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

AGENCY NAME: **Department of Marine Resources**

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

* July 21, 2024: Chapter 41 Menhaden Emergency Regulation Repeal
* July 27, 2024: Chapter 34.06 2024 Adjusted Recreational Measures for Cod and Haddock
* October 1, 2024: Chapter 36 Atlantic Herring; 2024 Season 2 Opens
* January 19, 2025: Chapter 11.08, Targeted Closures: (11) Upper Machias & Little Machias Bay; (12) Cobscook, Whiting & Denny’s Bays; and 13) Upper Western Bay
* January 26, 2025: Chapter 11.08, Targeted Closures: (14) West Vinalhaven Islands
* May 31, 2025: Chapter 36 Atlantic Herring; 2025 Season 1 Open

**EXPECTED 2025-2026 RULE-MAKING ACTIVITY:**

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

No rule-making anticipated.

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

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

PURPOSE: Updates to regulations pertaining to the Limited Purpose Aquaculture (LPA) license, leasing program, and landbased aquaculture permitting to implement legislative changes, and to modify or clarify existing rules where necessary.

SCHEDULE FOR ADOPTION: Fall 2025 and throughout the year as necessary

AFFECTED PARTIES: Aquaculture industry, municipalities and members of the public

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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**

No rule-making anticipated

**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

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

STATUTORY BASIS: 12 MRS §6171-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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

STATUTORY BASIS: 12 M.R.S. §§ 6171, 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 to existing rules to correct inconsistencies or make technical corrections.

SCHEDULE FOR ADOPTION: Fall 2025

AFFECTED PARTIES: Scallop harvesters and dealers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

STATUTORY BASIS: 12 M.R.S. §6171

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

STATUTORY BASIS: 12 MRS §6171-A, 6856

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

STATUTORY BASIS: 12 M.R.S. §§ 6171, 6749, 6749-U, 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: Fall 2025

AFFECTED PARTIES: Sea urchin harvesters, buyers, processors

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

STATUTORY BASIS: 12 M.R.S. §6814

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

STATUTORY BASIS: 12 M.R.S. §6171, 6807

PURPOSE: To amend regulations as necessary to implement seaweed management measures.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Seaweed harvesters and dealers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

No rule-making anticipated

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

STATUTORY BASIS: 12 M.R.S. §§6171, 6505-A

PURPOSE: To adopt or 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: Spring 2026

AFFECTED PARTIES: Eel and elver harvesters and dealers

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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: Spring 2026

AFFECTED PARTIES: Commercial and recreational groundfish harvesters

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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: Spring 2026

AFFECTED PARTIES: Menhaden harvesters

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

No rule-making anticipated

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

No rule-making anticipated.

**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**CHAPTER 52: MACKEREL**

No rule-making anticipated

**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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.

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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

No rule-making anticipated

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

No rule-making anticipated

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

No rule-making anticipated

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

STATUTORY BASIS: 12 M.R.S. §6810-A

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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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**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

CONSENSUS-BASED RULE DEVELOPMENT: N/A

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