

# Notice of Agency Rule-making Proposal

MAPA-3 revised 2-2016

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 55 Technical Corrections

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

BRIEF SUMMARY: This proposed regulation makes technical corrections to Chapter 55. It corrects an inaccurate reference under 55.06. It deletes existing lobster trawl limits that are currently in Chapter 55 so that they may be moved into Chapter 25, so that all lobster trawl limits are located in the same chapter. It reinstates language regarding fishing in the Sheepscot River, Lincoln County, which had been moved into Chapter 32.

Date, time and location of PUBLIC HEARING (*if any*):  
October 12, 2017, 5:30 PM, DMR – Augusta, 32 Blossom Lane, Augusta, ME

COMMENT DEADLINE: October 23, 2017

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

AGENCY CONTACT PERSON: Amanda Ellis (tel: 207-624-6573)

Mail Written Comments to: Department of Marine Resources, attn Rulemaking

ADDRESS: 21 State House Station, Augusta, ME 04333-0021

WEB SITE: <http://www.maine.gov/dmr/laws-regulations/proposed-rulemaking.html>

E-MAIL: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)

FAX: (207) 624-6024

TTY: (207) 624-6500 (Deaf/Hard of Hearing)

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 M.R.S. §6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): SAME

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

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: [DMR.rulemaking@maine.gov](mailto:DMR.rulemaking@maine.gov)

---

\* Check one of the following two boxes.

The summary provided above is for publication in both the newspaper and website notices.

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

---

**Please approve bottom portion of this form and assign appropriate AdvantageME number.**

APPROVED FOR PAYMENT					DATE:
FUND	AGENCY	S-UNIT	APP	OBJT	AMOUNT
010	13A	1120	10	4946	regulations

*Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta*

DEPARTMENT OF MARINE RESOURCES

CHAPTER 55 - GEAR RESTRICTIONS

TITLE INDEX

- 55.03 Special Area Closures to Fishing
- 55.04 Maine Gillnet Bait Fishing Regulations
- 55.05 Use of Purse, Drag or Stop Seines in Certain Waters Prohibited; Regulation of Fishing Therein
- 55.06 Fish Passage Regulations
- 55.07 Seasonal Net Restrictions
- 55.08 Method of Mechanical Harvest Prohibited
- 55.14 Fishing in the Presumpscot River
- 55.15 Fishing in the Bagaduce River Upstream of the North Brooksville Sedgwick Bridge
- 55.30 Fishing in the Sheepscot River, Lincoln County
- ~~55.31 Prohibition of Lobster Trawl Strings in Linekin Bay~~
- ~~55.32 Trawl String Limitations in the Sheepscot Bay and Sequin Island Area~~
- 55.35 Use of draggers in Sheepscot Bay, Lincoln County
- 55.40 Fishing for cod and other ground fish in Sheepscot Bay, Lincoln County
- 55.50 Seining in Sasanoa River, Sagadahoc County
- 55.55 Fishing in Cathance and Abagadasset Rivers, Sagadahoc County
- 55.56 Fishing for Suckers in the Towns of Bowdoinham and Topsham
- 55.58 Penobscot River Fishing Closure
- 55.59 Penobscot River Tributaries Fishing Closures
- 55.60 Fishing in Narraguagus River, Washington County
- 55.70 Fishing in Dennys River, Washington County
- 55.75 York County; otter trawling in Spruce Creek
- 55.80 Fishing in Bond, Kennebec County
- 55.85 Fishing in the Damariscotta River
- 55.93 Fixed Gill nets: Tending Requirements: Kennebec/Androscoggin Rivers
- 55.94 Use of Gill Nets in the Kennebec and Androscoggin Rivers
- 55.95 Fishing in Royal River, Yarmouth

- 55.96 Penobscot River Gear Restrictions.
- 55.97 Fishing in the Kennebec River above the Gardiner/Randolph Bridge
- 55.98 Fishing in the Androscoggin River Above the Route #201 Bridge Between Brunswick and Topsham
- 55.99 Fishing in the Saco River Above the Footbridge Between Saco and Biddeford

## DEPARTMENT OF MARINE RESOURCES

### Chapter 55 - Gear Restrictions

#### 55.06 Fish Passage Regulations

1. Any net or trap set in any tidal river, brook, stream or other watercourse must:
  - A. not occupy more than two-thirds (2/3) of the watercourse measured at any time of tide;
  - B. not exceed 30 feet in length, as measured from the opening of the net to the terminal portion of the end of the net;
  - C. not be located within 50 feet of any part of another net or trap;
  - D. not have a mesh size less than 1/8" diamond or square stretch mesh or greater than one inch;
  - E. be tended and the contents removed at least once every 24 hours; and
  - F. be clearly marked by a floating buoy or surface marker with the owner's commercial fishing or Commercial Pelagic and Anadromous Fishing license number and telephone number.
2. Exceptions:
  - A. The holder of a Commercial Pelagic and Anadromous Fishing License, fishing in accordance with the bait gillnet regulations in Chapter 55.04, may use a net exceeding 30 feet in length and a mesh size of less than 3.5 inches diamond or square stretch mesh in accordance with Chapters 55.04(B) and 34.10(1)(A)(2)(b), provided that all the other gear restrictions in Chapter 55.06(A)(1) are met.
  - B. Persons fishing in accordance with river herring fishing rights granted pursuant to 12 M.R.S. §6131 are not subject to the gear limitations of Chapter 55.06(A)(1).
  - C. Persons issued an elver license in accordance with 12 M.R.S. §6505-A and fishing in accordance with applicable elver fishing laws and regulations are not subject to the gear limitations of Chapter 55.06(A)(1).
  - D. Persons issued an aquaculture lease pursuant to 12 M.R.S. §6072 or §6072-A, a limited-purpose aquaculture (LPA) license pursuant to 12 M.R.S. §6072-C are not subject to the gear limitations of Chapter 55.06(A)(1).
  - E. Persons engaged in the traditional stop seine fishery for Atlantic Sea Herring are not subject to the gear limitations of Chapter 55.06(A)(1).

#### 55.30 Fishing in the Sheepscot River, Lincoln County

It shall be unlawful to use any type of net or seine in the Sheepscot River and its tributaries between the Wiscasset-North Edgecomb Bridge and the so-called Headtide Dam at Alna.

#### Exceptions:

1. The fishing of lamprey eels within these waters shall be under the direction of the Commissioner of Marine Resources who may issue permits to take lamprey eels at places and by means designated by him or her.
2. This section does not apply to the taking of river herring under any other law or regulation.

3. Elver fyke or dip nets may be fished in the Sheepscot River for the harvest of elvers only. Persons issued an elver license in accordance with 12 M.R.S. §6505-A or §6302-A and who fish in accordance with current elver laws and regulations are not in violation of this regulation.

55.31—Prohibition of Lobster Trawl Strings in Linekin Bay

~~It shall be unlawful to fish for or take lobsters with more than two traps on any one line or buoy in the waters of Linekin Bay, Lincoln County, inside and northerly of a line drawn as follows: starting at the southern tip of Spruce Point, Boothbay Harbor, southerly to a red navigational buoy #N"Z"; thence southeasterly to a black navigational buoy #C"1"; thence easterly to the northern tip of Negro Island; thence true east to Linekin Neck, Boothbay.~~

55.32—Trawl String Limitations in the Sheepscot Bay and Sequin Island Area

~~It shall be unlawful to have on any trawl more than three lobster and crab traps or shrimp traps in coastal waters inside and upstream of the following line: starting at the southern tip of Indiantown Island, Boothbay; thence southerly to the northernmost point on Cameron Point, Southport; then starting at the southwest point of Southport; thence southeast to the Cuckolds; thence southerly 188°T. to the territorial limits of the State (LORAN C coordinates 13054.5 and 25904.0); thence westerly to Mile Ledge Bell R20ML; thence northwesterly to the navigational buoy C (1JK) Jackknife Ledge; thence northerly to the southern tip of Wood Island; thence northerly from the northern tip of Wood Island to the most southeast point on Popham Beach, Phippsburg.~~

## Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; web address: <http://www.maine.gov/dmr/laws-regulations/proposed-rulemaking.html>

CHAPTER NUMBER AND RULE: Chapter 55 Technical Corrections

STATUTORY AUTHORITY: 12 M.R.S. §6171

DATE AND PLACE OF PUBLIC HEARING:

October 12, 2017, 5:30 PM, DMR – Augusta, 32 Blossom Lane, Augusta, ME

COMMENT DEADLINE: **10/23/2017**

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]

To make technical corrections for the purpose of greater clarity of the regulations within Chapter 55.

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

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

These rule changes would not change any existing requirements, but would make them easier to understand and located where an interested member of the public might expect to find them.

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]

Input from Maine Marine Patrol

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

Enforcement of this rule will not require additional activity in this agency.

***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)]

*INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED:* [see §8057-A(2)(B)]

*BENEFITS OF THE RULE:* [see §8057-A(2)(C)]

*Note: If necessary, additional pages may be used*