

Notice of Agency Rule-making Proposal

MAPA-3 revised 11-2017

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 26 Sea Urchin Regulations; 2018-19 Season

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

BRIEF SUMMARY: This regulation would establish open harvest days for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2018-2019 season. For Zone 1, 20-day seasons are proposed for divers, trappers, rakers and draggers in 2018-2019, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2017-2018 season. For Zone 2, 45-day seasons are proposed for divers, trappers, rakers and draggers in 2018-2019, from which harvesters may only fish up to 38 days of their choosing, the same number of days allowed during the 2017-2018 season. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2018-2019. This regulation also modifies the spatial closure of Cat Ledges Area and removes the sunset provision. The proposed regulation clarifies the daily reporting requirement and substitutes the term "reporting device" for "transaction card" to allow for the use of more inexpensive technologies should they become available.

Date, time and location of PUBLIC HEARING *(if any)*:

- June 5, 2018, 6:00 PM** DMR Conference Room 118, Marquardt Building, 32 Blossom Lane, Augusta, ME;
- June 6, 2018, 6:00 PM** University of Maine Machias, Science Building (Rm 102), 116 O'Brien Avenue Machias, ME;
- June 7, 2018, 6:00 PM**, Ellsworth City Hall (Council Chambers), One City Hall Plaza, Ellsworth, ME

COMMENT DEADLINE: June 18, 2018

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

NAME: Amanda Ellis
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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 M.R.S. §§ 6171 and 6749

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

* 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: _____

(authorized signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
010	13A	1120	10	4946				

DEPARTMENT OF MARINE RESOURCES

Chapter 26 - Sea Urchin Regulations

26.07 Sea Urchin Harvesting Season ~~2017-2018~~ 2018-2019 pursuant to 12 M.R.S. §6749. Harvesters have the ability to choose 15 of the potential 20 available days in Zone 1 and 38 of the potential 45 available days in Zone 2.

1. Zone 1 [as defined by 12 M.R.S. §6749-N(1)]. Harvesters have the flexibility to choose 15 of the potential 20 days.

- 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, 5, 6, 7, 8, 11, 12, 13, 14, 18, 19, 20, 21, 25, 26, 27 and 28, 2017; and, October 4 and 5, 2017. September 1, 4, 5, 6, 7, 10, 11, 13, 14, 17, 18, 20, 21, 24, 25, 27, and 28, 2018; and, October 1, 2 and 3, 2018.~~ September 1, 4, 5, 6, 7, 10, 11, 13, 14, 17, 18, 20, 21, 24, 25, 27, and 28, 2018; and, October 1, 2 and 3, 2018. Divers, trappers, and rakers may fish no more than 15 of these days.

- 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, 6, 11, 12, 13, 18, 19, 20, 21, 27 and 28, 2017; and, February 5, 6, 12, 13, 19, 20, 26 and 27, 2018. December 3, 4, 5, 10, 11, 12, 17, 18, 19, 27 and 28, 2018; and, January 28, 29, and 30, 2019; and, February 4, 5, 11, 12, 18 and 19, 2019.~~ December 3, 4, 5, 10, 11, 12, 17, 18, 19, 27 and 28, 2018; and, January 28, 29, and 30, 2019; and, February 4, 5, 11, 12, 18 and 19, 2019. Divers, trappers, and rakers may fish no more than 15 of these days.

- 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 1, 2, 4, 5, 6, 7, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 27, 28, 29 and 30, 2017. December 1, 3, 4, 5, 6, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 26, 27, 28, 29 and 31, 2018.~~ December 1, 3, 4, 5, 6, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 26, 27, 28, 29 and 31, 2018. Draggers may fish no more than 15 of these days.

- 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 ~~Wednesdays, Thursdays and Fridays in February, 2018 2019; and, March 1, 2, 5, 6, 7, 8, 12 and 13, 2018~~ Wednesdays, Thursdays and Fridays in February, 2018 2019; and, March 1, 4, 5, 6, 7, 11, 12 and 13, 2019. Draggers may fish no more than 15 of these days.

- 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)]. Harvesters have the flexibility to choose 38 of the potential 45 days.

- 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 12, 13, 14, 19, 20, 21, 26, 27 and 28, 2017; October 2, 3, 4, 10, 11, 12, 16, 17, 18, 23, 24, 25, 30 and 31, 2017; Mondays, Tuesdays, and Wednesdays in November,~~

~~2017; and, December 4, 5, 6, 12, 13, 14, 19, 20 and 21, 2017. September 18, 19, 20, 25, 26 and 27, 2018; and, all Tuesdays, Wednesdays and Thursdays in October, 2018; and, November 1, 6, 7, 8, 13, 14, 15, 19, 20, 21, 27, 28, and 29, 2018; and, December 4, 5, 6, 11, 12, 13, 18, 19, 20, 21, 27 and 28, 2018.~~ Divers, trappers, and rakers may fish no more than 38 of these days.

B. 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 ~~Tuesdays, Wednesdays and Thursdays in December, 2017; Tuesdays, Wednesdays and Thursdays in January, 2018; Tuesdays, Wednesdays and Thursdays in February, 2018; and, March 1, 6, 7, 8, 13, 14 and 15, 2018. December 4, 5, 6, 11, 12, 13, 18, 19, 20, 27 and 28, 2018; and, Tuesdays, Wednesdays and Thursdays in January and February 2019, except Tuesday, January 1, 2019 shall be closed; and, March 5, 6, 7, 12, 13, 14, 19 and 20, 2019.~~ Divers, trappers, and rakers may fish no more than 38 of these days.

C. Early season for draggers

The Zone 2 season for draggers who have certified the early season on forms provided by the Commissioner, is open ~~Mondays, Tuesdays, and Wednesdays and Thursdays in October, 2017 2018, except Monday, October 9 shall be closed; and, Mondays, Tuesdays, and Wednesdays and Thursdays in November 2017 2018, except Thursday, November 22 shall be closed; and, December 4, 5, 6, 11, 12, 13, 18, 19, 20, 21, 27 and 28, 2018; and, January 2, 3, 8, 9, 10, 15 and 16, 2019. Wednesdays, Thursdays and Fridays in December, 2017, except December 1 is closed; February 22 and 23, 2018; and, March 1, 7, 8, 14 and 15, 2018.~~ Draggers may fish no more than 38 of these days.

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, 6, 11, 12, 13, 18, 19, 20, 27 and 28, 2018; and, Wednesdays, Thursdays and Fridays in December, 2017, except December 1 is closed; Tuesdays, Wednesdays and Thursdays in January and February, 2018 2019, except Tuesday, January 1, 2019 shall be closed; and, March 1, 6, 7, 8, 13, 14 and 15, 2018. March 5, 6, 7, 12, 13, 14, 19 and 20, 2019.~~ Draggers may fish no more than 38 of these days.

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 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.

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 (Zone 2). Harvesters may choose up to 15 days of the following applicable season open days for the Whiting and Denny's Bay limited access area to fish within their 38 days available for harvest.

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 ~~Tuesdays~~ Thursdays in September, October, November and December ~~2017~~ 2018, except September 5 6, 2018; and, November 22, 2018. ~~and December 26, 2017 are closed. which shall be closed.~~

B. 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 late season on forms provided by the Commissioner on ~~Tuesdays~~ Thursdays in December ~~2017~~ 2018, and Thursdays in January, February and March, ~~2018~~ 2019, except ~~Tuesday~~ March ~~20~~ 21 and 28, 2019. ~~Tuesday March 27, 2018, which shall be closed.~~

C. 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 Wednesdays in October, November and December, ~~2017~~ 2018; and ~~Wednesdays, March 7 and 14, 2018.~~ in January, 2019, except December 26, 2018 and January 23 and 30, 2019 which shall be closed.

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 Wednesdays in December, ~~2017~~ 2018; and Wednesdays in January, February and March, ~~2018~~ 2019, except March ~~24 and 26~~ 20 and 27 are closed.

26.20 Targeted Closures

It shall be unlawful to fish for, take, or possess urchins taken by any method within any of the following closed areas. All directions are relative to True North (not magnetic).

Transiting exception:

Any vessel possessing urchins onboard, may transit these targeted closures, 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. Cat Ledges Area:

It shall be unlawful to fish for, take, or possess urchins inside a line drawn from the southern tip of Hendricks Head, Southport Island, to Red Nun "6", then south to Red Gong "4CL", then southeast to ~~Red Nun "2", then northeast to the southwestern tip of Cape Newagen.~~ to the northern tip of Lower Mark Island, then due north to N43° 48' 17" W69° 40' 33".

~~This section Chapter 26.20 (1) sunsets May 1, 2018.~~

26.50 Urchin Transaction Cards Electronic Reporting

For the purpose of this section, "DMR-issued reporting device" means a transaction card or other Department developed and approved technology provided for the purpose of recording urchin transactions.

1. Eligibility. In order to be eligible for an ~~urchin transaction card~~ DMR-issued device for the electronic reporting of urchin landings, 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~~ reporting devices 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 reporting device to the urchin buyer or processor during~~ and records each transaction. ~~Transaction cards~~ DMR-issued reporting devices may only be used to sell urchins which were harvested by the individual identified on the ~~transaction card reporting device~~. A law enforcement officer may seize or deactivate the ~~transaction card reporting device~~ of an individual who has used their ~~transaction card reporting device~~ to sell urchins they did not harvest. The act of ~~swiping your card~~ utilizing your reporting device on any given day will be considered as one fishing day, between the hours of 12:00 am-11:59pm.
3. Dealer Use. It is unlawful for a person licensed under 12 M.R.S. §6851 subsection 2-B, ~~or subsection 2-C,~~ or §6852 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~~ DMR-issued reporting device. In the event of any failure of the reporting software or equipment, the Commissioner may authorize the use of paper reports until such time as the system is operational.
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.
5. The Department will deactivate the ~~transaction card reporting device~~ of any individual who has met or exceeded their sea urchin harvest days. The onus is on the license holder to track days fished; harvesting beyond the number of allocated season days is considered fishing out of season and is prohibited.

Strike this Zone 1 Calendar page:

2017-2018 Sea Urchin 15 Day Season for Maine Zone 1*

*A Zone 1 harvester may choose to fish 15 of 20 optional days

= Open

= Closed

Early Season for Divers, Rakers and Trappers

Late Season for Divers, Rakers and Trappers

September 2017						
S	M	Tu	W	Th	F	S
					1	2
					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3	4	5	6	7	8	9
		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
10	11	12	13	14	15	16
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
17	18	19	20	21	22	23
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
24	25	26	27	28	29	30
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

October 2017						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
10	11	12	13	14	15	16
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
17	18	19	20	21	22	23
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
24	25	26	27	28	29	30
	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
31						

February 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
11	12	13	14	15	16	17
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
18	19	20	21	22	23	24
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
25	26	27	28			
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				

Early Season for Draggers

Late Season for Draggers

December 2017						
S	M	Tu	W	Th	F	S
					1	2
					<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3	4	5	6	7	8	9
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
10	11	12	13	14	15	16
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
17	18	19	20	21	22	23
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
24	25	26	27	28	29	30
	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
31						

February 2018						
S	M	Tu	W	Th	F	S
				1	2	3
				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
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11	12	13	14	15	16	17
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
18	19	20	21	22	23	24
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25	26	27	28			
			<input checked="" type="checkbox"/>			

March 2018						
S	M	Tu	W	Th	F	S
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				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
4	5	6	7	8	9	10
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
11	12	13	14	15	16	17
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Strike this Zone 2 Calendar page:

2017-2018 Sea Urchin Season for Maine Zone 2

*A Zone 2 harvester may choose to fish 38 of 45 optional days

O = Open = Closed

Early Season for Divers, Rakers and Trappers

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

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				

S	M	Tu	W	Th	F	S
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

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

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						

S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
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21	22	23	24	25	26	27
28	29	30	31			

S	M	Tu	W	Th	F	S
				1	2	3
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

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

Season for Dragger

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

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				

S	M	Tu	W	Th	F	S
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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		

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						

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

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

2017-2018 Sea Urchin Season for Maine Zone 2 for Whiting & Denny's Bays

= Open
 = Closed

Early Season for Divers, Rakers and Trappers

September 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13 O	14	15	16
17	18	19	20 O	21	22	23
24	25	26	27 O	28	29	30

October 2017						
S	M	Tu	W	Th	F	S
1	2	3	4 O	5	6	7
8	9	10	11 O	12	13	14
15	16	17	18 O	19	20	21
22	23	24	25 O	26	27	28
29	30	31				

November 2017						
S	M	Tu	W	Th	F	S
			1 O	2	3	4
5	6	7	8 O	9	10	11
12	13	14	15 O	16	17	18
19	20	21	22 O	23	24	25
26	27	28	29 O	30		

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6 O	7	8	9
10	11	12	13 O	14	15	16
17	18	19	20 O	21	22	23
24	25 O	26	27	28	29	30
31						

Late Season for Divers, Rakers and Trappers

December 2016						
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 2017						
S	M	Tu	W	Th	F	S
1	2 O	3	4	5	6	7
8	9 O	10	11	12	13	14
15	16 O	17	18	19	20	21
22	23 O	24	25	26	27	28
29	30 O	31				

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6 O	7	8	9	10	11
12	13 O	14	15	16	17	18
19	20 O	21	22	23	24	25
26	27 O	28				

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6 O	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	

Season for Draggers

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6 O	7	8	9
10	11	12	13 O	14	15	16
17	18	19	20 O	21	22	23
24	25 O	26	27 O	28	29	30
31						

January 2018						
S	M	Tu	W	Th	F	S
	1	2	3 O	4	5	6
7	8	9	10 O	11	12	13
14	15	16	17 O	18	19	20
21	22	23	24 O	25	26	27
28	29	30	31 O			

February 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7 O	8	9	10
11	12	13	14 O	15	16	17
18	19 O	20	21 O	22	23	24
25	26	27	28 O			

March 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7 O	8	9	10
11	12	13	14 O	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):

2018-2019 Sea Urchin 15 Day Season for Maine Zone 1*

*A Zone 1 harvester may choose to fish 15 of 20 optional days

= Open

= Closed

Early Season for Divers, Rakers and Trappers

September 2018						
S	M	Tu	W	Th	F	S
						1 o
2	3	4 o	5 o	6 o	7 o	8
9	10 o	11 o	12	13 o	14 o	15
16	17 o	18 o	19	20 o	21 o	22
23	24 o	25 o	26	27 o	28 o	29
30						

October 2018						
S	M	Tu	W	Th	F	S
	1 o	2 o	3 o	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 2018						
S	M	Tu	W	Th	F	S
						1
2	3 o	4 o	5 o	6	7	8
9	10 o	11 o	12 o	13	14	15
16	17 o	18 o	19 o	20	21	22
23	24	25	26	27 o	28 o	29
30	31					

January 2019						
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 o	29 o	30 o	31		

Early Season for Draggers

December 2018						
S	M	Tu	W	Th	F	S
						1 o
2	3 o	4 o	5 o	6 o	7	8
9	10 o	11 o	12 o	13 o	14 o	15
16	17 o	18 o	19 o	20 o	21 o	22
23	24	25	26	27 o	28 o	29 o
30	31 o					

February 2019						
S	M	Tu	W	Th	F	S
					1	2
3	4 o	5 o	6	7	8	9
10	11 o	12 o	13	14	15	16
17	18 o	19 o	20	21	22	23
24	25	26	27	28		

Late Season for Draggers

February 2019						
S	M	Tu	W	Th	F	S
					1 o	2
3	4	5	6 o	7 o	8 o	9
10	11	12	13 o	14 o	15 o	16
17	18	19	20 o	21 o	22 o	23
24	25	26	27 o	28 o		

March 2019						
S	M	Tu	W	Th	F	S
					1 o	2
3	4 o	5 o	6 o	7 o	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						

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

2018-2019 Sea Urchin 38 Day Season for Maine Zone 2*

*A Zone 2 harvester may choose to fish 38 of 45 optional days

O = Open **□** = Closed

Early Season for Divers, Rakers and Trappers

September 2018						
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 O	19 O	20 O	21	22
23	24	25 O	26 O	27 O	28	29
30						

October 2018						
S	M	Tu	W	Th	F	S
	1	2 O	3 O	4 O	5	6
7	8	9 O	10 O	11 O	12	13
14	15	16 O	17 O	18 O	19	20
21	22	23 O	24 O	25 O	26	27
28	29	30 O	31 O			

November 2018						
S	M	Tu	W	Th	F	S
				1 O	2	3
4	5	6 O	7 O	8 O	9	10
11	12	13 O	14 O	15 O	16	17
18	19 O	20 O	21 O	22 O	23	24
25	26	27 O	28 O	29 O	30	

December 2018						
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 O	19 O	20 O	21 O	22
23	24	25 O	26	27 O	28 O	29
30	31					

Late Season for Divers, Rakers and Trappers

December 2018						
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 O	19 O	20 O	21	22
23	24	25 O	26	27 O	28 O	29
30	31					

January 2019						
S	M	Tu	W	Th	F	S
		1	2 O	3 O	4	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 O	30 O	31 O		

February 2019						
S	M	Tu	W	Th	F	S
					1	2
3	4	5 O	6 O	7 O	8	9
10	11	12 O	13 O	14 O	15	16
17	18	19 O	20 O	21 O	22	23
24	25	26 O	27 O	28 O		

March 2019						
S	M	Tu	W	Th	F	S
					1	2
3	4	5 O	6 O	7 O	8	9
10	11	12 O	13 O	14 O	15	16
17	18	19 O	20 O	21	22	23
24	25	26	27	28	29	30
31						

EARLY Season for Draggers

October 2018						
S	M	Tu	W	Th	F	S
	1	2 O	3 O	4 O	5	6
7	8	9 O	10 O	11 O	12	13
14	15	16 O	17 O	18 O	19	20
21	22	23 O	24 O	25 O	26	27
28	29	30 O	31 O			

November 2018						
S	M	Tu	W	Th	F	S
				1 O	2	3
4	5	6 O	7 O	8 O	9	10
11	12	13 O	14 O	15 O	16	17
18	19	20 O	21 O	22 O	23	24
25	26	27 O	28 O	29 O	30	

December 2018						
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 O	19 O	20 O	21 O	22
23	24	25 O	26	27 O	28 O	29
30	31					

January 2019						
S	M	Tu	W	Th	F	S
		1	2 O	3 O	4	5
6	7	8 O	9 O	10 O	11	12
13	14	15 O	16 O	17	18	19
20	21	22 O	23 O	24	25	26
27	28	29	30	31		
31						

LATE Season for Draggers

December 2018						
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 O	19 O	20 O	21	22
23	24	25 O	26	27 O	28 O	29
30	31					

January 2019						
S	M	Tu	W	Th	F	S
		1	2 O	3 O	4	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 O	30 O	31 O		

February 2019						
S	M	Tu	W	Th	F	S
					1	2
3	4	5 O	6 O	7 O	8	9
10	11	12 O	13 O	14 O	15	16
17	18	19 O	20 O	21 O	22	23
24	25	26 O	27 O	28 O		

March 2019						
S	M	Tu	W	Th	F	S
						1
3	4	5 O	6 O	7 O	8	9
10	11	12 O	13 O	14 O	15	16
17	18	19 O	20 O	21	22	23
24	25	26	27	28	29	30
31						

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

2018-2019 Sea Urchin Season 15 Day Season for Whiting & Denny's Bays Limited Access Area (WDB LAA)

O = Open = Closed

Early Season for Divers, Rakers and Trappers

September 2018						
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 2018						
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 2018						
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 2018						
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 2018						
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 2019						
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 2019						
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 2019						
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 2018						
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 2018						
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 2018						
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 2019						
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 2018						
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 2019						
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 2019						
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 2019						
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					

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/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 26 Sea Urchin Regulations; 2018-19 Season

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

DATE AND PLACE OF PUBLIC HEARING(S): **June 5, 2018, 6:00 PM** DMR Conference Room 118, Marquardt Building, 32 Blossom Lane, Augusta, ME; **June 6, 2018, 6:00 PM** University of Maine Machias, Science Building (Rm 102), 116 O'Brien Avenue Machias, ME; **June 7, 2018, 6:00 PM**, Ellsworth City Hall (Council Chambers), One City Hall Plaza, Ellsworth, ME

COMMENT DEADLINE: June 18, 2017

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

This regulation would establish open harvest days for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2018-2019 season.

For Zone 1, 20-day seasons are proposed for divers, trappers, rakers and draggers in 2018-2019, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2017-18 season. The Sea Urchin Zone Council recommended the selection of these particular days. Divers, rakers and trappers may fish 15 days beginning in September into October ("early season"), or 15 days in December, January and February ("late season"); and, draggers may fish 15 days in December ("early season"), or February and March ("late season").

For Zone 2, 45-day seasons are proposed for divers, trappers, rakers and draggers in 2018-2019, from which harvesters may only fish up to 38 days of their choosing, the same number of days allowed during the 2017-18 season. The Sea Urchin Zone Council recommended the selection of these particular days for divers, rakers and trappers who may fish 38 days in September through December ("early season"), or 38 days in December through March ("late season"); and, draggers may fish 38 days in October through January ("early season"), or December through March ("late season").

For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 15-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2018-2019, which is the same as the 2017-18 season. Zone 2 divers, rakers and trappers may fish 15 days in September, October, November and December ("early season"), or 15 days in December, January, February and March ("late season"); Zone 2 draggers would have 15 days in October, November, December, and January ("early season"), or 15 days in December, January, February and March ("late season"). The particular days mirror days which the Sea Urchin Zone Council recommended for the Zone 2 season calendars.

This regulation also modifies the spatial closure around Cat Ledges, west of Southport Island. Recommendation from the Sea Urchin Zone Council was received to extend the closure time of this area for continued collaborative research potential. The proposed regulation clarifies the daily reporting requirement and substitutes the term "reporting device" for "transaction card" to allow for the use of more inexpensive technologies should they become available.

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)]

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 and sea urchin processors) in the long term. The Department worked with the Sea Urchin Zone Council to develop this combination of proposed rule changes

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

The Department considered feedback provided by the Sea Urchin Zone Council, Department staff 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.

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.