

Department of Marine Resources
NOTICE OF AGENCY PROPOSED RULE-MAKING

RULE TITLE: Chapter 25.04 Lobster Trawl Limits ~~on Casco Bay~~

CONCISE SUMMARY:

At present, there are three areas designated in statute as “areas of limited lobster fishing” where it is unlawful to have more than three lobster traps on a trawl. These are west of Cape Elizabeth and east of Kittery, between Pemaquid and Robinson’s Points, and off of Hancock County. These areas of limited lobster fishing were repealed during the past legislative session with an effective date of January 1, 2011, so that they could instead be adopted in rule before their repeal. The proposed rule would put exactly what is currently in statute into rule instead. This would allow the Zone Councils to make recommendations on the number of lobster traps allowed on a trawl, and make future changes through the Zone Council process as needed.

STATUTORY AUTHORITY: 12 M.R.S. §6171

PUBLIC HEARINGS: July 19, 2010, 6:00 pm*, Ellsworth City Hall (Auditorium), One City Hall Plaza, Ellsworth
July 20, 2010, 6:00 pm*, Municipal Bldg, Chamber B, 258 Route 1, Scarborough
July 22, 2010, 6:00 pm*, State Ferry Terminal, Conf. Rm., 517A Main Street, Rockland

(*The four proposed amendments in Chapter 25 Lobster regulations will be followed by the proposed rule for Chapter 36 Herring, landing definition; see separate rulemaking notices.) To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

DEADLINE FOR COMMENTS: August 2, 2010

AGENCY CONTACT PERSON: Deirdre Gilbert (207-624-6550)
Mail Written Comments to: Department of Marine Resources, attn L. Churchill
ADDRESS: PO Box 8, West Boothbay Harbor, Maine 04575-0008
WEB SITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL: laurice.churchill@maine.gov **TEL:** (207) 633-9584 **FAX:** (207) 633-9579 **TTY:** (207) 633-9500 (Deaf/Hard of Hearing) Hearing facilities: If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

Additional information:

The updated regulations would replace statutory language that will be repealed as of January 1, 2011. If adopted, there will be no immediate change to the effect of the limitation.

At present, there are three areas designated in statute as “areas of limited lobster fishing” where it is unlawful to have more than three lobster traps on a trawl. These are west of Cape Elizabeth and east of Kittery, between Pemaquid and Robinson’s Points, and off of Hancock County. DMR was requested by some fishermen in Zone C to consider whether it might be possible to modify the “trawl line” off of Hancock County to allow more flexibility to fish larger trawls in certain offshore areas where it is currently prohibited. Because these particular areas are designated in statute, DMR could not amend them through our regular rule-making process. These statutes were originally put in place in 1977. Since that time, the Legislature has created the Zone Councils, and gave them the authority to make recommendations on the number of lobster traps allowed on a trawl. The ability of the Councils to exercise this authority has been precluded by the existing statute. When this was brought to their attention, the Legislature repealed the trawl limit in statute, with the understanding that the same trawl limits would be adopted in rule, and therefore subject to subsequent changes through the standard Zone Council process.

Proposed rulemaking – see underlined or ~~deleted text below~~: Chapter 25 - Lobster and Crab Fishing

25.04 Lobster Trawl Limits ~~on Casco Bay~~

A. Casco Bay

It shall be unlawful to have on any trawl more than 12 lobster traps in waters within the following area: Starting at Martin Point, Portland; southeasterly to the northern end of House Island, Portland; thence southeasterly to the northeast point of White Head, Cushing Island, Portland; thence easterly to the southwest point of outer Green Island; thence easterly to the light at Halfway Rock; thence northwesterly to the Green Island Ledge Buoy; thence northwesterly to Parker Point, Yarmouth.

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B. It is unlawful to have on any trawl more than 3 lobster traps in the following areas:

1. West of Cape Elizabeth and east of Kittery. Westerly of a line drawn from the active lighthouse at Two Lights in Cape Elizabeth through the Hue and Cry Buoy and, continuing in a straight line, to the point of intersection with the 3-nautical-mile line, and northerly and easterly of a line running between the Kitts Rocks Whistle Buoy and the West Sister Buoy and extending westerly to the New Hampshire border, and from the West Sister Buoy to the Murray Rock Buoy and thence to and through the lighthouse on Boone Island and, continuing in a straight line, to the point of intersection with the 3-nautical-mile line;
2. Between Pemaquid and Robinson's Points. Between the following lines:
 - A. Beginning at a point 48 miles true north of the lighthouse on Pemaquid Point, Lincoln County; thence true south through the lighthouse to a point of intersection with the 3-nautical-mile line; and
 - B. Beginning at a point 40 miles true north from the lighthouse at Robinson's Point, Isle au Haut, Knox County; thence true south through the lighthouse to a point of intersection with the 3-nautical-mile line; and
3. Off Hancock County. Beginning at Schoodic Point, Hancock County; thence running a True compass course of 159° for approximately 16 miles to latitude 44° 04.33' north and longitude 067° 54.64' west; thence running along a True compass course of 236° for approximately 11.4 miles, to and through Mt. Desert Rock to latitude 43° 57.87' north and longitude 068° 08.2' west; thence running in a True compass course of 336° for approximately 4.2 miles to latitude 44° 01.65' north and longitude 068° 10.55' west; thence running in a westerly direction to a point where that line intersects with the line described in subsection 2, paragraph B, if it is extended to that line.