**State of Maine: Notice of Agency Rulemaking – November 11, 2020**

**PROPOSALS**

AGENCY: **09-137 – Department of Inland Fisheries and Wildlife (IFW)**

CHAPTER NUMBER AND TITLE: **Ch. 13**, Watercraft Rules (Airboat Noise Limits)

TYPE OF RULE: Routine Technical

PROPOSED RULE NUMBER: **2020-P214**

BRIEF SUMMARY: In accordance with Public Law 2020 ch. 662 the Commissioner of Inland Fisheries and Wildlife is proposing to amend ch. 13 rules to establish airboat noise limits. The proposed rule includes airboats within the sound level testing process already established for marine engines in ch. 13, modifies the scope of section 13.09 (Sound Level Testing for Marine Engines) to include airboats in addition to motorboats, and includes a maximum decibel level at idle during a stationary test and a maximum decibel level during an operational test. The proposal also establishes the testing procedures used to measure marine engine noise levels for both motorboats and airboats using the SAE International “Stationary Sound Level and Exterior operational Measurement Procedures for Recreational Motorboats.” Members of the public are encouraged to review the proposal and provide comment by submitting written comments to the contact person for this filing by the comment deadline, or by participating in the virtual public hearing. Note: written comments are given equal consideration to testimony given at the virtual public hearing. A copy of the complete proposal can be requested from the agency contact person.

PUBLIC HEARING: Tuesday, December 1, 2020 @ 4:00 p.m. – via video conference (Microsoft Teams). *Contact the Agency Contact Person by close of business on Monday, November 30, 2020 for details.*

COMMENT DEADLINE: December 11, 2020

CONTACT PERSON FOR THIS FILING / SMALL BUSINESS IMPACT INFORMATION / IFW RULEMAKING LIAISON: Becky Orff, Inland Fisheries and Wildlife, 284 State Street - 41 State House Station, Augusta, ME 04333. Telephone: (207) 287-5202. Fax: (207) 287-6395. Email: Becky.Orff@Maine.gov .

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES: No fiscal impact anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS §§ 10104, 13068-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED:

IFW WEBSITE: [www.maine.gov/ifw](http://www.maine.gov/ifw) .

**ADOPTIONS**

AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 10**, Clams and Quahogs

ADOPTED RULE NUMBER: **2020-227**

CONCISE SUMMARY: This rule removes an existing sunset of December 31, 2020, pertaining to a prohibition on dredging quahogs in the New Meadows River. By removing the sunset, the existing prohibition will remain. The rule also reorganizes sections of the chapter for improved clarity.

EFFECTIVE DATE: November 9, 2020

DMR CONTACT PERSON: Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. Telephone: (207) 624-6573. Fax: (207) 624-6024. TTY: (207) 633-9500 (Deaf/Hard of Hearing) . Email: Amanda.Ellis@Maine.gov .

DMR RULEMAKING EMAIL: dmr.rulemaking@maine.gov .

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AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 11**, Scallops (2020-21 Season)

ADOPTED RULE NUMBER: **2020-228**

CONCISE SUMMARY: This rulemaking establishes the 2020-2021 scallop fishing season. Daily possession limits of 15 gallons for Zone 1 and Zone 2, and 10 gallons for Zone 3 remain unchanged. For Zone 1, a 60-day season for draggers begins on December 7, 2020 and the last day of the season is March 18, 2021. For Zone 1, a 60-day season for divers starts on November 17, 2020 and the last day of the season is April 24, 2021. For Zone 2, a 70-day season for draggers starts on December 1, 2020 and the last day of the season is March 31, 2021. For Zone 2, a 70-day season for divers starts on November 23, 2020 and the last day of the season is April 24, 2021. For Zone 3, a 50-day season for draggers begins on December 1, 2020 and the last day of the season is March 24, 2021. For Zone 3, a 50-day season for divers begins on December 3, 2020 and the last day of the season is March 27, 2021.

Eastern Casco Bay (Zone 1) and Damariscotta River (Zone 1) are Limited Access Areas for the 2020-2021 scallop season with reduced harvesting days. Western Casco Bay (Zone 1) is closed under the targeted closures based on local depletion. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock are open to harvest all days during January 2021, in addition to open Zone 2 calendar days throughout the season.

The rule maintains the following Limited Access Areas: Western Penobscot Bay, Muscle Ridge, Whiting and Denny’s Bays. Additionally, the following existing targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops would be maintained: Lower Muscle Ridge, Sheepscot River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

EFFECTIVE DATE: November 9, 2020

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AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 34**, Groundfish: **34.06**, Recreational Groundfish Regulations

ADOPTED RULE NUMBER: **2020-229**

CONCISE SUMMARY: On August 28, 2020, the Department of Marine Resources adopted an emergency rule in order to be consistent with a NOAA Fisheries federal rulemaking which was published on August 14th. The Department incorporates the emergency changes via this regular rulemaking. The regulation applies to charter, party and recreational fishing vessels operating in state waters regarding Gulf of Maine cod and haddock. Gulf of Maine cod can only 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 also adopts 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 and incorporating an existing emergency rule into the regular rule, this rule will increase recreational fishing opportunity in Maine State waters.

EFFECTIVE DATE: November 9, 2020

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AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 36**, Atlantic Herring: Modify Season 2

ADOPTED RULE NUMBER: **2020-230** *(Emergency)*

CONCISE SUMMARY: The Days Out Commissioners have modified landing days for Season 2 (Trimester 3; October 1 – December 31) of the Atlantic herring fishery. Four landing days have been designated, starting 6:00 p.m. Sunday, November 8, through to 6:00 p.m. Thursday, November 12, 2020 and will remain at four landing days until further notice. The Commissioner has determined that it is 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. The Commissioner hereby adopts this emergency regulation as authorized by 12 MRS §6171(3)(C).

EFFECTIVE DATE: November 3, 2020

DMR CONTACT PERSON: Melissa Smith, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333. Telephone: (207) 624-6558. Fax: (207) 624-6024. TTY: (207) 633-9500 (Deaf/Hard of Hearing). Email: Melissa.Smith@Maine.gov .

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AGENCY: **13-188 - Department of Marine Resources (DMR)**

CHAPTER NUMBER AND TITLE: **Ch. 41**, Atlantic Menhaden (Program Update)

ADOPTED RULE NUMBER: **2020-231**

CONCISE SUMMARY: This rulemaking establishes separate fishery harvest control rules for harvesting menhaden under a commercial menhaden fishing license and a noncommercial menhaden fishing license. Reporting requirements are amended to reduce the frequency of submission of daily landings reports for noncommercial license holders from daily to weekly. Finally, the chapter has been reorganized for clarity.

EFFECTIVE DATE: November 9, 2020

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