

**Notice of Agency Rule-making Proposal**

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: 91 Spat Collection

PROPOSED RULE NUMBER *(leave blank; to be assigned by Secretary of State)*:

BRIEF SUMMARY: The Department of Marine Resources is proposing rules for the collection of scallop spat under the spat collection license (12 MRS 6074-A). The proposed rules would create a maximum size for the possession and sale of scallop spat of 2 inches. It would limit a license holder to no more than 15 vertical lines, with a maximum of 30 spat collection bags per line. The proposed rule limits the size of bags that may be used, and specifies marking requirements. It requires that all collection equipment is removed from the coastal waters during the month of July, and specifies the records a license holder must retain.

Date, time and location of PUBLIC HEARING *(if any)*:

October 3, 2018, 6:00 PM, Rockland Ferry Terminal, 517A Main Street, RT. 1, Rockland, ME

October 4, 2018, 6:00 PM, Community Room, Yarmouth Town Hall, 200 Main Street, Yarmouth, ME

COMMENT DEADLINE: October 15, 2018

CONTACT PERSON FOR THIS FILING *(include name, mailing address, telephone, fax, TTY, e-mail)*:

NAME: Amanda Ellis

MAILING ADDRESS: 21 State House Station, Augusta, Maine 04333-0021

E-MAIL: dmr.rulemaking@maine.gov

TELEPHONE: 207-624-6573

FAX: 207-624-6024

TTY: 207-624-6500 (Deaf/Hard of Hearing)

Hearing facilities: If you require accommodations due to disability, please contact Meredith Mendelson at 207-624-6553.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT *(if different)*: Same

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS 6074-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*: Same

AGENCY WEBSITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: dmr.rulemaking@maine.gov

*\* Check one of the following two boxes.*

*X The summary provided above is for publication in both the newspaper and website notices.*

*The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rule-making notice posted on the Secretary of State’s website. Title 5 §8053, sub-§3, ¶D & sub-§6.*

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

APPROVED FOR PAYMENT \_\_\_\_\_ DATE: \_\_\_\_\_  
*(authorized signature)*

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
010	13A	1120	10	4946				

DEPARTMENT OF MARINE RESOURCES  
Chapter 91 Spat Collection  
91.01 Spat Collection Limitations

1. Species

The holder of a spat collection license may fish for, take, possess, or sell the spat of *Placopecten magellanicus* (sea scallop). It is unlawful to sell, or to place onto a lease or license site, any other species taken as bycatch when fishing for scallop spat.

2. Maximum Size

It is unlawful to possess or sell scallop spat whose shells are more than 2 inches in the longest diameter.

3. Gear

A. The holder of a spat collection license may deploy up to 15 vertical lines, with a maximum of 30 spat collection bags on each line. The holder of a spat collection license may not deploy lines horizontally.

B. Spat bags may be constructed using mesh no larger than 1 cm, with settlement components inside the bags such as fine meshed material that increase the surface area inside the bags.

C. Bags may be no larger than 4 feet by 4 feet, when laid flat on a surface.

D. Each surface buoy must be marked with letters "SC", the license number, and the number of the vertical line (numbered consecutively, up to a maximum of 15).

E. The holder of a spat collection is exempt from any closures established in 11.08, 11.09, and 11.12 for the purpose of scallop spat collection.

F. Vertical lines must be rigged to conform to whale take reduction protocols specified in Chapter 75.

4. Season

A. The holder of a spat collection license is exempt from the scallop season established in 11.11 for the purpose of scallop spat collection.

B. It is unlawful to have any have spat collection lines and bags in the coastal waters during the month of July.

5. Record Keeping

The holder of a spat collection license must maintain records pertaining to their collection activities and spat sales on forms supplied by the Department. These records must be made available to the Department upon request and must comply with the following:

A. The records must be complete, accurate and legible;

B. The records must be retained for a minimum of three years.

## 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: 91 Spat Collection

STATUTORY AUTHORITY: 12 MRS 6074-A

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PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)] The principal reason for proposing the rule is to specify the limitations that will apply to spat collection under the spat collection license.

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

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

The proposed rules would create a maximum size for the possession and sale of scallop spat of 2 inches. It would limit a license holder to no more than 15 vertical lines, with a maximum of 30 spat collection bags per line. The proposed rule limits the size of bags that may be used, and specifies marking requirements. It requires that all collection equipment is removed from the coastal waters during the month of July, and specifies the records a license holder must retain.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE: Input from individuals who have been conducting scallop spat collection under the authority of a Special License, and Maine Marine Patrol.

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.*