

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 110 Marine Harvesting Demonstration license

ADOPTED RULE NUMBER:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY:
Pursuant to 12 MRS §6810-A(7-A) Marine Harvesting Demonstration License holders are exempt from prohibitions on raising and hauling lobster traps during closed periods as specified in 12 MRS §6440 subsection 2. This rule removes language from the existing regulation, which did not recognize the exemption provided for in statute. This is a minor technical change intended to provide consistency between relevant statutory provisions and the regulation.

EFFECTIVE DATE:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

AGENCY CONTACT PERSON: Amanda Ellis (207) 624-6573
AGENCY NAME: Department of Marine Resources
ADDRESS: 21 State House Station
 Augusta, Maine 04333
WEB SITE: <http://www.maine.gov/dmr/rulemaking/>
E-MAIL: dmr.rulemaking@maine.gov
TELEPHONE: (207) 624-6573
FAX: (207) 624-6024
TTY: (207) 633-9500 (Deaf/Hard of Hearing)

Please approve bottom portion of this form and assign appropriate MFASIS number.

APPROVED FOR PAYMENT _____	DATE: _____				
FUND	AGENCY	S-UNIT	APP	OBJT	AMOUNT
010	13A	1120	10	4946	regulations

Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta

DEPARTMENT OF MARINE RESOURCES

Chapter 110-Marine Harvesting Demonstration License

110.03 Limitations and Prohibitions

- A. All marine organisms collected must be immediately liberated alive into the area from which they were taken.
- B. Lobster
 - 1. Lobster taken by trap must be immediately liberated alive.
 - 2. When collecting organisms by hand while SCUBA diving, the holder of a marine harvesting demonstration license may not take or possess lobsters.
- C. When collecting marine organisms, other than lobster pursuant to Chapter 110.03(B), by hand while SCUBA diving, the holder of a marine harvesting demonstration license shall limit the number of individual specimens to not more than six (6) per species or not greater than six (6) clusters of colonial marine organisms.
- D. ~~Unless specifically exempted in this chapter, the~~ The holder of a marine harvesting demonstration license is subject to all applicable marine resources laws and regulations including but not limited to:
 - 1. ~~Lobster gear utilized must be rigged to conform to~~ whale take reduction protocols pursuant to Chapter 25.20; and
 - 2. ~~This license does not exempt the license holder from the closed periods for lobster fishing under 12 M.R.S.A. §6440.~~

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 110 Marine Harvesting Demonstration License

STATUTORY AUTHORITY: 12 M.R.S. §6810-A

DATE AND PLACE OF PUBLIC HEARING(S): September 10, 2018, 1:30pm, DMR Offices, 32 Blossom Lane, Augusta, conference room 118.

COMMENT DEADLINE: September 21, 2018

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]

The intent of the proposed rule is to provide consistency between the statute and associated rule governing the Marine Harvesting Demonstration License.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___ YES ___ NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

The proposed rule will create consistency between statutory and the relevant regulatory provision.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]

The Department considered existing statutory requirements pertaining to the Marine Harvesting Demonstration License and determined that the regulation needed to be updated.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

Enforcement of these proposed amendments will not require additional activity in this Agency. Existing enforcement personnel will monitor compliance during their routine patrols.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used

Basis Statement:

Pursuant to 12 MRS §6810-A(7-A) Marine Harvesting Demonstration License holders are exempt from prohibitions on raising and hauling lobster traps during closed periods as specified in 12 MRS §6440 subsection 2. This rule removes language from the existing regulation, which did not recognize the exemption provided for in statute. This is a minor technical change intended to provide consistency between relevant statutory provisions and the regulation.

Summary of Comments:

Notice of this proposed rulemaking appeared on August 22, 2018 in the five major daily newspapers as published by the Secretary of State. On August 22, 2018, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. A public hearing was advertised in compliance with the procedures outlined in the Maine Administrative Procedures Act and was held as follows: September 10, 2018, 1:30 PM, DMR. The comment period closed September 21, 2018. Except for Department staff, no one attended the public hearing. No comments were submitted during the comment period.