

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 75 Protected Resources Compliance with Atlantic Large Whale Take Reduction Plan

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

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

This proposed rule-making incorporates the measures in the 2021 Atlantic Large Whale Take Reduction Plan final rule for 1700-pound weak link inserts, gear marking requirements, minimum trawl lengths, and defines the LMA1 Restricted Area.

Date, time and location of PUBLIC HEARING (*if any*): March 15, 2022, 5:00 p.m remotely via Microsoft Teams. Remote access information is posted to DMR's website under "Meetings." An alternate public hearing may be held at 5:00 p.m. on March 17, 2022 in the same format. Notice of a cancellation would be posted to DMR's website.

COMMENT DEADLINE: March 28, 2022

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

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Hearing facilities: If you require accommodations due to disability, please contact Meredith Mendelson at 207-624-6553.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): Same

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS 6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): 50 Code of Federal Regulations, Sections 229.2, 229.32 and 697.21 published in 86 Federal Register, 51970 – 52024 (2021).

AGENCY WEBSITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: dmr.rulemaking@maine.gov

DEPARTMENT OF MARINE RESOURCES

Chapter 75 – Protected Resources

75.01 Definitions

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

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

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

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

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

3. NOAA Fisheries Assistant Administrator contact information:
NOAA Fisheries Service
Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930-2276

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

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

1. Odiornes Pt. Portsmouth NH:	43° 02.55' N	70° 43.33' W
2. R 2KR Whistle - Kittery Point:	43° 02.93' N	70° 41.47' W
3. N 2MR - Murray Rock:	43° 04.06' N	70° 36.70' W
4. RW CP Whistle - Cape Porpoise:	43° 20.23' N	70° 23.64' W*
5. RW WI Whistle - Wood 1	43° 27.63' N	70° 17.48' W*
6. G 1 - East Hue and Cry:	43° 31.94' N	70° 08.68' W
7. RG N BS - Bulwark Shoal:	43° 36.04' N	70° 03.98' W
8. R 20ML Bell - Mile Ledge:	43° 41.44' N	69° 45.27' W
9. R 2BR Bell - Bantam Rock:	43° 43.64' N	69° 37.58' W
10. GR C PL - Pemaquid Ledge:	43° 48.96' N	69° 31.15' W

11. R 2 OM Whistle - Old Man Ledge:	43° 50.28' N	69° 18.86' W
12. G 5TB Bell - Two Bush Channel:	43° 56.72' N	69° 04.89' W
13. R 2A Bell - Old Horse Ledge:	43° 59.83' N	68° 50.06' W
14. R 2 Bell - Roaring Bull Ledge, Isle Au Haut:	43° 59.36' N	68° 37.95' W
15. Southern point Great Duck I:	44° 08.36' N	68° 14.75' W
16. R 8BI Whistle - Baker I:	44° 13.55' N	68° 10.71' W
17. R 2S Bell - Schoodic I:	44° 19.08' N	68° 02.05' W
18. R N 2 - Petit Manan I:	44° 21.66' N	67° 51.78' W
19. R 2SR Bell - Seahorse Rock, west of Great Wass I:	44° 25.74' N	67° 38.39' W
20. Freeman Rock - east of Great Wass I:	44° 27.77' N	67° 32.86' W
21. Obstruction - southeast of Cutler:	44° 37.70' N	67° 09.75' W
22. R 28M Whistle - Baileys Mistake:	44° 45.51' N	67° 02.87' W
23. R N 2 - Morton Ledge:	44° 47.36' N	66° 59.25' W
24. G 1 Whistle - West Quoddy Head:	44° 48.64' N	66° 56.43' W
25. R N 2 - Quoddy Narrows:	44° 49.67' N	66° 57.77' W

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

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

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

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

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

Maine Pocket Waters

- West of Monhegan Island in the area north of the line 43°42.17' N. lat., 69°34.27' W. long and 43°42.25' N. lat., 69°19.3' W. long
- East of Monhegan Island in the area located north of the line 43°44' N. lat., 69°15.08' W. long and 43°48.17' N. lat., 69°8.02' W. long
- South of Vinalhaven Island in the area located west of the line 43°52.31' N. lat., 68°40' W. long and 43°58.12' N. lat., 68°32.95' W. long
- South of Bois Bubert Island in the area located northwest of the line 44°19.27' N. lat., 67°49.5' W. long and 44°23.67' N. lat., 67°40.5' W. long

8. Trap trawl regulatory requirements relative to the three-mile line shall be based on the “three nautical mile line” as depicted on NOAA nautical charts.
9. Trap trawl regulatory requirements relative to the twelve-mile line shall be based on the “territorial sea and contiguous zone” line as depicted on NOAA nautical charts.

10. “Maine Zone A East” is defined as the portion of Lobster Zone A whose western boundary runs along the 67°18.00' W longitude line to Cross Island and whose eastern and offshore boundaries follow the International Boundary Line between Canada and Maine extending to and following the Exclusive Economic Zone boundary to approximately 44°8' N. lat., 67°18.00' W long.

11. “Maine Zone A West” is defined as the portion of Lobster Zone A whose eastern boundary is the 67°18.00' W longitude line to Cross Island and whose western boundary is equivalent to that of the western boundary of Zone A (see Chapter 25.92). The offshore boundary is the LMA 1/3 boundary.

12. “LMA1 Restricted Area” is defined as by the following coordinates and falls within the offshore portions of Maine Zones C, D, and E

- 69° 36.77' W 43° 06.00' N
- 68° 21.60' W 43° 44.00' N
- 68° 17.27' W 43° 32.68' N
- 69° 32.16' W 42° 53.52' N
- 69° 36.77' W 43° 06.00' N

75.02 Trap/Pot Fisheries Gear Restrictions

A. The following trap/pot fishing gear restrictions shall apply:

1. Universal requirements in coastal waters

All persons who fish lobster gear and trap/pot fisheries (including but not limited to all crab species, hagfish, finfish, whelk, and shrimp) within Maine's coastal waters shall comply with the following federal universal requirements for the ALWTRP:

- (a) No floating line at the surface; and
- (b) No wet storage of gear over 30 days.

2. Waters to the Exemption Line

1. All persons who fish lobster gear or other trap/pot gear ~~and trap/pot fisheries (including but not limited to all crab species, hagfish, finfish, whelk, and shrimp)~~ in Maine's coastal waters from the head of tide to the Exemption Line shall comply with one of the following ALWTRP options:

(a) Option 1: All buoys must be attached to the buoy line with a weak link having a breaking strength no greater than 600 pounds (272.4 kg). Weak links may include swivels, plastic weak links, rope of the appropriate breaking strength, hog rings, rope stapled to a buoy stick, or devices approved in writing by the NOAA Fisheries Assistant Administrator (See contact information in 75.01 (A)(3)). In addition, the weak link must be designed so that the bitter end of the buoy line is clean and free of knots when the weak link breaks; or

(b) Option 2: All buoy lines must be made entirely of sinking line; or

(c) Option 3: All ground lines must be made entirely of sinking line.

2. ~~Effective September 1, 2020~~ All buoy lines must be marked with three (3) purple marks: one at the top of the buoy line, one midway along the buoy line, and one at the bottom of the buoy line. The mark at the top of the buoy line must be 36 inches and must be in the top two fathom of buoy line. The middle and bottom marks must be 12 inches. Each color code must

be permanently affixed on or along the line and the color code must be clearly visible when the gear is hauled or removed from the water.

Exception: Vertical lines less than 100 ft in length may be marked with only two (2) purple marks: one at the top of the buoy line and one at the bottom of the buoy line. The mark at the top of the buoy line must be 36 inches and must be in the top two fathom of the buoy line. The bottom mark must be 12 inches. Each color code must be permanently affixed on or along the line and the color code must be clearly visible when the gear is hauled or removed from the water.

3. It is unlawful to fish lobster gear within Maine's coastal waters inside the Exemption Line which has a buoy line marked with a green mark.
4. All buoy lines must have a 1700-pound weak insertion 50% of the way down the vertical line or approved 1700-pound breaking strength line in the top 50% of the vertical line. A list of NOAA approved manufactured 1700-pound weak rope and 1700-pound weak insertions can be found at this website: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/approved-weak-inserts-and-line-atlantic-large>. In addition, a weak insertion can include:
 - i. A buoy line comprised of 5/16th rope which includes an in-line overhand knot 50% of the way down the vertical line
 - ii. A buoy line comprised of 5/16th rope in the top 50% of the vertical line and is connected to the bottom 50% of the vertical line with a fisherman's knot or sheet bend knot
 - iii. A 3-foot section of 5/16th rope which is incorporated into the vertical line 50% of the way down, and is connected with a fisherman's knot or sheet bend knot

3. Sliver Area

All persons who fish lobster gear or other trap/pot gear and trap/pot fisheries (including but not limited to all crab species, hagfish, finfish, whelk, and shrimp) in the Maine Sliver Area, shall comply with each the following ALWTRP requirements:

- (a) All buoys, floatation and/or weighted devices ~~must~~ may be attached to the buoy line with a weak link having a breaking strength no greater than 600 pounds (272.4 kg). Weak links may include swivels, plastic weak links, rope of the appropriate breaking strength, hog rings, rope stapled to a buoy stick, or devices approved in writing by the NOAA Fisheries Assistant Administrator (See contact information in Chapter 75.01(A)(3)). In addition, the weak link must be designed so that the bitter end of the buoy line is clean and free of knots when the weak link breaks plus each weak link must be installed as close to the buoys, floatation and/or weighted device as possible.
- (b) ~~Effective September 1, 2020 All buoy lines must be marked with four (4) three (3) purple marks. There must be three 12-inch marks, one at the top of the buoy line, one midway along the buoy line, and one at the bottom of the buoy line. In addition, each buoy line must be marked with a 36-inch purple mark in the top two fathom of buoy line. one at the top of the buoy line, one midway along the buoy line, and one at the bottom of the buoy line. The mark at the top of the buoy line must be 36 inches long and must be in the top two fathom of buoy line. The middle and bottom marks must be 12 inches in length. Each color code must be permanently affixed on or along the line and the color code must be clearly visible when the gear is hauled or removed from the water.~~

~~Exception: Vertical lines less than 100 ft in length may be marked with only two (2) purple marks: one at the top of the buoy line and one at the bottom of the buoy line. The mark at~~

~~the top of the buoy line must be 36 inches and must be in the top two fathom of the buoy line. The bottom mark must be 12 inches. Each color code must be permanently affixed on or along the line and the color code must be clearly visible when the gear is hauled or removed from the water.~~

- ~~(c) Unless marked as required by (b) in advance of September 1, 2020, buoy lines must be marked with three (3) red 12-inch (30.48 cm), colored marks: one at the top of the buoy line, one midway along the buoy line, and one at the bottom of the buoy line. Each color code must be permanently affixed on or along the line and the color code must be clearly visible when the gear is hauled or removed from the water.~~

~~Chapter 75.3(c) sunsets August 31, 2020.~~

- (c) ~~Effective September 1, 2020, buoy lines must be marked with an additional green mark of at least 6 inches in the top two fathom of buoy line.~~
- (d) It is unlawful to fish lobster gear within the Sliver Area which has a buoy line marked with a green mark.
- (e) All buoy lines must have a 1700-pound weak insertion 50% of the way down the vertical line or approved 1700-pound breaking strength line in the top 50% of the vertical line. A list of NOAA approved manufactured 1700-pound weak rope and 1700-pound weak insertions can be found at this website: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/approved-weak-inserts-and-line-atlantic-large>.
- (e) Multiple traps only – no single traps allowed; See section 5 below for minimum number of traps per trawl; except as identified for Zones C, D, and E in section 5 below, trawls of 5 or fewer traps must have only one buoy line.
- (f) The attachment of buoys, toggles or other floatation devices is prohibited on ground lines.
- (g) Ground lines. All ground lines must be composed entirely of sinking line.
- (h) Sink rope means, for both ground lines and buoy lines, line that has a specific gravity greater than or equal to 1.030, and, for ground lines only, does not float at any point in the water column.
- (i) Fishermen are encouraged, but not required, to maintain knot-free buoy lines.

4. Federal waters

~~All persons who fish lobster gear or other trap/pot gear and trap/pot fisheries (including but not limited to all crab species, hagfish, finfish, whelk, and shrimp) in Maine's coastal waters southerly of the Three Mile Limit, or as shown on NOAA, National Ocean Survey nautical charts, and within Area 1, must comply with each of the following ALWTRP requirements:~~

- (a) All buoys, floatation and/or weighted devices ~~must~~ may be attached to the buoy line with a weak link having a breaking strength no greater than 600 pounds (272.4 kg). Weak links may include swivels, plastic weak links, rope of the appropriate breaking strength, hog rings, rope stapled to a buoy stick, or devices approved in writing by the NOAA Fisheries Assistant Administrator (See contact information in Chapter 75.01(A)(3)). In addition, the weak link must be designed so that the bitter end of the buoy line is clean and free of knots when the

weak link breaks plus each weak link must be installed as close to the buoys, floatation and/or weighted device as possible.

- (b) ~~Effective September 1, 2020~~ All buoy lines must be marked with four (4) purple marks. There must be three 12-inch marks, one at the top of the buoy line, one midway along the buoy line, and one at the bottom of the buoy line. In addition, each buoy line must be marked with a 36-inch purple mark in the top two fathom of buoy line. Each color code must be permanently affixed on or along the line and the color code must be clearly visible when the gear is hauled or removed from the water.

~~Exception: Vertical lines less than 100 ft in length may be marked with only two (2) purple marks: one at the top of the buoy line and one at the bottom of the buoy line. The mark at the top of the buoy line must be 36 inches and must be in the top two fathom of the buoy line. The bottom mark must be 12 inches. Each color code must be permanently affixed on or along the line and the color code must be clearly visible when the gear is hauled or removed from the water.~~

- (c) ~~Unless marked as required by (b) in advance of September 1, 2020, buoy lines must be marked with three (3) red 12-inch (30.48 cm), colored marks: one at the top of the buoy line, one midway along the buoy line, and one at the bottom of the buoy line. Each color code must be permanently affixed on or along the line and the color code must be clearly visible when the gear is hauled or removed from the water.~~

~~Chapter 75.4 (c) sunsets August 31, 2020.~~

- (d) ~~Effective September 1, 2020~~ All buoy lines must be marked with an four (4) additional 12 inch green marks, of at least 6 inches in the top two fathom of buoy line. Each green mark must be placed adjacent to, and within 6 inches, of the four purple marks along the buoy line.
- (e) All buoy lines must have 1700-pound weak insertion(s) or approved 1700-pound breaking strength line at the location and frequency specified by Zone and distance from shore below. A list of NOAA approved manufactured 1700-pound weak rope and 1700-pound weak insertions can be found at this website: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/marine-mammal-protection/approved-weak-inserts-and-line-atlantic-large>.

The 1700-pound weak link insert requirements by location are as follows:

- ME Zone A West*, B, C, D, E; Federal Waters 3–12 nm: 2 weak inserts at 25% and 50% down the line OR top 50% of buoy line weak rope
- ME Zone A East*, F, and G; Federal Waters 3–12 nm: 1 weak insert 33% down the line
- Beyond 12 nm: 1 weak insert 33% down the line

* Zone A East and Zone A West are defined in Chapter 75.01 (A) (10 and 11).

- (e) Multiple traps only – no single traps allowed; See section 5 below for minimum number of traps per trawl; trawls of 5 or fewer traps must have only one buoy line.
- (f) The attachment of buoys, toggles or other floatation devices is prohibited on ground lines.
- (g) Ground lines. All ground lines must be composed entirely of sinking line.

- (h) Sink rope means, for both ground lines and buoy lines, line that has a specific gravity greater than or equal to 1.030, and, for ground lines only, does not float at any point in the water column.
- (i) Fishermen are encouraged, but not required, to maintain knot-free buoy lines.

5. Minimum Number of Traps Per Trawl

In Maine, trap trawl requirements are based on the enforcement lines defined in Chapter 75.01 and the Maine lobster management zones defined in Chapter 25.94. Pocket waters* will follow the trawl minimums in their respective zones between the exemption line and the 3-mile line. State water trawl maximums can be found in Chapter 25.04. See each individual management area for details on these the traps per trawl requirements:

Management Area	Minimum Number of Traps Per Trawl
Zones A-G (Exemption Line to the 3-mile line)	2 (no singles allowed)
Maine Pocket Waters as defined in Chapter 75.01 (A)(7)*	2 (no singles allowed)
Zones A-G (3-mile line — 6-mile line)*	3
Zones A-C (6-mile line — 12-mile line)*	5
Zones D-G (6-mile line — 12-mile line)*	10
Zones A-E (beyond 12-mile line)	15
Zones F-G (beyond 12-mile line)	15 (Mar 1-Oct 31) 20 (Nov 1-Feb 28/29)

ZONE	EXEMPTION LINE TO 3NM	3 TO 6* NM	6* TO 12 NM	BEYOND 12 NM
Zone A East*	3 for 1 line	10 for 1 line 20 for 2 lines	10 for 1 line 20 for 2 lines	25 for 2 lines
Zone A West*	3 for 1 line	4 for 1 line 8 for 2 lines	8 for 1 line 15 for 2 lines	25 for 2 lines
Zone B	3 for 1 line	5 for 1 line	5 for 1 line 10 for 2 lines	25 for 2 lines
Zone C	2 for 1 line 4 for 2 lines	5 for 1 line 10 for 2 lines	10 for 1 line 20 for 2 lines	25 for 2 lines
Zone D	2 for 1 line 4 for 2 lines	5 for 1 line 10 for 2 lines	5 for 1 line 10 for 2 lines	25 for 2 lines
Zone E	2 for 1 line 4 for 2 lines	5 for 1 line 10 for 2 lines	5 for 1 line 10 for 2 lines	25 for 2 lines
Zone F	3 for 1 line	5 for 1 line 10 for 2 lines	5 for 1 line 10 for 2 lines	25 for 2 lines
Zone G	3 for 1 line	5 for 1 line 10 for 2 lines	10 for 1 line 20 for 2 lines	25 for 2 lines

* The Six-Mile Line and Pocket Waters are defined in Chapter 75.01 (A) (6 and 7). The three-mile and 12-mile lines are also established in Chapter 75.01 (A) (8 and 9).

* Zone A East and Zone A West are defined in Chapter 75.01 (A) (10 and 11).

Exception: Waters within ¼ mile of Monhegan Island, Matinicus Island, Metinic Island, Little Green Island, Large Green Island and Ragged Island (Criehaven) are exempt from the new minimum trap per trawl requirements. Single traps are permitted within ¼ mile from these ~~three~~ six islands.

B. The following restricted area will be closed to the use of persistent buoy lines.

1. The LMA1 Restricted Area* is closed to the use of buoy lines from October 1 to January 31 annually. Gear that does not use persistent buoy lines, such as “ropeless” gear that retrieves trap/pot trawls when the vessel is on-site, is allowed in these areas for research purposes with appropriate state and federal permits.

*LMA1 Restricted Area is defined in Chapter 75.01 (A) (12).

75.03 Gillnet Gear Restrictions

A. The following gillnet gear restrictions shall apply:

1. Sliver Area and Federal waters
All persons who fish gillnet gear in the Maine Sliver Area, shall comply with the following requirements for the ALWTRP:
 - (a) No floating line at the surface.
 - (b) No wet storage of gear over 30 days.
 - (c) Buoy lines must be marked with a green, 4-inch mark midway on the buoy line.
 - (d) The license-holder’s name, homeport, and license number must be clearly displayed on every gillnet marking buoy for Commercial Fishing. Commercial Pelagic and Anadromous, and Menhaden Fishing license holders for gillnet fishing must be clearly displayed on every marking buoy.
 - (e) All buoys, floatation and/or weighted devices must be attached to the buoy line with a weak link having a maximum breaking strength no greater than 1,100 pounds (498.95 kg).
 - (f) All gillnets, regardless of the number of net panels, must be anchored with the holding power of not less a 22-lb Danforth-style anchor at each end of the net string (must be burying anchor; no dead weights).
 - (g) Each net panel must be configured with five or more weak links, depending on the panel length, with a breaking strength no greater than 1,100 pounds (498.95 kg). The weak link placement must meet one of two configurations:
 - (1) Configuration 1:
For all variations in panel size:
One weak link must be placed in the center of each of the up and down lines at both ends of the net panel; and
One weak link must be placed as close as possible to each end of the net panels on the floatline.
For net panels 50 fathoms or less in length: One weak link must be placed in the center of the floatline.
For net panels greater than 50 fathoms: One weak link must be placed at least every 25 fathoms along the floatline.

(2) Configuration 2:

For all variations in panel size:

One weak link must be placed in the center of each of the up and down lines at both ends of the net panel; and

One weak link must be placed between floatline tie-loops between net panels; and

One weak link must be placed where the floating tie-loops attach to the bridle, buoy line, or groundline at each end of the net string.

For net panels 50 fathoms or less in length: One weak link must be placed in the center of the floatline.

For net panels greater than 50 fathoms: One weak link must be placed at least every 25 fathoms along the floatline.

(3) Exceptions: Individual weak links are not required in locations where rope of appropriate breaking strength is used. Additionally, if no up and down line is present then weak links are not required at that location.

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Lorraine Morris, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 441-5319; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 75 Protected Resources Compliance with Atlantic Large Whale Take Reduction Plan

STATUTORY AUTHORITY: 12 MRS 6171

DATE AND PLACE OF PUBLIC HEARING(S): March 15, 2022, 5:00 p.m. remotely via Microsoft Teams. Remote access information is posted to DMR's website under "Meetings." An alternate public hearing may be held at 5:00 p.m. on March 17, 2022 in the same format. Notice of a cancellation would be posted to DMR's website.

COMMENT DEADLINE: March 28, 2022

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)] This rule is proposed for the purpose of ensuring compliance with the 2021 Atlantic Large Whale Take Reduction Plan federal regulations, including the requirements for 1700-pound weak link inserts, gear marking, and minimum trawl lengths specified by Zone and distance from shore and the LMA 1 Restricted Area.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? YES NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)] This proposed regulation would bring Maine into compliance with required federal regulations by May 1, 2022. Fishermen will be required to ensure they are complying with weak link, gear-marking, minimum trawl length requirements, and seasonal closures as specified within the rule.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [*see* §§8057-A(1)(E) & 8063-B]: In developing this regulation, the Department considered the final federal regulation, input from the Lobster Advisory Council and Lobster Zone Councils and Maine Marine Patrol.

ESTIMATED FISCAL IMPACT OF THE RULE: [*see* §8057-A(1)(C)]

Enforcement of these proposed amendments will not require additional activity in this agency. Existing enforcement personnel will monitor compliance during their routine patrols. There are significant fiscal impacts to industry members associated with complying with the federal regulations.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[*see* §8057-A(2)(A)] Economic impacts associated with both the time and materials necessary to comply with the gear marking, weak points, trawling up requirements, and seasonally closed area, are significant and vary by license holder depending on their specific fishing practices.

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)] Lobster license holders will be affected by the cost of their time and materials necessary to comply with the federal regulations, as well as any revenue lost from fishing while modifying gear for compliance. Finally, individuals who fish in the LMA1 restricted area will be impacted by lost fishing opportunity.

BENEFITS OF THE RULE: [see §8057-A(2)(C)] Compliance with the federal regulations is required.

Note: If necessary, additional pages may be used.