

**NOTICE OF AGENCY RULE-MAKING ADOPTION**

**AGENCY:** Department of Marine Resources

**CHAPTER NUMBER AND TITLE:** Chapter 55 Gear Restrictions

**ADOPTED RULE NUMBER:**  
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

**CONCISE SUMMARY:** This rule strikes the requirement to seek a permit authorized by the Commissioner of Marine Resources to use purse seine gear targeting Atlantic menhaden in the Damariscotta and Saint George Rivers.

**EFFECTIVE DATE:**  
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

**AGENCY CONTACT PERSON:** Amanda Ellis (207) 624-6573  
**AGENCY NAME:** Department of Marine Resources  
**ADDRESS:** 21 State House Station  
 Augusta, Maine 04333  
**WEB SITE:** <http://www.maine.gov/dmr/rulemaking/>  
**E-MAIL:** [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)  
**TELEPHONE:** (207) 624-6573  
**FAX:** (207) 624-6024  
**TTY:** (207) 633-9500 (Deaf/Hard of Hearing)

*Please approve bottom portion of this form and assign appropriate MFASIS 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

55.05 Use of purse, drag or stop seines in certain waters prohibited; regulation of fishing therein

- A. In Kennebec River above a line drawn across said river from Fort Popham in the Town of Phippsburg to a point opposite at the lower end of Long Island in the Town of Georgetown.
- ~~B. In Sheepscot River above a bridge leading from Wiscasset to Edgecomb.~~
- ~~C. In the Damariscotta River above a straight line drawn across the River from a point on the shore of Back Narrows on the west side of the River in the Town of Boothbay intersecting the southwestern point of Fort Island and the red nun navigational buoy #10 to a point on the opposite shore in the Town of South Bristol, except that purse, drag or stop seines may be used by holders of permits issued by, and under the conditions of the Commissioner of Marine Resources, up to a straight line drawn from the northernmost point of Fitch Point on the east side of the River in the Town of South Bristol intersecting the day beacon to a point on the opposite shore in the Town of Edgecomb on the west side of the River for the taking of menhaden during the period from June 1 to December 31 of each year. Boats transporting menhaden are limited to 30,590 pounds, 437 bushels, or 25 hogsheads, and must be measured, plainly marked and sealed by the State Sealer of Weights and Measures. Any violation of this regulation shall be cause for suspension of permit.~~
- ~~D. In the Georges River, above a straight line drawn from Hooper's Point in the Town of St. George, westerly across the northern point of Caldwell's Island to a point on the opposite shore of Gay Island in the Town of Cushing, or take smelts in said river and its tributaries in any other way than by hook and line, or dip nets, except that purse, drag or stop seines may be used by holders of permits issued by, and under the conditions of the Commissioner of Marine Resources, for the taking of menhaden during the period of June 1 to December 31. Boats transporting menhaden are limited to 30,590 pounds, 437 bushels or 25 hogsheads, and must be measured, plainly marked and sealed by the State Sealer of Weights and Measures. Any violation of this regulation shall be cause for suspension of permit.~~
- EB. Purse, drag or stop seines may be used, from May 15th to December 1st of each year in all bays, inlets, rivers, and harbors east of the west shore of the Penobscot Bay and River, except in which places where sections of this chapter are to the contrary, in which places purse seines, drag seines and stop seines may be used from May 15th to November 15th of each year for the purpose of catching herring.

## Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: 13-188- 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/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 55 Gear Restrictions

STATUTORY AUTHORITY: 12 M.R.S. § 6171

DATE AND PLACE OF PUBLIC HEARING(S):

COMMENT DEADLINE: February 10, 2020

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

This proposed rulemaking strikes the requirement to seek a permit authorized by the Commissioner of Marine Resources to use purse seine gear targeting Atlantic menhaden in the Damariscotta and Saint George Rivers.

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 rule is expected to reduce the administrative burden on DMR resource management staff as well as local harvesters.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

Input from local industry representatives along with staff from the Bureau of Marine Patrol.

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

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

***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*

**Basis Statement**

This rule strikes the requirement to seek a permit authorized by the Commissioner of Marine Resources to use purse seine gear targeting Atlantic menhaden in the Damariscotta and Saint George Rivers. Due to vessel length restrictions on harvest operations for menhaden as described in Chapter 41, there is no longer a concern regarding conflict between overlapping fisheries that occur within these two rivers. Additionally, an updated menhaden permit under the commercial pelagic and anadromous license fully defines the population of menhaden harvesters.

Based on the lack of comments received, the Department is not recommending any changes to what was originally proposed.

**Summary of Comments**

Notice of this proposed rulemaking appeared on January 8, 2020 in the five major daily newspapers as published by the Secretary of State. On January 8, 2020, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. No public hearings were scheduled. The comment period closed February 10, 2020.

**Written Comments**

Comment period closed February 10, 2020

DMR did not receive any written comments on the proposal.