee to cover the Department's costs to produce the log books and for statistical analysis of the data.
- (b) Urchin dealers shall submit reports electronically to the Department using an approved electronic format on a daily basis for the entire urchin fishing season. The reporting period begins daily at 12:01 am Eastern Standard Time and ends at 12:00 midnight. Reports must be received by the Department by 2:00 pm of the following day, including the day following the last day of the season. If a correction is needed following the entry of a transaction, the dealer shall contact the Department directly to request the correction. If an extension of time is needed, the dealer shall contact the Department directly to request the extension.

2. Herring: must report document or serial number of harvester report; and price/lb or total value on a trip level basis

3. Elver:

Reports required in this section must be submitted electronically to DMR using an approved electronic format, such as Trip Ticket software, on a weekly basis for the entire elver season. The reporting week begins on Sunday at 0001 hrs (12:01 AM) local time and ends Saturday at 2400 hrs (12:00 midnight). Reports must be received by the DMR by 1700 hours (5:00 PM) Tuesday, three days after the end of each reporting week. If a correction is needed following the entry of a transaction, the dealer must contact DMR directly to request the correction.

Elver dealers must use swipe card hardware approved by DMR. When purchasing from licensed harvesters, dealers must swipe a harvester transaction card provided by the licensed harvester (issued to them by the Department of Marine Resources) in order complete the transaction information. Dealers shall only purchase from harvesters when an approved electronic system with swipe card capabilities is used. Dealers may not purchase elvers from harvesters that do not present a DMR-issued swipe card.

4. Spiny Dogfish and Black Sea Bass:

Any Primary Buyer shall report weekly to the Department's Landings Program. Reports required in this section must be submitted electronically to DMR using an approved electronic format, such as the Standard Atlantic Fisheries Information System (SAFIS), file uploading, or

Trip Ticket software. The reporting week begins on Sunday at 0001 hrs (12:01 AM) local time and ends Saturday at 2400 hrs (12:00 midnight). Reports must be submitted by midnight Tuesday, three days after the end of each reporting week. Dealers who want to make corrections to their trip-level reports may do so for up to 3 business days following submission of the initial report. If a correction is needed more than 3 business days following the submission of the initial trip-level report, the dealer must contact DMR directly to request an extension of time to make the correction.

Dealers must provide the following information:

1. Dealer ID
2. Trip start date
3. Landing date
4. Harvester ID
5. Vessel ID (Hull ID)
6. Gear Type
7. Species, market size and grade
8. Quantity and unit
9. Disposition
10. Price per unit
11. Port landed

5. Seaweed:

Prior to January 30th each year, persons licensed pursuant to 12 M.R.S. §6803-A (seaweed buyer's license), who purchased more than 10 wet tons in the previous calendar year directly from permitted seaweed harvesters, shall pay a surcharge of \$1.50 per wet ton. The surcharge is payable to Department of Marine Resources, mailing address, DMR Licensing Division, attn: seaweed surcharge, SHS 21, Augusta, Maine 04333-0021.

6. Shrimp:

A dealer who holds a Wholesale Seafood license with shrimp permit (12 M.R.S. [§6851\(2-D\)](#)) shall report all landings bought from harvesters (including any marine organism) to DMR on a weekly basis for the entire shrimp season as specified in DMR regulations Chapter 45.05. The reporting week begins on Sunday at 0001 hrs (12:01 AM) local time and ends Saturday at 2400 hrs (12:00 midnight). Reports must be postmarked or received at the DMR by 1700 hours (5:00 PM) Tuesday, three days after the end of each reporting week.

Rule-Making Fact Sheet

(5 M.R.S.A., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Trisha Cheney, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021
Telephone: (207) 624-6554; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 26 Sea Urchin Regulations and 2015-2016 Harvesting Season; Chapter 8 Landings Program

STATUTORY AUTHORITY: 12 M.R.S. §§6171, 6173 and 6749

DATE AND PLACE OF PUBLIC HEARINGS:

May 18, 2015, 6:00 PM, DMR Conference Room, Marquardt Building, 32 Blossom Lane, Augusta
May 19, 2015, 6:00 PM, Ellsworth City Hall (Council Chambers), One City Hall Plaza, Ellsworth

DEADLINE FOR COMMENTS: May 29, 2015

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

For purposes of conservation, pursuant to 12 M.R.S. §6171 and §6749, this proposed rule seeks to conserve the sea urchin resource for utilization in the future, and therefore should have a positive impact on Maine's fishing industry in the long term. Seasons of lengths similar to 2014-15 are being proposed for both zones. In addition, the use of an electronic recording system ("swipe card" system) is proposed to allow for more timely tracking of landings.

For Zone 1, a 15-day season is proposed for divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as in the 2014-2015 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 15 days in September ("early season"), or 15 days in December ("late season"); and draggers in December and January ("early season"), or February and March ("late season").

For Zone 2, a 38-day season is proposed for divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as in the 2014-2015 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 38 days in October through December ("early season"), or 38 days in December through March ("late season"); and draggers would have 38 days in October through March ("early season") or December through March ("late season").

For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 9-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2015-2016, which is the same number of days as the season in 2014-2015. Zone 2 divers, rakers and trappers may fish 9 days in November and December ("early season"), or 9 days in December and March ("late season"); both early and late season Zone 2 draggers would have 9 days in December and March. The Sea Urchin Zone Council recommended the selection of these particular days with exception of December 15 for the early dive season and December 8, 23 and 29 for the late drag season which were chosen for consistency with the 38 day calendars.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

This proposed rule seeks to conserve the sea urchin resource for utilization in the future; if it is successful in doing so it will have a positive impact on small business (sea urchin harvesters) in the long term. The Department worked with the Sea Urchin Zone Council to develop this combination of proposed rule changes.

FISCAL IMPACT OF THE RULE:

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