

13
Department of Marine Resources
2021-2022 Regulatory Agenda
July 8, 2021



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: Atlantic Herring; Zero Landing Days

STATUTORY BASIS: 12 M.R.S. §6171(3)(C)

PURPOSE: The Atlantic herring fishery Season 1 (June 1 – September 30) closes when 92% of the sub-ACL is reached. It was projected that landings reached the closure trigger following harvest on Friday, August 21, 2020. The Days Out Commissioners designated zero landing days beginning on August 22, 2020 through to September 30, 2020 for the remainder of season 1. The Commissioner determined that it was necessary to take emergency action to implement this closure 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.

EFFECTIVE DATE OF ADOPTED RULE: August 22, 2020

AFFECTED PARTIES: Herring fishermen

CHAPTER 34: Recreational Groundfish Restrictions Emergency Regulations

STATUTORY BASIS: 12 M.R.S. §6171(3)(C)

PURPOSE: In order to be consistent with the NOAA Fisheries federal rulemaking which was published on August 14th, the Department implemented regulatory changes for charter, party and recreational fishing vessels operating in state waters regarding Gulf of Maine cod and haddock. Gulf of Maine cod may be possessed on recreational fishing vessels, which per Section 34.01 are exclusive of charter or party vessels, from September 15-September 30 inclusive, and April 1-April 14, inclusive. Charter or party vessels may possess Gulf of Maine cod from September 8-October 7, inclusive, and from April 1-April 14, inclusive. The rule modified the season for Gulf of Maine haddock such that haddock may be possessed on board a party, charter, and recreational fishing vessel from April 1- February 28. In addition to complying with federal law, the regulation increased recreational fishing opportunity in Maine State waters.

EFFECTIVE DATE OF ADOPTED RULE: August 28, 2020

AFFECTED PARTIES: Recreational fishermen targeting cod and haddock.

CHAPTER 36: Atlantic Herring; Season 2 Opens

STATUTORY BASIS: 12 M.R.S. §6171(3)(C)

PURPOSE: The Days Out Commissioners determined landing days for Season 2 (Trimester 3; October 1 – December 31) of the Atlantic herring fishery. Three landing days were designated, starting 6:00 p.m. Sunday October 11 through 6:00 p.m. Wednesday, October 14, 2020. Following week, two landing days were designated, starting 6:00 p.m. Sunday October 18 through 6:00 p.m. Tuesday, October 20, 2020. Two landing days remained effective until further notice. Emergency action was necessary to implement this harvest schedule 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.

EFFECTIVE DATE OF ADOPTED RULE: October 6, 2020

AFFECTED PARTIES: Herring fishermen

CHAPTER 36: Atlantic Herring; Modify Season 2

STATUTORY BASIS: 12 M.R.S. §6171(3)(C)

PURPOSE: The Days Out Commissioners modified landing days for Season 2 (Trimester 3; October 1 – December 31) of the Atlantic herring fishery. Four landing days were designated, starting 6:00 p.m. Sunday, November 8, through to 6:00 p.m. Thursday, November 12, 2020 and remained at four landing days until further notice. The Commissioner determined that it was necessary to take emergency action to implement this harvest schedule 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

EFFECTIVE DATE OF ADOPTED RULE: November 3, 2020

AFFECTED PARTIES: Herring fishermen

CHAPTER 42: Statewide Striped Bass Size Restrictions, Harvest Methods

STATUTORY BASIS: 12 M.R.S. §6171(3)(C)

PURPOSE: To come into compliance with the Atlantic States Marine Fisheries Commission's Atlantic Striped Bass Interstate Fishery Management Plan, the Department implemented regulatory changes to expand the required use of circle hooks in the recreational striped bass fishery. Specifically, this emergency rulemaking made it unlawful to use any hook other than a circle hook when fishing for striped bass with bait. In doing so, this emergency rulemaking removed the exception that previously exempted those fishing for striped bass with baited latex and rubber tube rigs from having to use circle hooks. In addition to coming into compliance with the Fishery Management Plan, this regulation had the potential to have positive impacts on the stock by broadening the requirement to use circle hooks in the striped bass fishery and reducing discard mortality rates.

EFFECTIVE DATE OF ADOPTED RULE: December 16, 2020

AFFECTED PARTIES: Striped bass fishermen

CHAPTER 11: Targeted Closures: (7) Roque Island Harbor and Kennebec River in Englishman's Bay Rotational Area; (8) Harrington and Pleasant Rivers in Addison Rotational Area; (9) Fox Island Thorofare in Isle au Haut Rotational Area; and (10) Casco Passage and western Toothacher Bay in Swan's Island Rotational Area

STATUTORY BASIS: 12 M.R.S. §6171(3)(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to establish scallop conservation closures in Roque Island Harbor and Kennebec River; Harrington and Pleasant Rivers; Fox Islands Thorofare; and, Casco Passage and western Toothacher Bay in Zone 2. The Department was concerned that continued harvesting for the remainder of the 2020-2021 fishing season in these areas would reduce scallop broodstock further, as well as jeopardize sublegal scallops observed in the 2020 Spring Scallop survey, which are essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure was necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in these four scallop resource areas.

EFFECTIVE DATE OF ADOPTED RULE: January 17, 2021

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

CHAPTER 24: Importation of Live Marine Organisms

STATUTORY BASIS: 12 M.R.S. §6171(3)(A)

PURPOSE: Routine health surveillance confirmed the presence of MSX (*Haplosporidium nelsoni*) in Quahog Bay. MSX is a microscopic parasite that affects the health and survival of the American oyster (*Crassostrea virginica*) resource but does not pose a risk to consumers or human health. This emergency rulemaking created an American oyster restricted area within Quahog Bay and Ridley Cove in Harpswell, Maine. The movement or transfer of American

oysters greater than 3 mm in size, from the newly established restricted area to other waters of the state, is prohibited without a permit from the Maine Department of Resources (DMR). Persons are required to obtain a permit for the movement, but not harvest, of shellfish from restricted areas to ensure a reasonable degree of certainty that the movement will not endanger the indigenous marine life or its environment in accordance with Chapter 24.05. This emergency rulemaking was necessary to protect the American oyster resource (aquaculture and wild) from unusual damage and or imminent depletion that would be caused by continued uncontrolled movement of oysters infected by MSX throughout Maine's waters.

EFFECTIVE DATE OF ADOPTED RULE: February 14, 2021

AFFECTED PARTIES: Persons that may move shellfish from the restricted area to other waters of the state.

CHAPTER 11: Targeted Closures: (7) Upper Englishman Bay RA; (8) Addison RA; (11) Cobscook, Whiting & Dennys Bays; (12) Upper Frenchman Bay; (13) Damariscotta River LAA; and (14) West Casco Bay

STATUTORY BASIS: 12 M.R.S. §6171(3)(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to establish scallop conservation closures in Cobscook, Whiting and Dennys Bays, Upper Frenchman's Bay, Damariscotta River and western Casco Bay; and, to expand existing closures in Englishman Bay and Addison rotational areas. In Cobscook, Whiting and Dennys Bays, there was an exception to the conservation closure to allow the harvest of scallops by drag on Monday, February 15, 2021 and to allow the harvest of scallops by diving on Saturday, February 20, 2021. The Department was concerned that continued harvesting for the remainder of the 2020-2021 fishing season in these areas would reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2020 Spring Scallop survey, which are essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure was necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in these six scallop resource areas.

EFFECTIVE DATE OF ADOPTED RULE: February 14, 2021

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

CHAPTER 11: Targeted Closures: (9) Isle au Haut RA; (10) Expanded Swan's Island; (11) Cobscook, Whiting & Dennys Bays & St. Croix River; (12) Expanded Upper Frenchman Bay

STATUTORY BASIS: 12 M.R.S. §6171(3)(A)

PURPOSE: The Commissioner adopted this emergency rulemaking to establish a scallop conservation closure in the St. Croix River in Zone 3; and to expand existing closures in Frenchman Bay, Swan's Island and Isle au Haut rotational areas. The Department is concerned that continued harvesting for the remainder of the 2020-2021 fishing season in these areas will reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2020 Spring Scallop survey that is essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure is necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in these four scallop resource areas.

EFFECTIVE DATE OF ADOPTED RULE: March 7, 2021

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

CHAPTER 36: Atlantic Herring; 2021 Harvest Rules

STATUTORY BASIS: 12 M.R.S. §6171(3)(C)

PURPOSE: This rulemaking set the start date for the Atlantic herring fishery to commence on Sunday, June 13, 2021 and set harvest parameters for the Atlantic Herring fishery as determined at the Days Out meeting held April 22, 2021. The Days Out Commissioners designated zero landing days June 1 through June 12, 2021. The Days Out Commissioners designated five consecutive landing days, beginning June 13, 2021, from 6:00 p.m. Sunday to

6:00 p.m. Friday, weekly. Vessels issued an Atlantic Herring Limited Access Category A Permit were limited to landing 240,000 lbs (6 trucks), weekly. Limited access harvester vessels could transfer Atlantic herring at-sea to other limited access harvester vessels. All harvester vessels were prohibited from at-sea transfers of Atlantic herring to carrier vessels. The Commissioner determined that it was necessary to take emergency action to implement these effort restrictions 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.
EFFECTIVE DATE OF ADOPTED RULE: June 1, 2021
AFFECTED PARTIES: Herring fishermen

CHAPTER 8: Harvester Reporting

STATUTORY BASIS: 12 M.R.S. §6171(3)(A)

PURPOSE: Public Law 2020 Chapter 640 created a new license for the harvest of menhaden. Prior to the creation of the menhaden license, menhaden were harvested under the commercial pelagic and anadromous license. This rulemaking updated reporting requirements for menhaden to reflect that the individuals who are required to report menhaden harvest are those that hold the menhaden license under 12 M.R.S. §6502-C. Reporting elements remain the same as in prior seasons. The Commissioner determined that it was necessary to take emergency action to amend the menhaden harvester reporting section as it relates to reporting requirements specific to fishery operations to ensure accurate and timely monitoring of the menhaden quota and to prevent the imminent depletion of the menhaden resource.

EFFECTIVE DATE OF ADOPTED RULE: June 1, 2021

AFFECTED PARTIES: Menhaden license holders under 12 M.R.S. §6502-C

CHAPTER 42: Striped Bass

STATUTORY BASIS: 12 M.R.S. §6171(3)(C)

PURPOSE: This emergency rule was necessary to come into compliance with the Atlantic States Marine Fisheries Commission's Striped Bass Fishery Management Plan. This rule defined the types of bait with which circle-hooks must be used, identified what happens if a striped bass is incidentally caught while targeting other species with non-circle hooks with bait, and maintained Maine's exemption for rubber and latex tube rigs.

EFFECTIVE DATE OF ADOPTED RULE: June 1, 2021

AFFECTED PARTIES: Striped bass fishermen

EXPECTED 2021-2022 RULE-MAKING ACTIVITY:

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

CHAPTER 1: WATERCRAFT EXCISE TAX DECAL

No rule-making 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 rule-making anticipated

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

No rule-making anticipated

CHAPTER 5: CONFIDENTIALITY OF STATISTICS

STATUTORY BASIS: 12 M.R.S. § 6173

PURPOSE: To clarify that any fisheries statistics collected through compliance with reporting requirements, or any Department led projects intended to develop or test new technologies or methodologies to collect and submit data to the Department is confidential.

SCHEDULE FOR ADOPTION: Fall 2021

AFFECTED PARTIES: Entities that are required to report fisheries statistics, those participating in Department led projects, and the Department's Landings Program.

CHAPTER 6: LOBSTER PROCESSING, RESTRICTIONS AND PROHIBITIONS

No rule-making 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 an apprenticeship program and/or 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 tag 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.

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 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

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: To establish or amend regulations pertaining to management of the river herring resource.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Commercial and recreational river herring fishermen

CHAPTER 31: HORSESHOE CRABS

No rule-making 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: GROUND FISH

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

No rule-making anticipated

CHAPTER 39: STURGEON

No rule-making 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

STATUTORY BASIS: 12 M.R.S. §6171

PURPOSE: Amend regulations as necessary to manage the bluefish fishery.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Bluefish harvesters

CHAPTER 44: AMERICAN SHAD

No rule-making 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 rule-making 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

STATUTORY BASIS: 12 M.R.S. §6171(2-A)

PURPOSE: To update resource management plans as necessary.

SCHEDULE FOR ADOPTION: Throughout the year as necessary.

AFFECTED PARTIES: Recommendations in the plans may be utilized by agencies in permitting decisions.

CHAPTER 65: BURNT ISLAND, LIVING LIGHTHOUSE AND FACILITIES

No rule-making anticipated

CHAPTER 70: CABLE AREA PROHIBITIONS

No rule-making 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 rule-making anticipated

CHAPTER 85: SALTWATER FISHING REGISTRY

No rule-making anticipated

CHAPTER 90: CONSERVATION AREAS

No rule-making 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 rule-making anticipated

CHAPTER 96: CLOSED AREAS

No rule-making anticipated

CHAPTER 100: GRIEVANCE PROCEDURES FOR THE HANDICAPPED

No rule-making anticipated

CHAPTER 105: SAFETY REGULATIONS

No rule-making 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

CHAPTER 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 ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Shellfish harvesters and dealers in affected areas

