

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 26 Sea Urchin; 2024-2025 Season

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

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

BRIEF SUMMARY: This regulation would establish open harvest days and tote limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2024-2025 season. For Zone 1, seasons are proposed for divers, trappers, rakers and draggers in 2024-2025, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2023-2024 season. For Zone 1, the daily tote limit is nine (9). For Zone 2, 40-day seasons are proposed for divers, trappers, rakers and draggers in 2024-2025, from which harvesters may only fish up to 30 days of their choosing. This proposal has the same number of fishing days and opportunity days as the 2023-2024 season. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 12-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2024-2025, 3 days less than the 2023-2024 season due to the contraction of the calendars. For Zone 2, the daily tote limit is six (6).

Harvesters are permitted to defer sale of daily catch and increase on-shore possession by the daily tote limit per zone multiplied by the number of open harvest days each week. All catch must be sold weekly on Fridays, 11:59 p.m. If there is no sale transaction, the harvester is required to report their daily landing electronically. All on-shore catch must be tagged by harvester, indicating landings number, harvester name and date of harvest.

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

- August 19, 2024, 5:00 p.m., DMR HQ, room 118 Marquardt Building (32 Blossom Lane, Augusta ME), with an option to participate remotely via Microsoft Teams. For information on how to join the hearing, please visit: www.maine.gov/dmr. Instructions will be posted on DMR's homepage under meetings and events.

COMMENT DEADLINE: August 30, 2024

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 §6749

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

AGENCY WEBSITE: <https://www.maine.gov/dmr/rules-enforcement/regulations-rules>

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

* Check one of the following two boxes.

X 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				

26.01 Nighttime Harvesting Prohibition

It shall be unlawful to fish for or take sea urchins during the nighttime hours between sunset (as defined in 12 M.R.S. §6001(46)) and sunrise (as defined in 12 M.R.S. §6001(45)) within Maine's coastal waters.

26.02 Sea Urchin Minimum Size and Tolerance

1. Prohibition

It is unlawful for any person to take, possess, ship, transfer, transport, buy, or sell a sea urchin having a shell measuring less than $2\frac{1}{16}$ inches in the longest diameter, measuring from the top or bottom of the urchin, exclusive of spines.

2. Exceptions to 26.02(1) Prohibition

A. Possession Tolerance for All Persons

Any person may possess sea urchins measuring less than $2\frac{1}{16}$ inches if they comprise less than 5% of any bulk pile.

B. Take Tolerance for Harvesters

(1) Zone 1 & 2 Divers

Zone 1 & 2 divers may take sea urchins that are less than $2\frac{1}{16}$ inches if they comprise less than 20% of any bulk pile prior to culling on board.

(2) Take Tolerance for All Other Harvesters

All licensed sea urchin harvesters except Zone 1 & 2 divers may take sea urchins that are less than $2\frac{1}{16}$ inches prior to culling on board.

C. Sea Urchins Obtained Outside the State of Maine

Any person exceeding the possession tolerance of this regulation for sea urchins measuring less than $2\frac{1}{16}$ inches shall not be in violation of Chapter 26.02 if that person is in possession of a bill of lading for the amount of the sea urchins exceeding the tolerance amount showing those sea urchins were lawfully obtained from an origin outside the State of Maine. The absence of a bill of lading shall be prima facie evidence that the sea urchins were taken from waters within the jurisdiction of the State of Maine.

3. Tolerance

Tolerance shall be determined by numerical count of not less than $\frac{1}{2}$ bushel taken at random from various parts of the bulk pile or by count of the entire bulk pile if it contains less than $\frac{1}{2}$ bushel.

If any person is found in possession of sea urchins measuring less than $2\frac{1}{16}$ inches that comprise more than 5% of the bulk pile pursuant to 26.02(2)(A) or 20% pursuant to 26.02(2)(B)(1), that bulk pile shall be considered contraband and subject to seizure.

4. Culling Requirement

Sea urchins measuring less than $2\frac{1}{16}$ inches must be culled on board immediately after take, and liberated alive into the marine waters.

26.03 Sea Urchin Maximum Size and Tolerance

1. Prohibition

It is unlawful for any person to take, possess, ship, transfer, transport, buy, or sell a sea urchin having a shell measuring more than 3 inches in the longest diameter, measuring from the top or bottom of the urchin, exclusive of spines.

2. Exceptions to 26.03(1) Prohibition

A. Possession Tolerance for All Persons

Any person may possess sea urchins measuring more than 3 inches if they comprise less than 5% of any bulk pile.

B. Take Tolerance for Harvesters

(1) Zone 1 & 2 Divers

Zone 1 & 2 divers may take sea urchins that are more than 3 inches if they comprise less than 20% of any bulk pile prior to culling on board.

(2) Take Tolerance for All Other Harvesters

All licensed sea urchin harvesters except Zone 1 & 2 divers may take sea urchins that are more than 3 inches prior to culling on board.

C. Sea Urchins Obtained Outside the State of Maine

Any person exceeding the possession tolerance of this regulation for sea urchins measuring more than 3 inches shall not be in violation of Chapter 26.03 if that person is in possession of a bill of lading for the amount of the sea urchins exceeding the tolerance amount showing those sea urchins were lawfully obtained from an origin outside the State of Maine. The absence of a bill of lading shall be prima facie evidence that the sea urchins were taken from waters within the jurisdiction of the State of Maine.

3. Tolerance

Tolerance shall be determined by numerical count of not less than ½ bushel taken at random from various parts of the bulk pile or by count of the entire bulk pile if it contains less than ½ bushel.

If any person is found in possession of sea urchins measuring more than 3 inches that comprise more than 5% of the bulk pile pursuant to 26.03(2)(A) or 20% pursuant to 26.03(2)(B)(1), that bulk pile shall be considered contraband and subject to seizure.

4. Culling Requirement

Sea urchins measuring more than 3 inches must be culled on board immediately after take, and liberated alive into the marine waters.

26.05 Sea Urchin Drag Regulation

1.

A. It shall be unlawful to fish for, possess or take sea urchins with a drag, or combination of drags, in excess of 5 feet six inches effective fishing width (by measuring from the extreme outside of the mouth of the drag or drags), within Maine's coastal waters.

B. Escape Panel - Zone 2

It shall be unlawful to fish for, possess, or take sea urchins in Zone 2 with a drag that does not have an escape panel.

(1) Configuration of Escape Panel

- (a) The panel shall consist of a single layer of netting in the top of the drag above the chains.
- (b) There can be no liner or other material or device obstructing any part of the panel.
- (c) The panel must be at least 2 feet deep (from front to back of the drag) and extend across the full width of the drag.
- (d) The mesh of the netting must be hung "square", not "diamond", that is, the twines of the mesh going one way must run parallel to the front (mouth) of the drag and the twines of the mesh going the other way must run perpendicular to the front (mouth) of the drag, not diagonally.
- (e) The meshes must measure at least 2 inches from the middle of one knot to the middle of the next adjacent knot.

2. Method of mesh measurement

Mesh size shall be measured by lining up 5 consecutive knots perpendicular to the front of the drag or parallel to the front of the drag and measuring the distance from the middle of one knot to the middle of the next knot with a ruler or tape measure. The mesh measurement shall be the average of the 5 consecutive measures. These measurements must be made at least 2 meshes away from the edges of the panel.

3. Exception

It shall be lawful to fish for, take, or possess sea urchins with a drag that qualifies as a scallop drag under Chapter 11.07 if the drag meets the requirements of Chapter 26.05(A).

26.07 Sea Urchin Harvesting Season 2024-2025 ~~2023-2024~~ pursuant to 12 M.R.S. §6749.

Harvesters may choose 15 of the available days in Zone 1 and 30 of the potential 40 available days in Zone 2.

1. Zone 1 [as defined by 12 M.R.S. §6749-N(1)]. Harvesters may choose 15 of the available fishing days.

A. One season for divers, trappers, rakers and draggers

The Zone 1 season for all sectors, who have certified Zone 1 on forms provided by the Commissioner, is open Mondays, Tuesdays, Wednesdays, Thursdays and Fridays in ~~October~~, November and December 2024 ~~2023~~, and January and February 2025 ~~2024~~, except for Wednesday, December 25, 2024 which shall remain closed. Divers, trappers, rakers and draggers may fish no more than 15 of these days.

2. Zone 2 [as defined by 12 M.R.S. §6749-N(2)]. Harvesters may choose 30 of the potential 40 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 Tuesdays, Wednesdays and Thursdays in October 2024; Tuesdays, Wednesdays, Thursdays and Fridays in November, 2024, with the exception of November 28, 2024, which shall remain closed; and Tuesdays, Wednesdays and Thursdays in December 2024, except December 25 and 31, 2024. December 23 and 27, 2024 shall remain open to harvest. Divers, trappers, and rakers may fish no more than 30 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 December 17, 18, 19, 23, 24, 30 and 31, 2024; Tuesdays, Wednesdays and Thursdays in January 2025 and February 2025, except January 1 and 2, 2025 which shall remain closed; and

March 4, 5, 6, 11, 12, 13, 18, 19 and 20, 2025. Divers, trappers, and rakers may fish no more than 30 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 Tuesdays, Wednesdays, and Thursdays in November 2024, except Thursday, November 28, 2024, which shall remain closed; Wednesdays, Thursdays and Fridays in December 2024, and December 23 and 24, 2024, with the exception of December 25, 26 and 27, 2024 which shall remain closed; Wednesdays, Thursdays and Fridays in January 2025; and February 4, 5 and 6, 2025. Draggers may fish no more than 30 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 10, 11, 12, 17, 18, 19, 23, 24, 30 and 31, 2024; Tuesdays, Wednesdays, and Thursdays in January 2025, except January 1 and 2, 2025; Tuesdays, Wednesdays, and Thursdays in February 2025, and March 4, 5, 6, 11, 12, and 13, 2025. Draggers may fish no more than 30 of these days.

~~2. Zone 2 [as defined by 12 M.R.S. §6749 N(2)]. Harvesters may choose 30 of the potential 40 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 Tuesdays, Wednesdays and Thursdays in October and November 2023, with the exception of being open on Monday, November 20 and closed on Thursday November 23, 2023; and Wednesdays, Thursdays and Fridays in December 2023. Divers, trappers, and rakers may fish no more than 30 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 2023; Tuesdays, Wednesdays and Thursdays in January 2023 and February 2023, except February 20, 21, and 22, 2024, which shall be closed; and March 5, 6, 12, and 13, 2024. Divers, trappers, and rakers may fish no more than 30 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 Tuesdays, Wednesdays, and Thursdays in October and November 2023, except Tuesday, November 14 and Thursday, November 23, 2023 which shall remain closed; Thursdays and Fridays in~~

~~December 2023; and January 4, 5, 11, 12, 18 and 19, 2024. Draggers may fish no more than 30 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 14, 15, 21, 22, 27, 28 and 29, 2023; Wednesdays, Thursdays and Fridays in January 2024; Tuesdays, Wednesdays, Thursdays and Fridays in February 2024, except February 6, 13 and 23, 2024, which shall remain closed; and March 5, 6, 7, 12, 13, and 14, 2024. Draggers may fish no more than 30 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.

26.10 Log Book

See Chapter 8.10(P) Landings Program

26.12 Tagging

~~Each tote of sea urchins transported or shipped whole must be accompanied by a tag with date of purchase and harvester license number affixed by a license dealer.~~

Each bulk pile (tote) of sea urchins must be tagged by the harvester once landed on shore. Each tag must include the date of harvest and the harvester license number. The tag must accompany each tote of sea urchins at all times until arrival at the purchasing dealer's licensed facility.

Exception: A harvester who sells a bulk pile (tote) of sea urchins to a licensed dealer at the landing location is not required to tag the tote provided the licensed dealer purchasing the sea urchins tags each tote with the date of harvest and the harvester license number.

26.15 Sea Urchin Harvester License Limited Entry System

Beginning August 1, 2004, no new sea urchin harvesting licenses will be issued, and no lotteries will be held.

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 12 days ~~15 days~~ of the following applicable season open days for the Whiting and Denny's Bay limited access area to fish within their 30 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 Wednesdays in October, November and December, 2024 2023; except for Tuesday, December 31, 2024, which shall remain closed ~~and also October 17 and 24, 2023.~~

- 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 December 24 and 31, 2024; Tuesdays in January and February 2025, and March 4 and 11, 2025. ~~Tuesdays in December 2023; Tuesdays in January and February 2024, except Tuesday, February 20, 2024, which shall be closed; Wednesday, February 14, 2024 and March 5, and 12, 2024.~~

- 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 November 7, 14 and 21, 2024; December 5, 12 and 19, 2024; January 2, 9, 16, 23 and 30, 2025; and February 6, 2025. ~~Thursdays in October, November and December 2023, except November 23, 2022 which shall be closed; and January 4, 11, and 18, 2024.~~

- 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 December 12 and 19, 2024; January 9, 16, 23 and 30, 2024; February 6, 13, 20 and 27, 2025; and, March 6 and 13, 2025. ~~Thursdays in December, 2023, Thursdays in January, and February 2024; and March 7 and 14, 2024.~~

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 southwestern tip of Pratt Island, Southport Island, then south to Red Gong "4CL", then northeast to the prominent point on the eastern shore of Christmas Cove.

26.30 Sea Urchin Zone Council Elections

1. Elections and Term

The Sea Urchin Zone Council shall hold its first election for those members specified in 12 M.R.S. §6749-X, sub-§1 by March 2008, and a biennial election thereafter beginning in December 2010, to re-elect or replace the elected members whose terms are expiring. Council members shall have terms of two years.

2. Election of Council Members

Election of council members shall be by a plurality vote of eligible voters participating in the election.

3. Eligibility of Council Members

To be eligible for election as a council member an individual must hold a valid license of a type specified in 12 M.R.S. §6749-X, sub-§1 and be at least 18 years of age. An individual who has been convicted of a marine resources law violation within the previous 6 years is not eligible for election as a council member unless a waiver from this requirement has been granted by the commissioner for good cause as determined by the commissioner in his or her discretion.

4. Eligibility to vote

An individual who holds a valid license of a type specified in 12 M.R.S. §6749-X, sub-§1 and is at least 18 years of age shall be eligible to vote to fill vacant council positions representing the same type of license held by the voter. If the license type is specific to Zone 1 or Zone 2, as defined under 12 M.R.S. §6749-N, then the individual shall only be eligible to participate in the election if the individual holds the eligible license in the same zone.

5. Election process

Each individual shall have one vote in the election for each seat for which they are eligible to vote. The vote shall be by secret mailed ballot and the ballots shall be collected by the Department of Marine Resources. The ballots shall be tallied, and the results shall be made known to the Commissioner, members of the Sea Urchin Zone Council and the public.

6. Vacancies

Any vacancy occurring in the membership of the Sea Urchin Zone Council including one created by reason of resignation, ineligibility, or death shall be filled by the candidate from the most recent election who received the second greatest number of votes. If no such candidate is available or is willing to serve as representative, then a special election will be held. Council members elected to fill a vacancy shall serve for the remainder of the vacated member's term.

7. Removal of Council Members

A council member whose urchin license is suspended or revoked, or who fails to renew the license, shall automatically be removed from the Sea Urchin Zone Council. A Council member who misses three consecutive meetings without notifying an officer or other Council member of the intended absence from a meeting may be removed from the Council by affirmative vote of the Council.

26.40 Tote Limits

1. Zone 1

It is unlawful for Zone 1 sea urchin divers, rakers or trappers to fish for, take, ~~or~~ possess at sea, or land more than nine (9) standard size stackable fish totes of sea urchins per day. While on shore, Zone 1 sea urchin divers, rakers, or trappers may not possess, transport, or sell more than the harvester's weekly Zone 1 tote limit. in Maine's territorial waters. A standard size stackable fish tote is defined as 28" Long x 16" Wide x 11" Deep when measured inside at the shelf level.

It is unlawful for Zone 1 drag vessels to fish for, take, ~~or~~ possess at sea, or land more than nine (9) standard size stackable fish totes of sea urchins per day. While on shore, Zone 1 sea urchin drag vessels may not possess, transport, or sell more than the harvester's weekly Zone 1 tote limit. in Maine's territorial waters. A standard size stackable fish tote is defined as 28" Long x 16" Wide x 11" Deep when measured inside at the shelf level.

2. Zone 2

It is unlawful for Zone 2 sea urchin divers, rakers or trappers to fish for, take, ~~or~~ possess at sea, or land more than six (6) standard size stackable fish totes of sea urchins per day. While on shore, Zone 1 sea urchin divers, rakers, or trappers may not possess, transport, or sell more than the harvester's weekly Zone 2 tote limit. in Maine's territorial waters. A standard size stackable fish tote is defined as 28" Long x 16" Wide x 11" Deep when measured inside at the shelf level.

It is unlawful for Zone 2 drag vessels to fish for, take, ~~or~~ possess at sea, or land more than six (6) standard size stackable fish totes of sea urchins per day. While on shore, Zone 2 sea urchin drag vessels may not possess, transport, or sell more than the harvester's weekly Zone 1 tote limit. in Maine's territorial waters. A standard size stackable fish tote is defined as 28" Long x 16" Wide x 11" Deep when measured inside at the shelf level.

3. Implementation of daily and weekly tote limits

It is unlawful to offload sea urchins, or any parts of sea urchins, and then return to fishing for sea urchins the same day in Maine's territorial waters. In addition it is unlawful to transfer sea urchins, or any parts of sea urchins to or from another vessel at sea, except for tender vessels transiting to primary vessels during diving operations.

Weekly tote limits, calculated from Monday to Friday, are equal to the daily zone tote limit multiplied by the number of open days for the zone in which the license holder is authorized and elects to fish that week.

It is unlawful for a licensed sea urchin dealer to purchase a quantity of sea urchins from a licensed harvester greater than the licensed harvester's weekly zone tote limit each week. All sales of sea urchins must be completed weekly by Friday at 11:59 p.m. It is unlawful for a person other than a licensed sea urchin dealer to possess sea urchins held over from the previous harvest week.

~~It is unlawful for a dealer to purchase more than nine (9) standard size stackable fish totes from one licensed Zone 1 harvester per day.~~

~~It is unlawful for a dealer to purchase more than six (6) standard size stackable fish totes from one licensed Zone 2 harvester per day.~~

Standard size stackable fish totes, with respect to the sea urchin fishery, is defined as 28" Long x 16" Wide x 11" Deep when measured inside at the shelf level. The tote shall retain its original size and shape when filled. A tote, when full, must allow for a straight edge to clear without hinderance when swiped over the top of the tote. means totes shall not be filled with sea urchins in a manner which prevents them from being stacked one on top of the other as designed. The bottom of one tote shall rest on the shelves of the tote below.

26.50 Urchin 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 a 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 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, unless the harvester presents a DMR-issued reporting device and records each transaction. DMR-issued reporting devices may only be used to sell urchins which were harvested by the individual identified on the reporting device. A law enforcement officer may seize or deactivate the reporting device of an individual who has used their reporting device to sell urchins they did not harvest. The act of utilizing your reporting 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, 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 a 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 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 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.
6. An individual licensed according to 12 M.R.S. §6748, 6748-A, 6748-D, or 6302-A subsection 3 paragraph B that has declared into either the Zone 1 or Zone 2 fishery, must report all landed and retained sea urchins daily to the Department via an approved electronic reporting option by 11:59 PM the day of landing or retention. If no landings or retention occurred on a day open for fishing in the license holder's declared zone, a negative report is required.

Exception: Daily electronic reporting is not required if the license holder sells all their harvested sea urchins to a licensed dealer on the day of harvest and does not intend to hold any of the harvested sea urchins for sale later in the week

Underline as new:

2024 - 2025 PROPOSED Sea Urchin Season for Maine Zone 1

A Zone 1 harvester may choose to fish 15 of the open days

= open

= closed

One Season for Divers, Rakers, Trappers and Dragers

November 2024						
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 2024						
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 2025						
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 2025						
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	

Underline as new:

2024 - 2025 PROPOSED Sea Urchin Season for Maine Zone 2

A Zone 2 harvester may choose to fish 30 of the 40 open days

O = open

= closed

Early Season for Divers, Rakers, and Trappers

October 2024						
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	31 O		

November 2024						
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	29	30

December 2024						
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 O	25 O	26 O	27 O	28
29	30	31				

Late Season for Divers, Rakers, and Trappers

December 2024						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17 O	18 O	19 O	20	21
22	23 O	24 O	25 O	26	27	28
29	30 O	31 O				

January 2025						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7 O	8 O	9 O	10	11
12	13	14 O	15 O	16 O	17	18
19	20	21 O	22 O	23 O	24	25
26	27	28 O	29 O	30 O	31	

February 2025						
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 O	27 O	28	

March 2025						
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 O	27 O	28	29
30	31					

Early Season for Dragers

November 2024						
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	29	30

December 2024						
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 O	24 O	25 O	26	27	28
29	30	31				

January 2025						
S	M	Tu	W	Th	F	S
			1	2	3	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	
31						

February 2025						
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 O	27 O	28	

Late Season for Dragers

December 2024						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
8	9	10 O	11 O	12 O	13	14
15	16	17 O	18 O	19 O	20	21
22	23 O	24 O	25 O	26	27	28
29	30 O	31 O				

January 2025						
S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7 O	8 O	9 O	10	11
12	13	14 O	15 O	16 O	17	18
19	20	21 O	22 O	23 O	24	25
26	27	28 O	29 O	30 O	31	

February 2025						
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 O	27 O	28	

March 2025						
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 O	27 O	28	29
30	31					

Underline as new:

2024 - 2025 PROPOSED Sea Urchin Season for Maine Zone 2 For Whiting & Dennys Bays Limited Access Area

O = open = closed

Early Season for Divers, Rakers, and Trappers

October 2024						
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	31		

November 2024						
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 2024						
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 2024						
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 2025						
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 2025						
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 2025						
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

November 2024						
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 2024						
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 2025						
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 2025						
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	

Late Season for Draggers

December 2024						
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 2025						
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 2025						
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 2025						
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					

Strike through:

2023 - 2024 Sea Urchin Season for Maine Zone 1

A Zone 1 harvester may choose to fish 15 of the open days

= open

= closed

One Season for Divers, Rakers, Trappers and Draggers

October 2023						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
	O	O	O	O	O	
8	9	10	11	12	13	14
	O	O	O	O	O	
15	16	17	18	19	20	21
	O	O	O	O	O	
22	23	24	25	26	27	28
	O	O	O	O	O	
29	30	31				
	O	O				

November 2023						
S	M	Tu	W	Th	F	S
			1	2	3	4
			O	O	O	
5	6	7	8	9	10	11
	O	O	O	O	O	
12	13	14	15	16	17	18
	O	O	O	O	O	
19	20	21	22	23	24	25
	O	O	O	O	O	
26	27	28	29	30		
	O	O	O	O		

December 2023						
S	M	Tu	W	Th	F	S
					1	2
					O	
3	4	5	6	7	8	9
	O	O	O	O	O	
10	11	12	13	14	15	16
	O	O	O	O	O	
17	18	19	20	21	22	23
	O	O	O	O	O	
24	25	26	27	28	29	30
	O	O	O	O	O	
31						

January 2024						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
	O	O	O	O	O	
7	8	9	10	11	12	13
	O	O	O	O	O	
14	15	16	17	18	19	20
	O	O	O	O	O	
21	22	23	24	25	26	27
	O	O	O	O	O	
28	29	30	31			
	O	O	O			

February 2024						
S	M	Tu	W	Th	F	S
				1	2	3
				O	O	
4	5	6	7	8	9	10
	O	O	O	O	O	
11	12	13	14	15	16	17
	O	O	O	O	O	
18	19	20	21	22	23	24
	O	O	O	O	O	
25	26	27	28	29		
	O	O	O	O		

Strike through:

2023 - 2024 Sea Urchin Season for Maine Zone 2

A Zone 2 harvester may choose to fish 30 of the 40 open days

O = open = closed

Early Season for Divers, Rakers, and Trappers

October 2023						
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 2023						
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 2023						
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 2023						
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 2024						
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 2024						
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		

March 2024						
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 2023						
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 2023						
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 2023						
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 2024						
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 2023						
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 2024						
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 2024						
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		

March 2024						
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						

Strike through:

2023 - 2024 Sea Urchin Season for Maine Zone 2 For Whiting & Dennys Bays Limited Access Area

O = open = closed

Early Season for Divers, Rakers, and Trappers

October 2023							November 2023							December 2023						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7				1	2	3	4						1	2
			O							O							O			
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9
			O							O							O			
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16
		O								O							O			
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23
		O								O							O			
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30
										O							O			
														31						

Late Season for Divers, Rakers, and Trappers

December 2023							January 2024							February 2024							March 2024						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
					1	2		1	2	3	4	5	6					1	2	3						1	2
									O																		
3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10	3	4	5	6	7	8	9
		O							O							O							O				
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17	10	11	12	13	14	15	16
		O							O							O							O				
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24	17	18	19	20	21	22	23
		O							O							O							O				
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29			24	25	26	27	28	29	30
		O							O							O							O				
31																					31						

Early Season for Draggers

October 2023							November 2023							December 2023							January 2024						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7				1	2	3	4						1	2		1	2	3	4	5	6
				O						O															O		
8	9	10	11	12	13	14	5	6	7	8	9	10	11	3	4	5	6	7	8	9	7	8	9	10	11	12	13
				O						O								O							O		
15	16	17	18	19	20	21	12	13	14	15	16	17	18	10	11	12	13	14	15	16	14	15	16	17	18	19	20
				O						O								O							O		
22	23	24	25	26	27	28	19	20	21	22	23	24	25	17	18	19	20	21	22	23	21	22	23	24	25	26	27
				O						O								O							O		
29	30	31					26	27	28	29	30			24	25	26	27	28	29	30	28	29	30	31			
										O								O									
														31													

Late Season for Draggers

December 2023							January 2024							February 2024							March 2024						
S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S	S	M	Tu	W	Th	F	S
					1	2		1	2	3	4	5	6					1	2	3						1	2
										O																	
3	4	5	6	7	8	9	7	8	9	10	11	12	13	4	5	6	7	8	9	10	3	4	5	6	7	8	9
				O						O								O							O		
10	11	12	13	14	15	16	14	15	16	17	18	19	20	11	12	13	14	15	16	17	10	11	12	13	14	15	16
				O						O								O							O		
17	18	19	20	21	22	23	21	22	23	24	25	26	27	18	19	20	21	22	23	24	17	18	19	20	21	22	23
				O						O								O							O		
24	25	26	27	28	29	30	28	29	30	31				25	26	27	28	29			24	25	26	27	28	29	30
				O						O								O							O		
31																					31						

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021
Telephone: (207) 624-6553; web address: <https://www.maine.gov/dmr/rules-enforcement/regulations-rules>

CHAPTER NUMBER AND RULE: Chapter 26 Sea Urchin; 2024-2025 Season

STATUTORY AUTHORITY: 12 MRS §6749

DATE AND PLACE OF PUBLIC HEARING(S):

- August 19, 2024, 5:00 p.m., DMR HQ, room 118 Marquardt Building (32 Blossom Lane, Augusta ME), with an option to participate remotely via Microsoft Teams. For information on how to join the hearing, please visit: www.maine.gov/dmr. Instructions will be posted on DMR's homepage under meetings and events.

COMMENT DEADLINE: August 30, 2024

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

This regulation would establish open harvest days and tote limits for the taking of sea urchins by divers, rakers, trappers, and draggers in Zones 1 and 2 for the 2024-2025 season. For Zone 1, seasons are proposed for divers, trappers, rakers and draggers in 2024-2025, from which harvesters may only fish up to 15 days of their choosing, the same number of days allowed during the 2023-2024 season. For Zone 1, the daily tote limit is nine (9). For Zone 2, 40-day seasons are proposed for divers, trappers, rakers and draggers in 2024-2025, from which harvesters may only fish up to 30 days of their choosing. This proposal has the same number of fishing days and opportunity days as the 2023-2024 season. For the Whiting & Dennys Bays Limited Access Area in Zone 2, a 12-day season is proposed for Zone 2 divers, trappers, rakers and draggers in 2024-2025, 3 days less than the 2023-2024 season due to the contraction of the calendars. For Zone 2, the daily tote limit is six (6).

Harvesters are permitted to defer sale of daily catch and increase on-shore possession by the daily tote limit per zone multiplied by the number of open harvest days each week. All catch must be sold weekly on Fridays, 11:59 p.m. If there is no sale transaction, the harvester is required to report their daily landing electronically. All on-shore catch must be tagged by harvester, indicating landings number, harvester name and date of harvest.

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.

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]: 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.