

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 25 Lobster and Crab Fishing

ADOPTED RULE NUMBER:

(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY:

This regulation defines the area in the Bay of Fundy referred to as the “gray zone” that encompasses approximately 210 square miles around Machias Seal Island where there are overlapping claims of sovereignty by the United States and Canada. In Resolves 2019, ch. 23, the Legislature directed the Commissioner of Marine Resources to adopt regulations to define this area to ensure the boundaries of this area are clearly delineated.

EFFECTIVE DATE:

(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

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DEPARTMENT OF MARINE RESOURCES

Chapter 25 - Lobster and Crab Fishing

25.02 Definitions

- A. "Rigged to Fish for Lobster" means to have on board a lobster fishing vessel a machine capable of hauling lobster traps. This device could be a pot hauler or other mechanical device capable of hauling lobster traps to the surface.
- B. "Alternative bait" means any bait that does not naturally originate from the ocean in accordance with 12 M.R.S.A. §6175. See Chapter 25.12 for regulations.
- C. "Approved crab trap" means any top-entry trap with an opening on the top of the trap that has a minimum diameter of 3.66 inches.
- D. "Gray Zone" means all waters surrounding Machias Seal Island, off of Eastern Washington County, and within the following two boundaries:

Eastern Boundary Coordinates:

- 1. 44° 46' 35.346" N, 66° 54' 11.253" W
- 2. 44° 44' 41" N, 66° 56' 17" W
- 3. 44° 43' 56" N, 66° 56' 26" W
- 4. 44° 39' 13" N, 66° 57' 29" W
- 5. 44° 36' 58" N, 67° 0' 36" W
- 6. 44° 33' 27" N, 67° 2' 57" W
- 7. 44° 30' 38" N, 67° 2' 38" W
- 8. 44° 29' 3" N, 67° 3' 42" W
- 9. 44° 25' 27" N, 67° 2' 16" W
- 10. 44° 21' 43" N, 67° 2' 33" W
- 11. 44° 14' 6" N, 67° 8' 38" W
- 12. 44° 11' 12" N, 67° 16' 46" W
- 13. 42° 53' 14" N, 67° 44' 35" W
- 14. 42° 31' 8" N, 67° 28' 5" W
- 15. 40° 27' 5" N, 65° 41' 59" W

Western Boundary Coordinates:

- 1. 44° 46' 35.346" N, 66° 54' 11.253" W
- 2. 44° 45' 44" N, 66° 55' 4" W
- 3. 44° 45' 21" N, 66° 55' 35" W
- 4. 44° 45' 17" N, 66° 55' 40" W
- 5. 44° 45' 5" N, 66° 56' 2" W

6. 44° 44' 30" N, 66° 56' 36" W
7. 44° 44' 23" N, 66° 56' 41" W
8. 44° 44' 7" N, 66° 56' 54" W
9. 44° 44' 3" N, 66° 56' 57" W
10. 44° 43' 38" N, 66° 57' 14" W
11. 44° 43' 22" N, 66° 57' 27" W
12. 44° 42' 58" N, 66° 57' 48" W
13. 44° 42' 39" N, 66° 58' 3" W
14. 44° 42' 17" N, 66° 58' 26" W
15. 44° 41' 57" N, 66° 58' 55" W
16. 44° 41' 43" N, 66° 59' 16" W
17. 44° 40' 38" N, 67° 0' 12" W
18. 44° 40' 33" N, 67° 0' 17" W
19. 44° 40' 14" N, 67° 0' 26" W
20. 44° 39' 44" N, 67° 0' 44" W
21. 44° 39' 36" N, 67° 0' 47" W
22. 44° 39' 11" N, 67° 1' 10" W
23. 44° 38' 31" N, 67° 1' 42" W
24. 44° 38' 11" N, 67° 1' 55" W
25. 44° 37' 46" N, 67° 2' 14" W
26. 44° 37' 27" N, 67° 2' 22" W
27. 44° 36' 23" N, 67° 6' 26" W
28. 44° 36' 2" N, 67° 7' 9" W
29. 44° 34' 57" N, 67° 9' 27" W
30. 44° 33' 8" N, 67° 11' 22" W
31. 44° 32' 57" N, 67° 11' 31" W
32. 44° 32' 34" N, 67° 11' 47" W
33. 44° 30' 47" N, 67° 13' 57" W
34. 44° 29' 49" N, 67° 15' 9" W
35. 44° 29' 47" N, 67° 15' 11" W
36. 44° 28' 10" N, 67° 16' 1" W
37. 44° 23' 56" N, 67° 18' 6" W
38. 44° 23' 36" N, 67° 18' 16" W
39. 44° 22' 36" N, 67° 18' 15" W
40. 44° 20' 50" N, 67° 18' 2" W
41. 44° 12' 6" N, 67° 16' 56" W
42. 44° 11' 12" N, 67° 16' 46" W
43. 42° 53' 14" N, 67° 44' 35" W
44. 42° 31' 8" N, 67° 28' 5" W
45. 40° 27' 5" N, 65° 41' 59" W

Basis Statement:

This regulation defines the area in the Bay of Fundy referred to as the “gray zone” that encompasses approximately 210 square miles around Machias Seal Island where there are overlapping claims of sovereignty by the United States and Canada. In Resolves 2019, ch. 23, the Legislature directed the Commissioner of Marine Resources to adopt regulations to define this area to ensure the boundaries of this area are clearly delineated.

Summary of Comments:

Notice of this proposed rulemaking appeared on May 29, 2019 in the five major daily newspapers as published by the Secretary of State. On May 29, 2019, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. No public hearings were scheduled. The comment period closed June 28, 2019. DMR did not receive any comments regarding the proposed rule.

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE: Chapter 25 Lobster and Crab Fishing Regulations

STATUTORY AUTHORITY: 12 M.R.S.A. §6171; Resolves 2019, ch. 23

DATE AND PLACE OF PUBLIC HEARING(S): No public hearings are scheduled

COMMENT DEADLINE: June 28, 2019

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

In Resolves 2019, ch. 23, the Legislature directed the Commissioner of Marine Resources to adopt regulations to define this area to ensure the boundaries of this area are clearly delineated for the purpose of allowing lobster license holders authorized to fish in this area

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 rule would provide clarity regarding the area within which license holders are authorized to haul to raise or haul any lobster trap from September 1, 2019 through October 31, 2019 during any time of the day.

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]:

Resolve Chapter 23, the US Federal Register for boundary information, and input from Maine Marine Patrol

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

There is no fiscal impact of the rule.

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.