DEPARTMENT OF MARINE RESOURCES

CHAPTER 8 - LANDINGS PROGRAM

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DEPARTMENT OF MARINE RESOURCES

Chapter 8 Landings Program

8.01 Definitions

A. Except as modified, the definitions contained in 12 M.R.S §6001 shall apply to this Chapter, in addition to the following;

1. "Dealer License" means Seaweed, Wholesale, Retail, Marine Worm or Elver dealer license as defined in §6803-A, §6851, §6852, §6853 and §6864.

2. "Dealer" means any person who holds a Dealer License and buys, sells, barters or distributes for commercial purposes, other than solely for transportation, any marine organism.

3. "Harvester" means a licensed person who removes marine organisms (plants or animals) from the marine environment for personal or commercial use.

4. "Primary Buyer" means a Dealer who buys or obtains catch directly from any licensed harvester.

5. "Catch" means all species removed from the marine environment by a licensed harvester.

6. "Landing" means all harvested marine specie(s), in numbers or amounts, brought to shore and retained at the end of a trip.

7. "Contact Information", unless otherwise noted, means the Department of Marine Resources (DMR), Landings Program, P.O. Box 8, West Boothbay Harbor, Maine 04575-0008; telephone: (207) 633-9500; fax: (207) 633-9579.

8. "Carred" or "Carred catch" means an aggregate of marine organisms that have been combined from more than one trip.

9. "Trip" means beginning and ending of a harvesting occurrence unique to one area and one gear.

8.02 Compliance

Dealers and harvesters must comply with reporting requirements in this Chapter. Data collected pursuant to this Chapter is subject to the confidentiality provisions of 12 M.R.S §6173 and DMR regulations Chapter 5. Failure to comply with these reporting requirements may result in the denial for renewal of a license or permit in accordance with 12 M.R.S §6173(2). Any misrepresentation of information in connection with the reporting requirements of this chapter shall be a violation of this rule. All data and reports shall be submitted to the Department of Marine Resource's Landing Program unless specifically noted otherwise. See contact information in Chapter 8.01(7) above unless specifically noted otherwise. All data and reports shall be submitted to the Department by the10th day of the following month; for example, reports for the month of January must be submitted by the dealer or harvester in time for the report to arrive at the Department by February 10th, unless otherwise noted. All data sent to DMR must be legible, coherent and in conformance with DMR specified standards.

8.05 Primary Buyer Permit

Persons that hold any dealer license and buy any marine organisms directly from harvesters must obtain a Primary Buyer permit. There will be no additional charge for this permit.

Applicable licenses include: Wholesale Seafood license holders including dealers that hold an additional permit for urchins or shrimp (12 M.R.S §6851); Wholesale Seafood license holders with

lobster permit (12 M.R.S §6851(2-A)); retail seafood license holders (12 M.R.S §6852); marine worm dealer license holders (12 M.R.S §6853); elver dealer license holders (12 M.R.S §6864); and Shellfish Sanitation and Certificate holders (12 M.R.S §6856(1)).

Chapter 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 carred
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.

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

3. Elver: must report price/lb or price/kg on a trip level basis

4. Spiny Dogfish:

   Any Primary Buyer shall report 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.

8.20 Harvester Reporting

A. Green Crabs (previously Chapter 25.40(D)(2) and (D)(2)(a))

1. Any person holding a green crab license issued pursuant to 12 M.R.S §6808 must submit monthly reports to the Department, on forms provided by the Department, providing the total weight of green crabs harvested, along with such other information as the Commissioner deems necessary.

2. Reporting Exemption
Individuals who fish for, take, possess or transfer green crabs for personal use pursuant to 12 M.R.S §6808(4) are exempt from the reporting requirement under Chapter 8.20(A).

B. Sea Cucumber (previously Chapter 27.03(F))

Each holder of a sea cucumber endorsement is required to report fishing activity and landings on forms supplied by the Department. Reporting is required on a daily basis and must be mailed to the Department weekly. No fishing activity will be reported as "did not fish" on the forms. The reports must include the following information:

1. Location or locations of fishing activity by longitude and latitude
2. Date(s) fished
3. Time at sea
4. Time fished
5. Catch in pounds or totes
6. Number of tows
7. Port of landings
8. Name of buyer and date of sale
9. Price in pounds or totes
10. Approximate depth(s) where fishing occurred
11. Length of tows in minutes

C. Seaweed (previously Chapter 29.10)

Each seaweed harvester required to be licensed under 12 MRS §6803 must report harvesting activity for all seaweed species on forms supplied by the Department. Records must be kept on a daily basis, and the report must be mailed to the Department monthly. Reports for each month's activity shall be mailed to the Department within 10 days of the end of the month. The report must include the following information for each day that harvesting occurs:

1. Name, permit number and phone number of licensed harvester;
2. Date(s) harvested;
3. Harvest area (sector # - where applicable, bay, cove, river, ledge and or island);
4. County and town (use town codes provided, per instructions);
5. Harvesting methods (hand, knife, rake, mechanical, diver);
6. Total harvest time (number of hours);
7. Seaweed species; and
8. Pounds landed (wet).

D. Horseshoe Crabs (previously Chapter 31.05(A))

Holders of a horseshoe crab permit must report annually by November 1 to the Department on the total number of horseshoe crabs harvested, along with such other information as the Commissioner deems necessary for the conservation and management of the horseshoe crab resource.

E. Eel Harvest (previously Chapter 32.04)

Any person holding an eel harvesting license is required to report fishing activity and landings on forms supplied by the Department. Reporting is required on a daily basis and must be mailed to the Department monthly. No fishing activity will be reported as "did not fish" on the forms. The reports must include the following information:

1. Harvester name, year of harvest, license number, and phone number;
2. Date(s) harvested;
3. Gear type and quantity;
4. Set time (hours);
5. Species
6. Total weight (pounds or kilograms) of harvested eels for the set time;
7. Disposition of catch (food or bait);
8. Port landed;
9. Dealer sold to; and
10. Area fished (river; embayment; offshore bycatch)

The data will be summarized by the Department and will be made available on request to the public 45 days after the receipt of the data forms in accordance with the confidentiality provision of 12 M.R.S§6173.

F. Atlantic halibut (previously in Chapter 34.10(1)(B)(4)(b)(vi))

Persons who obtain an Atlantic halibut endorsement will be required to maintain a log. The log must include the following information:

1. Harvester name & license number
2. Boat name and hull ID
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type & quantity
7. Number of sets

8. Set time (hours gear fished)
9. Depth (in fathoms)
10. Area fished (Latitude/Longitude in dd/mm/ss, or Loran bearings, or NMFS statistical area and distance from shore)
11. Sea time (including steaming time)
12. Species caught including bycatch and sub-legal halibut, quantity & unit of measurement
13. Total length of halibut retained or released
14. Research tag number of halibut released or recaptured
15. License number of dealer sold to or if not sold to a licensed dealer, disposition of catch.
16. Port landed
17. Signature written or electronic

G. Intentionally blank

H. Intentionally blank

I. Shrimp (previously Chapter 45.24)

All Maine licensed shrimp harvesters must report daily fishing information for shrimp that are landed in Maine, to the Department, according to written instructions on forms provided by the Department. Fishing vessel trip reports must include the following information:

1. vessel name;
2. vessel state registration number (or United States Coast Guard Documentation Number);
3. vessel permit number;
4. date/time sailed;
5. trip type;
6. number of crew;
7. gear fished;
8. mesh size;
9. quantity and size of gear;
10. chart area fished;
11. average depth;
12. latitude/longitude (or loran station and bearings);
13. total hauls per area fished;
14. average tow/soak time;
15. pounds by species of all species landed or discarded;
16. dealer permit number;
17. dealer name;
18. date sold;
19. port and state landed;
20. date/time landed;
21. vessel operator's name;
22. signature;
23. shrimp license number; and
24. any other information or instructions deemed necessary.

J. Shellfish Bait Permit (previously in Chapter 49)

All shellfish bait permit holders are required to provide the Department the following information on forms supplied by the Department:

1. Daily record of sales;
2. Record of closed areas fished;
3. Ports landed; and
4. Daily record of clams harvested by shucked weight.

K. Intentionally blank

L. Elver Harvest

Any person holding an elver harvesting license is required to report fishing activity and landings on forms supplied by the Department. Reporting is required on a daily basis and must be mailed to the Department monthly. No fishing activity will be reported as "did not fish" on the forms. The reports must include the following information:

1. Harvester name, year of harvest, license number, and phone number;
2. Date(s) harvested;
3. Gear type and quantity;
4. Set time (hours);
5. Species;
6. Total weight (pounds or kilograms) of harvested eels for the set time;
7. Port landed;
8. Dealer sold to; and
9. Area fished (river; embayment; offshore bycatch).

M. Intentionally blank

N. Lobster Harvest

A. Ten percent of the lobster and crab fishing license holders, except lobster apprentices, during a given calendar year will be randomly selected to report the listed data elements for the following calendar year with the exception that all (100%) of lobster and crab fishing license holders, except lobster apprentices, of the Monhegan Island Lobster Conservation Area must report each year. With the exception of lobster and crab fishing license holders of the Monhegan Island Lobster Conservation Area, no individual can be selected to report in two consecutive years.
Any person that holds a Class I, II, or III, student or noncommercial lobster and crab fishing license issued under 12 M.R.S §6421(A, B, C, E, F and G) and is selected for reporting must report trip level fishing activity on forms supplied by the Department. The following data elements must be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:

1. Harvester name (as it appears on the harvesting license) and license number
2. Boat name and hull ID
3. Designate negative report period if no harvesting activity occurred
4. Date fished
5. Number of crew
6. Gear type and number of traps hauled
7. Set time (hours the gear soaked)
8. Total gear in water
9. Depth
10. Statistical area, lobster zone and distance from shore (0-3 miles; 3-12 miles; or 12+ miles) where gear hauled this trip was fished
11. Sea time (including travel)
12. Pounds of species landed
13. License of dealer sold to or if not sold to a licensed dealer, disposition of catch and whether catch was carred
14. Port landed
15. Signature, written or electronic
16. Number of strings hauled. For purposes of this section, a string means a single trap or multiple traps connected by a groundline.

B. All data sent to DMR must be legible, coherent and in conformance with DMR specified standards.

O. Scallop Harvest

Any person that holds a scallop (hand fishing) license, scallop boat license, or noncommercial scallop license issued under 12 M.R.S §6701, §6702 or §6703 must report trip level fishing activity on forms supplied by the Department. The following data elements must be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:

1. Harvester name (as it appears on the harvesting license) and license number
2. Boat name and hull ID
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity
7. Number of sets/tows/dives
8. Set time (average time fished per set/tow or average dive time)
9. Average depth
10. Latitude/longitude (or loran bearings)
11. Sea time (including travel)
12. Pounds of species landed
13. License of dealer sold to, or if not sold to a licensed dealer, disposition of catch and whether catch was carred
14. Port landed
15. Signature, written or electronic

P. Urchin Harvest (Zone 1)

Any person that holds a handfishing sea urchin license, sea urchin hand-raking and trapping license or sea urchin dragger license (12 M.R.S. §6748, §6748-A or §6748-D) must report detailed trip and area level fishing activity on forms supplied by the Department. The following data elements must be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:

1. Harvester name (as it appears on the harvesting license) and license number
2. Boat name and hull ID
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain and all divers)
6. Gear type
7. Number of sets/tows/dives
8. Set time (average time fished per set/tow or average dive time)
9. Type of habitat
10. Average depth
11. Latitude/longitude
12. Sea time (including travel)
13. Pounds of urchins landed
14. License number of dealer sold to
15. Port landed
16. Signature, written or electronic

This regulation, Chapter 8.20(P), expires May 1, 2014.

Q. Pelagic and Anadromous Fishing Harvest

Any person who holds a Commercial Pelagic and Anadromous Fishing License issued under 12 M.R.S. §6502-A must report trip level fishing activity on forms supplied by the Department. The following data elements must be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:

1. Harvester name (as it appears on the harvesting license) and landings number
2. Boat name and state vessel registration number or Coast Guard number (if a boat was used)
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity
7. Number of sets/tows
8. Set time (the average time your gear fished)
9. Average depth
10. Latitude and longitude
11. Sea time (including travel)
12. Pounds by species of all species caught (including discards)
13. Landings number of dealer sold to, or if not sold to a licensed dealer, disposition of catch and whether catch was carred
14. Port landed
15. Signature written or electronic

R. IVR Herring Harvester

Any person that holds a Commercial Pelagic and Anadromous Fishing License issued under 12 M.R.S. §6502-A and an IVR Herring Harvester Permit under that license must submit weekly catch reports via the National Marine Fisheries Service IVR call-in system. Catches from fixed gear must be included in these reports. Any person that holds more than one Commercial Pelagic and Anadromous Fishing License with the IVR Herring Harvester Permit must report for each license they hold. Reports are required even if the herring caught during the week have not been landed. The report shall include the following data elements:

1. Reporting week number
2. Negative reporting period if no harvesting activity occurred
3. Total pounds kept
4. Total pounds discarded
5. Federal fishery management area where the fish were caught

The IVR reporting week begins Sunday at 0001 hrs (12:01 am) and ends Saturday at 2400 hrs (midnight). Weekly Atlantic herring catch reports must be submitted via the IVR system by midnight Tuesday for the previous week. The IVR call-in system does not exempt the license holder from their Commercial Pelagic and Anadromous Fishing license report (in section P above). Atlantic herring IVR reports are not required from Atlantic herring carrier vessels.

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December 17, 2003

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December 17, 2003 – Section 8.05
December 17, 2003 – Section 8.10(B)
July 24, 2006 - Section 8.10(C)
March 4, 2007 – Sections 8.01(A)(7); 8.10(E); 8.20(E); 8.20(L)
June 25, 2007 – Sections 8.01, 8.02, 8.05, 8.10
June 25, 2007 – Sections 8.10(C)(4) and 8.20(M)
September 24, 2007 – Section 8.20(F)
November 6, 2007 – Section 8.02 and 8.20(N)
September 23, 2008 – Section 8.02 and 8.20(O)
December 21, 2009 – Section 8.01(A)(1); 8.10(C) and 8.20(C) & (N)
August 23, 2010 – Section 8.20(P) expires May 1, 2012
October 26, 2010 – Section 8.20(G),(H),(K),(M),(Q) & (R)
November 22, 2011 – Section 8.10(C)
July 23, 2012 – Section 8.20(p)