**13**

**Department of Marine Resources**

2018-2019 Regulatory Agenda

Augusta 10, 2018

AGENCY UMBRELLA-UNIT NUMBER: **13-188**

AGENCY NAME: **Department of Marine Resources**

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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:**

**CHAPTER 36**: 36.01, Herring Management Plan

STATUTORY BASIS: 12 M.R.S. §6171-3

PURPOSE: Atlantic herring could only be landed from Management Area 1A on days that have been designated landing days by the Atlantic States Marine Fisheries Commission (ASMFC). During the Days Out Conference Meeting on December 15, 2017, the Atlantic Herring Section amended the landing days for Area 1A Trimester 3 (October 1 – December 31). Designated landing days for all vessels were seven consecutive days. All vessels landing herring caught in Management Area 1A in any Maine port were limited to one landing per 24- hour period (6:00 p.m. to 6:00 p.m.). The immediate adoption of the rule was necessary to comply with changes to federal or interstate fisheries management plans. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3)(C).

EFFECTIVE DATE OF ADOPTED RULE: December 18, 2017

AFFECTED PARTIES: Herring fishermen

**CHAPTER 11**: 11.08, Targeted Closures (10) Hussey Sound and (11) Roque Island Harbor (Sand Bay)

STATUTORY BASIS: 12 M.R.S. §6171-3

PURPOSE: The Commissioner adopted this emergency rulemaking for the implementation of targeted conservation closures located in Hussey Sound, Casco Bay and Rogue Island Harbor (Sand Bay) of the Lower Kennebec/Englishman Bay Rotational Area to protect Maine’s scallop resource due to the risk of unusual damage and imminent depletion. The Department was concerned that continued harvesting for the duration of the 2017-18 fishing season in these areas would remove any remaining broodstock as well as negatively impact seed scallop resource that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource in these areas. An immediate conservation closure was necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in both the Hussey Sound and Rogue Island Harbor (Sand Bay) areas. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: January 1, 2018

AFFECTED PARTIES: Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 11**: 11.08, Targeted Closures (12) Casco Passage (Swan’s Island); (13) Johnson Bay (Cobscook Bay)

STATUTORY BASIS: 12 M.R.S. §6171-3

PURPOSE: The Commissioner adopted this emergency rulemaking for the implementation of targeted conservation closures located in Johnson Bay, inside Cobscook Bay area and Casco Passage of the Swan’s Island Rotational Area to protect Maine’s scallop resource due to the risk of unusual damage and imminent depletion. The Department was concerned that continued harvesting for the duration of the 2017-18 fishing season in these areas would remove any remaining broodstock as well as negatively impact seed scallop resource that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource in these areas. An immediate conservation closure was necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in both the Johnson Bay and Casco Passage areas. For those reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: January 21, 2018

AFFECTED PARTIES: Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 11**: 11.08,Targeted Closures (11) Machias and Sand Bays in Lower Englishman Bay RA; (13) Cobscook Bay including Whiting/Denny’s Bay

STATUTORY BASIS: 12 M.R.S. §6171-3

PURPOSE: The Commissioner adopted this emergency rulemaking to implement the expansion of targeted conservation closures within the Englishman Bay Rotational Area to include Sand Bay over to Machias Bay within the inner portion of the Englishmen Bay and a closure of Cobscook Bay including Whiting & Dennys Bay Limited Access Area to protect Maine’s scallop resource due to the risk of unusual damage and imminent depletion. The Department was concerned that continued harvesting for the duration of the 2017-18 fishing season in these areas would remove any remaining broodstock as well as negatively impact seed scallop resource that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource in these areas. An immediate conservation closure was necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource within the inner portion of the Englishman Bay as well as Cobscook Bay including Whiting & Denny’s Bay. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: February 4, 2018

AFFECTED PARTIES: Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 11**: 11.08, Targeted Closures (14) Harrington & Pleasant Rivers in Addison RA; (15) Upper Frenchman Bay RA

STATUTORY BASIS: 12 M.R.S. §6171-3

PURPOSE: The Commissioner adopted this emergency rulemaking to implement conservation closures in the Harrington and Pleasant Rivers, Addison Rotational Area and the upper portion of Frenchman Bay Rotational Area to protect Maine’s scallop resources from the risk of unusual damage and imminent depletion. The Department was concerned that continued harvesting for the duration of the 2017-18 fishing season in these areas would remove any remaining broodstock as well as negatively impact seed scallop resource that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource in these areas. Immediate conservation closures were necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource within the Harrington and Pleasant Rivers and the upper portion of Frenchman Bay. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: February 18, 2018

AFFECTED PARTIES: Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 11**: 11.08, Targeted Closures (13) St. Croix River; (14) Addison RA; (16) Fox Islands Thorofare in E. Vinalhaven RA

PURPOSE: The Commissioner adopted this emergency rulemaking to implement conservation closures in the St. Croix River, Addison Rotational Area and the Fox Islands Thorofare within the E. Vinalhaven Rotational Area to protect Maine’s scallop resources from the risk of unusual damage and imminent depletion. The Department was concerned that continued harvesting for the duration of the 2017-18 fishing season in these areas would remove remaining broodstock as well as negatively impact seed scallop resource that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource in these areas. Immediate conservation closures were necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource within the St. Croix River, Addison and Fox Island Thorofare. For these reasons, the Commissioner adopted an emergency closure of Maine’s scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: March 4, 2018

AFFECTED PARTIES: Maine commercial and noncommercial scallop license holders and scallop dealers.

**CHAPTER 34**: 34.07 Atlantic Halibut Emergency Regulation

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: In order to remain within the State Waters Sub Annual Catch Limit, and to prevent the Allowable Biological Catch from being exceeded and Accountability Measures being triggered, the Department took this emergency action to reduce catch in the state waters halibut fishery by the following measures: 1) reducing the length of the state waters halibut season by ten days at each end of the season (resulting in a season of May 11-June 20); 2) reducing the number of hooks from 450 to 250; and 3) imposing a prohibition on possession of halibut by those license holders who have been issued state commercial halibut tags when operating seaward of the territorial waters boundary. This action was intended to protect and conserve the halibut resource in compliance with the federal management plan. For these reasons, the Commissioner determined that it was necessary to take this emergency action under 12 M.R.S. 6171(3)(C).
EFFECTIVE DATE OF ADOPTED RULE: April 23, 2018

AFFECTED PARTIES: Halibut fishermen

**CHAPTER 32**: 32.65 Closure of 2018 Elver Season

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to implement the closure of the 2018 elver season, effective at 6 am, May 24. The holder of an elver fishing license could not fish for or take elvers after 6 am on May 24, but could possess and sell elvers until noon on May 24. The Department was aware of significant illegal sales of elvers for cash that were not recorded through the swipe card system as required. The Department believed that if these sales had been recorded, the 2018 elver quota would have already been reached or exceeded. For this reason, an immediate closure of the fishery was necessary to prevent unusual damage and imminent depletion of the elver resource, caused by exceeding the 2018 elver fishing quota. The Commissioner adopted an emergency closure of Maine’s elver fishery as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE OF ADOPTED RULE: May 24, 2018

AFFECTED PARTIES: Elver fishermen and dealers

**CHAPTER 36**: 36.01, Herring Management Plan

STATUTORY BASIS: 12 M.R.S. §6171-3

PURPOSE: Atlantic herring could only be landed from Management Area 1A on days that had been designated landing days by the Atlantic States Marine Fisheries Commission (ASMFC). At the Days Out meeting on April 25, 2018, the Atlantic Herring Section determined that landing days for all vessels issued a Federal Limited Access Atlantic Herring Category A Permit for Management Area 1A, Trimester 2 (June 1 – September 30) could be four consecutive days, beginning on 6:00 p.m. Sunday to 6:00 p.m. Thursday and vessels were limited to landing 480,000 lbs (12 trucks) weekly; and, could transfer to one carrier vessel per week up to 80,000 lbs (2 trucks). All vessels issued a Federal Limited Access Atlantic Herring Permit Category C could fish and land Atlantic herring seven days a week and could transfer no more than 120,000 lbs weekly to a carrier. All vessels landing herring caught in Management Area 1A in any Maine port were limited to one landing per 24 hour period (6:00 p.m. to 6:00 p.m.). The Commissioner determined that it is necessary to take emergency action to implement these limitations to prevent the depletion of the supply of Atlantic herring and to comply with the changes to the interstate management of the Atlantic herring resource. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3)(C).

EFFECTIVE DATE OF ADOPTED RULE: June 2, 2018

AFFECTED PARTIES: Herring fishermen

**CHAPTER 36**: 36.01, Herring Management Plan

STATUTORY BASIS: 12 M.R.S. §6171-3

PURPOSE: Atlantic herring could only be landed from Management Area 1A on days that had been designated landing days by the Atlantic States Marine Fisheries Commission (ASMFC). During the Days Out conference call on July 17, 2018, the Atlantic Herring Section determined landing days for all vessels issued a Federal Limited Access Atlantic Herring Category A Permit for Management Area 1A, Trimester 2 (June 1 – September 30) could be five consecutive days, beginning on 6:00 p.m. Sunday to 6:00 p.m. Friday and vessels were limited to landing 640,000 lbs (16 trucks) weekly; and, could transfer to one carrier vessel per week up to 160,000 lbs (4 trucks). All vessels issued a Federal Limited Access Atlantic Herring Permit Category C could fish and land Atlantic herring seven days a week and could transfer no more than 120,000 lbs weekly to a carrier. All vessels landing herring caught in Management Area 1A in any Maine port were limited to one landing per 24 hour period (6:00 p.m. to 6:00 p.m.). The Commissioner determined that it is necessary to take emergency action to implement these limitations to prevent the depletion of the supply of Atlantic herring and to comply with the changes to the interstate management of the Atlantic herring resource. The Commissioner adopted this emergency regulation as authorized by 12 M.R.S. §6171(3)(C).

EFFECTIVE DATE OF ADOPTED RULE: July 21, 2018

AFFECTED PARTIES: Herring fishermen

**EXPECTED 2018-2019 RULEMAKING ACTIVITY:**

(CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated for all rules listed.)

**CHAPTER 1**: **WATERCRAFT EXCISE TAX DECAL**

No rulemaking anticipated.

**CHAPTER 2**: **AQUACULTURE**

STATUTORY BASIS: 12 M.R.S. §§ 6072, 6072-A, 6072-C, 6172

PURPOSE: Update Chapter 2 to include regulations that modify portions of the Limited Purpose Aquaculture (LPA) and leasing programs, to implement past legislation, and to clarify existing rules.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Aquaculture industry

**CHAPTER 3**: **FOREIGN FISH PROCESSING WITHIN THE STATE OF MAINE’S INTERNAL WATERS**

No rulemaking anticipated

**CHAPTER 4**: **CERTIFICATION, RECERTIFICATION, REVOCATION OF CERTIFICATION FOR MUNICIPAL SHELLFISH CONSERVATION WARDEN**

No rulemaking anticipated

**CHAPTER 5**: **CONFIDENTIALITY OF STATISTICS:**

No rulemaking anticipated

**CHAPTER 6**: **LOBSTER PROCESSING, RESTRICTIONS AND PROHIBITIONS**

No rulemaking anticipated

**CHAPTER 7**: **REQUIREMENTS FOR MUNICIPALITIES HAVING SHELLFISH CONSERVATION PROGRAMS**

STATUTORY BASIS: 12 M.R.S. §§ 6671, 6673

PURPOSE: To update and amend the regulations for towns with approved shellfish conservation management programs.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Municipalities that have DMR approved Shellfish Conservation Programs

**CHAPTER 8**: **LANDINGS PROGRAM**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6173

PURPOSE: To update landings reporting requirements in conjunction with the implementation of the Atlantic Coastal Cooperative Statistics Program (ACCSP) and to collect landings information as necessary for management purposes.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Marine harvesters and dealers

**CHAPTER 9**: **HARVESTER: SHELLSTOCK HARVESTING, HANDLING AND SANITATION**

STATUTORY BASIS: 12 MRS §6172-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish harvesters

**CHAPTER** **10**: **CLAMS AND QUAHOGS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amendments to size and harvest restrictions, and regulations pertaining to management of the clam and quahog resources.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Clam and quahog harvesters

**CHAPTER 11**: **SCALLOPS**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6856, 6171-A, 6728, 6706

PURPOSE: To establish or amend local and/or state-wide regulations pertaining to the management of the scallop resource, including annual setting of the season. Establishment of a limited entry system for the scallop fishery. Amendments for inconsistencies or technical corrections.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Scallop harvesters and dealers

**CHAPTER 12**: **MUSSELS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amendments to size and harvest restrictions, and regulations pertaining to management of the mussel resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Mussel harvesters

**CHAPTER 13**: **WHELKS AND PERIWINKLES**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Regulations pertaining to management of the periwinkle resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Periwinkle harvesters

**CHAPTER 14**: **OYSTERS**

STATUTORY BASIS: 12 M.R.S. §6171, §6863

PURPOSE: Amendments to size and harvest restrictions, regulations pertaining to management of the oyster resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Oyster harvesters

**CHAPTER** **22**: **RETAIL SEAFOOD**

STATUTORY BASIS: 12 MRS §6172-A

PURPOSE: New and amended regulations as necessary for compliance with the National Shellfish Sanitation Program.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish industry

**CHAPTER 24**: **IMPORTATION OF LIVE MARINE ORGANISMS**

STATUTORY BASIS: 12 M.R.S. §§ 6071, 6171

PURPOSE: Updates to prevent the introduction of infectious organisms that pose a danger to indigenous marine life or its environment; update shellfish health guidelines for wild and aquaculture industry; shellfish regulation updates or establishment of testing, movement restrictions and hatchery inspection requirements; and amend for applicable land-based marine organism aquaculture permitting.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Any person seeking an importation permit, aquaculturists

**CHAPTER 25**: **LOBSTER AND CRAB**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6171-A, 6175, 6431, 6446, 6447, 6448

PURPOSE: To adopt lobster trap limits, number of traps per trawl, the periods allowed for complying with the trap limit and the time of day when fishing may occur as established by lobster management zones’ referenda on policy proposals; amend license entry eligibility requirements per zone; amend apprentice requirements; education and safety requirements; and resolve boundary line disputes. In addition, to update rules for consistency with new statutes or amend for clarifications and technical corrections; to amend seed lobster fund rules, double tags requirements for enforcement, rules regarding island limited entry for lobster fishing communities; rules regarding the use of fresh water and marine sources of bait; student license rules pertaining to serving a percentage of their time with their sponsor. To bring Maine into compliance with the ASMFC Amendments to the Interstate Fishery Management Plan for Lobster including but not limited to most restrictive rules, minimum & maximum sizes, gauge changes. Implementation of emergency rules, repeal of rules replaced by laws and corrections based on rules review for errors and inconsistencies would be promulgated.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: lobster harvesters; lobster dealers

**CHAPTER 26**: **SEA URCHIN**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6749, 6749-W, 6302-A

PURPOSE: To establish or amend local or state wide urchin regulations pertaining to management of the urchin resource. To establish a limited entry system for the urchin fishery. To amend the season to reallocate the days available for fishing or to reflect spawning conditions, set daily catch limits, adjust size limits or tolerance(s), minimum and maximum size, tolerances, closures for research, zone selection rules; establish rules to govern zone council elections etc. Designate the open days and selection of early or late season(s) for the sea urchin fishery in Zones 1 and 2.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Sea urchin harvesters, buyers, processors

**CHAPTER 27**: **SEA CUCUMBER**

STATUTORY BASIS: 12 M.R.S. §6813

PURPOSE: To establish or amend local or state wide sea cucumber regulations pertaining to management of the sea cucumber resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Sea cucumber harvesters and dealers

**CHAPTER 28**: **MARINE WORMS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To establish or amend regulations pertaining to management of the marine worm resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Worm harvesters and dealers

**CHAPTER** **29: SEAWEED**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to implement coastwide rockweed management measures following recommendations of the Rockweed Fishery Management Plan Development Team’s Fishery Management Plan for Rockweed.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Seaweed harvesters and dealers

**CHAPTER 30**: **RIVER HERRING**

No rulemaking anticipated

**CHAPTER 31**: **HORSESHOE CRABS**

No rulemaking anticipated

**CHAPTER** **32**: **EELS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to comply with ASMFC measures and changes in statute, to provide for the distribution of elver quota and to ensure enforceability of the elver quota system.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Eel and elver harvesters and dealers

**CHAPTER 34**: **GROUNDFISH**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To manage groundfish stocks by adjusting the sizes and rules to conform with Fisheries Management Plan restrictions and adjust Maine regulations for liberalization of rules pertaining to recovering groundfish stocks. Compliance with NEFMC measures for groundfish.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Commercial and recreational groundfish harvesters

**CHAPTER** **36**: **HERRING**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amend regulations as necessary to conform with the joint New England Fisheries Management Council (NEFMC) and ASMFC herring plans, implementation of emergency rules, repeal of rules replaced by laws and corrections based on rules review for errors and inconsistencies. Changes may include days out of the fishery, fixed gear rules, monitoring, spawning closures, and addendums passed by ASMFC and NEFMC.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Herring harvesters and processors; bait dealers, lobstermen

**CHAPTER 37**: **FRESHWATER FISH REGULATIONS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend the regulation to implement a maximum length for landlocked brown trout.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Brown trout harvesters

**CHAPTER 39**: **STURGEON**

No rulemaking anticipated

**CHAPTER 40**: **SMELTS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to manage the smelt fishery.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Smelt camp owners and harvesters

**CHAPTER 41**: **MENHADEN**

STATUTORY BASIS: 12 M.R.S. §6171, §6171-A

PURPOSE: Restrictions as necessary on areas for management of the menhaden resource and reduce potential for gear conflict. Amend regulations as necessary to conform to ASMFC menhaden plan.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Menhaden harvesters

**CHAPTER 42**: **STRIPED BASS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amend regulations as necessary to manage the striped bass fishery.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Striped bass harvesters

**CHAPTER 43**: **BLUEFISH**

No rulemaking anticipated

**CHAPTER 44**: **AMERICAN SHAD**

No rulemaking anticipated

**CHAPTER 45**: **SHRIMP**

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6171-A

PURPOSE: Amend regulations as necessary to allow for the changes made to shrimp management by the ASMFC and other new measures.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shrimp harvesters and dealers

**CHAPTER** **49**: **SHELLFISH BAIT REGULATIONS**

No rulemaking anticipated

**CHAPTER** **50**: **SPINY DOGFISH AND COASTAL SHARKS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To provide compliance with interstate fisheries management plans (ASMFC) for coastal sharks or the National Marine Fisheries Service (NMFS) Fishery Management Plan for Dogfish in territorial seas through limits on commercial and recreational fisheries. Update rules to be consistent with federal rules.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Commercial and recreational dogfish and coastal shark harvesters, dealers

**CHAPTER 55**: **GEAR RESTRICTIONS**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to manage various fisheries and clarify regulations regarding methods of fishing and taking

SCHEDULE FOR ADOPTION: Throughout the year as necessary.

AFFECTED PARTIES: Commercial and recreational harvesters and commercial dealers

**CHAPTER** **60**: **RESOURCE MANAGEMENT PLAN**

No rulemaking anticipated

**CHAPTER 65**: **BURNT ISLAND, LIVING LIGHTHOUSE AND FACILITIES**

No rulemaking anticipated

**CHAPTER 70**: **CABLE AREA PROHIBITIONS**

No rulemaking anticipated

**CHAPTER 75**: **PROTECTED RESOURCES**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Rules for compliance and consistency with NOAA Fisheries rules; species involved may include whales, sea turtles, sturgeon, etc.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Commercial and recreational harvesters

**CHAPTER 80**: **COMMERCIAL PELAGIC AND ANADROMOUS FISHING LICENSE**

No rulemaking anticipated

**CHAPTER 85**: **SALTWATER FISHING REGISTRY**

No rulemaking anticipated

**CHAPTER 90**: **CONSERVATION AREAS**

No rulemaking anticipated

**CHAPTER 94: SANITARY CONTROL OF MOLLUSCAN SHELLFISH**

STATUTORY BASIS: 12 M.R.S. §6171-A; §6856

PURPOSE: To amend regulations as necessary to reference current versions of the National Shellfish Sanitation Program Model Ordinance (NSSP MO), or update existing Department requirements for the retail trade and various permits that are not currently included in the NSSP MO.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Individuals engaged in the retail trade of shellfish including dealers, depuration processors, shellstock shippers, reshippers, enhanced retail seafood license holders, and relay activities.

**CHAPTER 95**: **CLOSED POLLUTED AREAS**

No rulemaking anticipated

**CHAPTER 96**: **CLOSED AREAS**

No rulemaking anticipated

**CHAPTER 100**: **GRIEVANCE PROCEDURES FOR THE HANDICAPPED**

No rulemaking anticipated

**CHAPTER** **105**: **SAFETY REGULATIONS**

No rulemaking anticipated

**CHAPTER** **110**: **MARINE HARVESTING DEMONSTRATION LICENSE**

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To amend regulations as necessary to manage licensed activities.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Marine harvesting demonstration license holders

**CHAPER 115: *VIBRIO PARAHAEMOLYTICUS* CONTROL PLAN**

STATUTORY BASIS: 12 M.R.S. §6171-A

PURPOSE: New and amended regulations as necessary for compliance and safety.

SCHEDULE FOR ADPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish harvesters and dealers in affected areas