**13**

**Department of Marine Resources**

2017-2018 Regulatory Agenda

November 8, 2017

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 41**: 41.30(1), Menhaden Fishery Re-Opening

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: Based on landings reports received, Maine DMR believed that the 2016 menhaden episodic event quota was being utilized more quickly than daily landings report indicated, and took steps to ensure it was not exceeded by closing the Maine episodic event fishery on August 5, 2016. However, actual landings were not as high as anticipated, and the Department reopened the episodic event fishery as there was biomass still available such that an episodic event fishery is necessary. DMR implemented a requirement that all participating license holders must declare into the fishery no later than noon on August 18, 2016 in order to ensure reporting compliance, and declare a single carrier vessel for the duration of the fishery, as well as limited fishing and landing days to three days per week (Tuesday 00:01 am through Thursday 11:59 pm) with a 120,000 lb weekly landing limit, all of which were necessary to prevent unusual damage or imminent depletion of the Atlantic menhaden resource.

EFFECTIVE DATE OF ADOPTED RULE: August 15, 2016

AFFECTED PARTIES: Menhaden Fishermen

**CHAPTER 11**: 11.08, Targeted Closures

STATUTORY BASIS: 12 M.R.S. §6171-3

PURPOSE: The Commissioner adopted this emergency rulemaking for the implementation of conservation closures located in Portland Harbor, Hussey Sound/Chandler Cove (hand harvest by scuba diving allowed), Narraguagus/Pigeon Hill Bay Rotational Area and Chandler Bay in order to protect Maine’s scallop resource due to the risk of unusual damage and imminent depletion. The Department was concerned that unrestricted harvesting during the remainder of the 2016-17 fishing season in these areas would deplete a severely diminished resource beyond its ability to recover. Continued harvesting could have damaged sublegal scallops that would be caught during subsequent fishing seasons, as well as reducing the broodstock essential to a recovery.

EFFECTIVE DATE OF ADOPTED RULE: January 1, 2017

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

**CHAPTER 11**: 11.08, Targeted Closures (1)(14)(15) Muscle Ridge, Chandler Bay/Head Harbor, and Inner Cranberry Isle Area.

STATUTORY BASIS: 12 M.R.S. §6171-3

PURPOSE: The Commissioner adopted this emergency rulemaking for the implementation of conservation closures located in Muscle Ridge, Chandler Bay/Head Harbor, and Inner Cranberry Isle Area to protect Maine’s scallop resource due to the risk of unusual damage and imminent depletion. The Department was concerned that unrestricted harvesting during the remainder of the 2016-17 fishing season in these areas could deplete a severely diminished resource beyond its ability to recover. Continued harvesting could have damaged sublegal scallops that would be caught during subsequent fishing seasons, as well as reducing the broodstock essential to a recovery. In addition, high concentrations of sublegal scallops in both the Muscle Ridge and Inner Cranberry Isle Area require protection from incidental mortality caused by drag gear; however, due to the negligible impacts divers have during hand harvest to sublegal product, diving in these two areas will be allowed to continue

EFFECTIVE DATE OF ADOPTED RULE: January 22, 2017

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

**CHAPTER 11**: 11.08,Targeted Closures (11)(13)(15)(16)(17)(18) Casco Bay, Chandler Bay/Head Harbor Island, Upper Damariscotta River, North Haven, Mid Penobscot Bay and Lower Blue Hill Bay/Jericho Bay.

STATUTORY BASIS: 12 M.R.S. §6171-3

PURPOSE: The Commissioner adopted this emergency rulemaking for the implementation of conservation closures located in Casco Bay, Chandler Bay/Head Harbor Island, Upper Damariscotta River, North Haven, Mid Penobscot Bay and Lower Blue Hill Bay/Jericho Bay

to protect Maine’s scallop resource from the risk of imminent depletion and unusual damage. While scallop populations indicated signs of recovery in some areas of the state, the Department was concerned that unrestricted harvest during the remainder of the 2016-17 fishing season in these specific areas would reduce the broodstock essential for continuing recovery of the resource. In addition, high concentrations of sublegal scallops in Casco Bay required protection from incidental mortality caused by drag gear. Due to the negligible impacts divers had on sublegal product, diving in this area could continue when the Zone 1 dive season resumed on March 1. Divers were allowed continued access in North Haven, Upper Damariscotta River and Lower Blue Hill Bay/Jericho Bay until further management actions were implemented.

EFFECTIVE DATE OF ADOPTED RULE: February 5, 2017

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

**CHAPTER 11**: 11.08, Targeted Closures (13)(15)(16)(17)(18) Chandler Bay/Head Harbor Island, Damariscotta River, North Haven, Mid Penobscot Bay and Lower Blue Hill Bay/Jericho Bay.

STATUTORY BASIS: 12 M.R.S. §6171-3

PURPOSE: The Commissioner adopted this emergency rulemaking for the implementation of conservation closures located in Chandler Bay/Head Harbor Island, Damariscotta River (hand harvest only), North Haven, Mid Penobscot Bay and Lower Blue Hill Bay/Jericho Bay to protect Maine’s scallop resource from the risk of imminent depletion and unusual damage. The Department was concerned that unrestricted harvest during the remainder of the 2016-2017 fishing season in these specific areas would damage sublegal scallops that could be caught during subsequent fishing seasons, as well as reducing broodstock essential to a recovery. Divers were allowed continued access to Damariscotta River until further management actions were implemented.

EFFECTIVE DATE OF ADOPTED RULE: February 26, 2017

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

**CHAPTER 11**: 11.08, Targeted Closures Chapter 11.08 Targeted Closures (19) Cobscook Bay

STATUTORY BASIS: 12 M.R.S. §6171-3

PURPOSE: The Commissioner adopted this emergency rulemaking for the implementation of conservation closures located in Cobscook Bay to protect Maine’s scallop resource from the risk of imminent depletion and unusual damage. The Department was concerned that unrestricted harvest during the remainder of the 2016-2017 fishing season in these specific areas may damage sublegal scallops potentially being caught with an increased frequency, and reduce the level of broodstock essential to continuing recovery. Continued fishing threatens both seed and the remaining broodstock scallops in the area needed for future recruiting and successful spawning as management maintains a rebuilding strategy to increase overall stock biomass.

EFFECTIVE DATE OF ADOPTED RULE: March 12, 2017

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: The Department to implemented a clarification that it is illegal to possess Atlantic Halibut when operating seaward of Maine’s territorial waters. In January 2017, the New England Fishery Management Council passed a motion to ask the United States Coast Guard and states operating under a Joint Enforcement Agreement with the National Oceanic and Atmospheric Administration (NOAA) that enforcement of the three-nautical mile limit be a high priority during the Atlantic halibut season in Maine. This motion was passed based on concerns that state waters-only license holders were targeting Atlantic halibut outside of Maine’s territorial waters, resulting in increased catch rates. Based on State landing reports, the State waters fishery from 2010-2014 has historically caught an average of 65 percent of the sub-Annual Catch Limit and in fishing year 2015 (May 1, 2015- April 30, 2016), caught 101 percent. It was anticipated that 2016 landings may be even higher. This rule clarified that fishermen targeting halibut with State commercial tags may not possess Atlantic halibut outside of Maine’s territorial waters. This action was intended to protect and conserve the halibut resource from unusual damage and imminent depletion.
EFFECTIVE DATE OF ADOPTED RULE: April 30, 2017

AFFECTED PARTIES: Halibut fishermen

**CHAPTER 41**: 41.30(1) Menhaden Fishery Closure

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

PURPOSE: The Atlantic States Marine Fisheries Commission (ASMFC) Atlantic Menhaden Management Board approved a total allowable catch (TAC) for the 2017 fishing season of 200,000 mt. The amount allocated to Maine for 2017 is 171,882 lbs. States have the responsibility to close their directed commercial fisheries in their state once their quota has been reached. Based on its knowledge of existing fishing activity, Maine DMR was aware that the 2017 menhaden quota had been reached, and closed the menhaden fishery for 2017 to avoid unusual damage and imminent depletion of the menhaden resource.

EFFECTIVE DATE OF ADOPTED RULE: June 3, 2017

AFFECTED PARTIES: Menhaden 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). At their Days Out Meeting on May 23, 2017, 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, Sub-ACL Trimester 2 (June 1 – September 30) was three consecutive days, beginning on 6:00 p.m. Sunday to 6:00 p.m. Wednesday and was limited to landing 400,000 lbs (10 trucks) weekly; and, may transfer to one carrier vessel per week up to 80,000 lbs. All vessels issued a Federal Limited Access Atlantic Herring Permit Category C could fish and land Atlantic herring on seven consecutive days a week and could not transfer fish caught to a carrier vessel at sea. 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 was 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.

EFFECTIVE DATE OF ADOPTED RULE: June 3, 2017

AFFECTED PARTIES: Herring fishermen

**CHAPTER 41**: 41.30(3), Menhaden Episodic Event Fishery Opens

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

PURPOSE: As provided by Technical Addendum 1 to Amendment 2 of the Interstate Fisheries Management Plan for Atlantic Menhaden, Maine implemented the requirements necessary to provide for an episodic event fishery for Atlantic menhaden. Maine DMR was aware that the allocated state quota for menhaden had been met, and there was biomass still available such that an episodic event fishery is necessary. Requirements for executing an episodic event fishery included: daily trip level reporting for all harvesters, menhaden harvested in state waters to be landed in Maine, and limiting daily harvests and landings to 120,000 pounds/vessel. Weekly landings were limited to no more than 160,000 pounds/vessel. Landings were allowed only from 00:01 a.m. on Monday and 11:59 p.m. Thursday each week. These effort controls were necessary to prevent unusual damage or imminent depletion of the Atlantic menhaden resource. This notice of agency emergency rulemaking served as the notice that the episodic event fishery is open.

EFFECTIVE DATE OF ADOPTED RULE: June 8, 2017

AFFECTED PARTIES: Menhaden 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 have been designated landing days by the Atlantic States Marine Fisheries Commission (ASMFC). During the Days Out Conference Meeting on June 28, 2017, 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, Sub-ACL Trimester 2 (June 1 – September 30) would be four consecutive days, beginning on 6:00 p.m. Sunday to 6:00 p.m. Thursday and were limited to landing 600,000 lbs (15 trucks) weekly; and, may transfer to only one carrier vessel per week up to 80,000 lbs. All vessels issued a Federal Limited Access Atlantic Herring Permit Category C could fish and land Atlantic herring on seven consecutive days a week and were restricted to the transfer of Atlantic herring to one carrier vessel only and could only transfer up to 80,000 lbs per week. All harvesters issued a State Commercial Pelagic and Anadromous License could fish and land Atlantic herring on seven consecutive days a week and were restricted to the transfer of Atlantic herring to one carrier vessel only and were only allowed to transfer up to 80,000 lbs per week. 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 was 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.

EFFECTIVE DATE OF ADOPTED RULE: July 1, 2017

AFFECTED PARTIES: Herring fishermen

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

STATUTORY BASIS: 12 M.R.S. §6171-3(C)

PURPOSE: Atlantic herring could only be landed from Management Area 1A on days that were designated landing days by the Atlantic States Marine Fisheries Commission (ASMFC). During the Days Out Conference Meeting on July 26, 2017, 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, Sub-ACL Trimester 2 (June 1 – September 30) shall be five consecutive days, beginning on 6:00 p.m. Sunday to 6:00 p.m. Friday and were limited to landing 680,000 lbs (17 trucks) weekly; and, could transfer to only one carrier vessel per week up to 120,000 lbs. All vessels issued a Federal Limited Access Atlantic Herring Permit Category C could fish and land Atlantic herring seven days a week and were restricted to the transfer of Atlantic herring to one carrier vessel only and no more than 120,000 lbs per week. All harvesters issued a State Commercial Pelagic and Anadromous License could fish and land Atlantic herring on seven days a week in territorial waters and were restricted to the transfer of Atlantic herring to one carrier vessel only and no more than 120,000 lbs per week. Harvester vessels could transfer catch to another harvester vessel while at-sea. 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.)

EFFECTIVE DATE OF ADOPTED RULE: July 29, 2017

AFFECTED PARTIES: Herring fishermen

**CHAPTER 115:** 115, *Vibrio parahaemolyticus* Control Plan

STATUTORY BASIS: 12 M.R.S. §6171-A

PURPOSE: This emergency rule incorporated the New Meadows River, north of Bath/State Rd in Brunswick and West Bath, into certain elements of the Vibrio parahaemolyticus (Vp) control plan. The addition of the New Meadows River was intended to reduce the likelihood that American and European oysters (Crassostrea virginica and Ostrea edulis) and hard clams (Mercenaria mercenaria) harvested from the New Meadows River will cause Vp infections in consumers. Independent, biological sampling of hard clams (quahogs) in the New Meadows River had shown positive results for total Vp, so the organism wad known to be present in the growing area. The Maine Department of Marine Resources recognized that the New Meadows River had the environmental characteristics (primarily water and air temperature and salinity) that potentially pose a threat to public health with regard to Vp infections. As a result, DMR sought to reduce the potential for Vp illnesses, by requiring industry members to shade product upon harvest and to adequately ice the product until delivery to a certified dealer.

EFFECTIVE DATE OF ADOPED RULE: August 9, 2017

AFFECTED PARTIES: Shellfish harvesters in the New Meadows River and shellfish dealers

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

STATUTORY BASIS: 12 M.R.S. §6171-3(C)

PURPOSE: Atlantic herring could only be landed from Management Area 1A on days that were designated landing days by the Atlantic States Marine Fisheries Commission (ASMFC). During the Days Out Conference Meeting on September 15, 2017, 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, Sub-ACL Trimester 2 (June 1 – September 30) would be seven consecutive days; were limited to 1,000,000 lbs (25 trucks) weekly and, could transfer to only one carrier vessel per week up to 120,000 lbs. All vessels issued a Federal Limited Access Atlantic Herring Permit Category could fish and land Atlantic herring seven days a week and were restricted to the transfer of Atlantic herring to one carrier vessel only and no more than 120,000 lbs per week. All harvesters issued a State Commercial Pelagic and Anadromous License could fish and land Atlantic herring on seven days a week in territorial waters and were restricted to the transfer of Atlantic herring to one carrier vessel only and no more than 120,000 lbs per week. Harvester vessels could transfer catch to another harvester vessel while at-sea. The Atlantic Herring Section designated landing days for Area 1A Trimester 3 (October 1 – December 31). Designated landing days for all vessels were three consecutive days, beginning on 6:00 p.m. Sunday to 6:00 p.m. Wednesday. 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.).

EFFECTIVE DATE OF ADOPTED RULE: September 17, 2017

AFFECTED PARTIES: Herring fishermen

**CHAPTER 41:** 41, Menhaden Limitation

STATUTORY BASIS: 12 M.R.S. §6171-3(A)

CONCISE SUMMARY: The presence of Atlantic menhaden in territorial waters had been persistent since the end of May, 2017. The Atlantic menhaden fishery has been executed for both the state and episodic fisheries until each respective quota had been reached. Since July 6, 2017, the fishery had been operating under an incidental take program with a daily allowance of 6,000 lbs. The ongoing presence of Atlantic menhaden in bays and estuaries along the coast of Maine so late in the year was an unusual occurrence. The daily allowance of Atlantic menhaden was reduced to 5,000 lbs to protect and conserve the Atlantic menhaden population from unusual damage from prolonged fishing pressure.

EFFECTIVE DATE: September 30, 2017

AFFECTED PARTIES: Menhaden fishermen

**EXPECTED 2017-2018 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 15**: **GENERAL SHELLFISH SANITATION REQUIREMENTS**

STATUTORY BASIS: 12 M.R.S. §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: Certified shellfish dealers and harvesters

**CHAPTER** **16**: **UNIFORM PHYSICAL PLANT EQUIPMENT AND OPERATION REQUIREMENTS**

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 industry

**CHAPTER** **17**: **SHUCKER-PACKER**

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 industry

**CHAPTER** **18**: **SHELLSTOCK SHIPPING**

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 industry

**CHAPTER** **19**: **RESHIPPING**

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 industry

**CHAPTER** **20**: **DEPURATION**

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 industry

**CHAPTER 21**: **SHELLFISH RELAY**

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 industry

**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** **23**: **STANDARDS FOR CLOSURE OF CONTAMINATED OR POLLUTED FLATS**

No rulemaking anticipated

**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.

SCHEDULE FOR ADOPTION: Throughout the year as necessary

AFFECTED PARTIES: Eel 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**

No rulemaking anticipated

**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**

No rulemaking anticipated

**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 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