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Program Evaluation Report

Department of Marine Resources

January 2006



Submitted to the Joint Standing Committee on Marine Resources
pursuant to the
Government Evaluation Act (3 MRSA, chapter 35)



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GOVERNOR

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DEPARTMENT OF
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GEORGE D. LAPOINTE
COMMISSIONER

January 25, 2006

Senator Dennis Damon, Chair
Joint Standing Committee on Marine Resources

Representative Leila Percy, Chair
Joint Standing Committee on Marine Resources

Dear Senator Damon and Representative Percy:

I am pleased to submit to the Joint Standing Committee on Marine Resources the attached review of the Department of Marine Resources. This report is submitted in accordance with the Government Evaluation Act (3 MRSA, chapter 35) and addresses specific requests for information specified in that Act, and in the committee's letter of April 29th, 2005 in which the department is notified of the intention of the committee to conduct a review during the second regular session of the 122nd Legislature.

The department has undertaken a thorough review of current responsibilities and initiatives and has identified those issues which state government will need to focus on with regard to marine and fisheries issues in the future. There is substantial information and analysis provided in the review. We will be happy to provide any additional information which may be helpful to the committee.

The department staff and I look forward to working with the committee as it undertakes this very important review.

Sincerely,

George D. Lapointe
Commissioner



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TABLE OF CONTENTS

ENABLING LAW.....	Tab 1
PROGRAM DESCRIPTION AND COORDINATION.....	Tab 2
EMERGING ISSUES	Tab 3
CONSTITUENCIES SERVED	Tab 4
REGULATORY AGENDA	Tab 5
ORGANIZATIONAL STRUCTURE	Tab 6
FINANCIAL SUMMARY	Tab 7
ALTERNATIVE DELIVERY SYSTEMS.....	Tab 8
HEALTH & SAFETY LAWS, AND INFORMATION POLICIES	Tab 9

**DEPARTMENT OF MARINE RESOURCES
ENABLING STATUTE AND FEDERAL MANDATES**

State Enabling Law

The following sections of law are from the Maine Revised Statutes and are the fundamental framework under which the Department of Marine Resources functions:

12 M.R.S.A. § 6021

MAINE REVISED STATUTES ANNOTATED
TITLE 12. CONSERVATION
PART 9. MARINE RESOURCES
SUBPART I. ADMINISTRATION
CHAPTER 603. DEPARTMENT ADMINISTRATION

§ 6021. Purpose

The Department of Marine Resources is established to conserve and develop marine and estuarine resources; to conduct and sponsor scientific research; to promote and develop the Maine coastal fishing industries; to advise and cooperate with local, state and federal officials concerning activities in coastal waters; and to implement, administer and enforce the laws and regulations necessary for these enumerated purposes, as well as the exercise of all authority conferred by this Part.

12 M.R.S.A. § 6051

MAINE REVISED STATUTES ANNOTATED
TITLE 12. CONSERVATION
PART 9. MARINE RESOURCES
SUBPART I. ADMINISTRATION
CHAPTER 605. GENERAL DEPARTMENT ACTIVITIES
SUBCHAPTER I. GENERAL ACTIVITIES

§ 6051. General department activities

The department, under the direction of the commissioner, may conduct or sponsor programs for research and development of commercial, marine recreational and anadromous fishery resources and other marine resources of the State which may include biological, chemical, technological, hydrological, processing, depuration, marketing, financial, economic and promotional research and development. The department may carry out these programs within the department, in cooperation with other state agencies, and federal, regional and local governmental entities, or with private institutions or persons.

Federal Mandates

The following are descriptions of four federal laws which have direct impacts on Maine with regard to fisheries management. The Atlantic Coastal Fisheries Cooperative Management Act is under the administration of the Atlantic States Marine Fisheries Commission, of which Maine is a member. The Sustainable Fisheries Act is administered by the New England Fisheries Management Council and the National Marine Fisheries Service. Maine is subject to the provisions of both acts. More broadly applicable are the federal Endangered Species Act and Marine Mammal Protection Act, under which federal regulations can be made which impact Maine's marine resources.

Atlantic Coastal Fisheries Cooperative Management Act

In 1993, the *Atlantic Coastal Fisheries Cooperative Management Act* (ACFCMA) was signed into law. The act directs the Atlantic States Marine Fisheries Commission to adopt fishery management plans for coastal fisheries, and establishes an affirmative obligation on the part of states to implement the Commission's plans. The Commission must adopt standards and procedures to ensure that fishery resources are conserved, that the best scientific information is used, and that the public has adequate opportunity to participate in the process. The Commission is required to continuously review state implementation, and report its results to the Secretaries of Commerce and Interior. If it finds that a state is not in compliance, the Commission must report that finding to the Secretaries. If the Secretary of Commerce agrees with the Commission, the Secretary may impose a moratorium on all fishing for the species in question within the offending state waters until they come into compliance. Violation of the moratorium is a federal offense punishable by criminal and civil penalties and forfeitures.

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson Act of 1976 was enacted primarily to conserve and rebuild commercially exploited marine fish stocks in federal waters -- approximately three nautical miles from shore to 200 nautical miles (Public Law 94-265). The Act also established eight Regional Fishery Management Councils and charged them with developing Fishery Management Plans (FMPs) for all managed species under their respective jurisdiction. The fishery management plans must be consistent with the National Standards established by Congress and can require size limits, bag limits, quotas, limits on the number of vessels, restrictions on net mesh size, closed areas and seasons, or any such measure to control fishing activity. The Secretary of Congress has the responsibility of reviewing the FMPs submitted by the regional councils to ensure their consistency with the National Standards.

Maine is a voting member of the New England Fishery Management Council (NEFMC). In addition, several species under the jurisdiction of the Middle Atlantic Fishery Management Council are also commercially harvested by Maine fishermen. In all, there are 16 management plans, covering 33 species, under the New England and Middle Atlantic Fishery Management Councils' jurisdictions.

On September 27, 1996, Congress passed the Sustainable Fisheries Act (SFA), Public Law 104-297, which amended the Magnuson Fishery Conservation and Management Act (renamed the Magnuson-Stevens Fishery Conservation and Management Act). It included numerous provisions that require science, management and conservation actions by the National Marine Fisheries Service (NMFS) and Regional Councils, and included changes and mandates affecting Maine fishermen with an implementation deadline of December 1998. Some key provisions of the Sustainable Fisheries Act were:

- Preventing overfishing, and ending overfishing of currently depleted stocks;
- Rebuilding depleted stocks;
- Reducing bycatch and minimizing the mortality of unavoidable bycatch;
- Designating and conserving essential fish habitat (EFH);
- Reforming the approval process for Fishery Management Plans and regulations;
- Reducing conflict-of-interest on Regional Councils; and
- Establishing user fees.

During the course of the implementation of the SFA, Maine's groundfish fleet has suffered further setbacks. In May 2000, a group of environmental organizations filed a lawsuit alleging that the National Marine Fisheries Service was violating the SFA by failing to rebuild fish populations and prohibit the continued overfishing of cod and other groundfish. In December 2001 a federal district court ruled in the plaintiff's favor, resulting in the development of Amendment 13 to the Multispecies Fisheries Management Plan.

The Magnuson-Stevens Act was due to be reauthorized in 2001. At this time it is nearly five years overdue. Reauthorization is needed to provide National Standards to guide the development of any future Individual Transferable Quota (ITQ)/Limited Access Privilege systems. As various bills have been introduced over the past few years, Maine has argued for strong "safe-guard" provisions that would ensure that Limited Access Privilege systems are only implemented in those regions in which they are appropriate and desired. Maine has also advocated for a better balance between accountability and flexibility in fisheries management, in order to achieve rebuilding goals at the least economic and social cost.

Endangered Species Act

In 1973 the United States government passed the Endangered Species Act (ESA) into law. The Act takes steps toward the preservation of endangered species. The Act prohibits the following activities involving endangered or threatened species:

- Importing or exporting from the United States any species determined as endangered or threatened.
- Taking (includes harassing, harming, pursuing, hunting, shooting, wounding, trapping, killing, capturing, or collecting) any endangered or threatened species within the United States and its territorial seas.
- Possessing, selling, delivering, carrying, transporting, or shipping any such ESA species unlawfully taken within the United States or on the high seas.

- Delivering, receiving, carrying, transporting, or shipping the ESA determined species in interstate or foreign commerce in the course of a commercial activity.
- Selling or offering for sale endangered or threatened species in interstate or foreign commerce.
- No federal agency may jeopardize the continued existence of an endangered species.

Prohibitions apply to endangered species, their parts, and products. Most of these restrictions also apply to species listed as threatened unless the species qualifies for an exception. The Act also requires that wildlife be imported or exported through designated ports and that special declarations be filed. Violators of the Endangered Species Act are subject to fines of up to \$100,000 and one year's imprisonment. Organizations found in violation may be fined up to \$200,000. Fish, wildlife, plants, and vehicles and equipment used in violations may be subject to forfeiture.

Of importance to the Department of Marine Resources is the listing of shortnose sturgeon, Atlantic salmon, and some marine mammals, including the right whale, which can place restrictions on state activities. The lobster fishery has undergone extensive gear modifications to maintain compliance with whale-safe gear requirements, for example. Listing as an endangered or threatened species can impact land-based activities as well as commercial and recreational fisheries.

Marine Mammal Protection Act

The Marine Mammal Protection Act of 1972 (MMPA) was passed when Congress found that:

- certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities;
- such species and population stocks should not be permitted to diminish beyond the point at which they cease to be a significant functioning element in the ecosystem of which they are a part, and, consistent with this major objective, they should not be permitted to diminish below their optimum sustainable population level;
- measures should be taken immediately to replenish any species or population stock which has diminished below its optimum sustainable level;
- there is inadequate knowledge of the ecology and population dynamics of such marine mammals and of the factors which bear upon their ability to reproduce themselves successfully; and
- marine mammals have proven themselves to be resources of great international significance, aesthetic and recreational as well as economic.

The MMPA established a moratorium, with certain exceptions, on the taking of marine mammals in U.S. waters and by U.S. citizens on the high seas, and on the importing of marine mammals and marine mammal products into the United States.

In 1994, Congress amended the MMPA, establishing a new regime to govern the taking of marine mammals incidental to commercial fishing. This new regime included the preparation of stock assessments for all marine mammal stocks in waters under U.S. jurisdiction and

development and implementation of take reduction plans for stocks that may be reduced or are being maintained below their optimum sustainable population levels due to interactions with commercial fisheries. Take reduction teams were formed and convened with the purpose of developing take reduction plans to assist in the recovery or to prevent the depletion of strategic stocks, which include species listed or likely to be listed as endangered or threatened under the ESA, listed as depleted under the MMPA, or have direct human-caused mortality which exceeds the stock's Potential Biological Removal (PBR) level. [The PBR for a marine mammal stock is the maximum number of animals, not including natural mortalities, that may be removed from that stock, while allowing the stock to reach or maintain its optimum sustainable population.]

The immediate goal of take reduction plans is to reduce, within six months of its implementation, the incidental serious injury or mortality of marine mammals from commercial fishing to levels less than PBR. The long-term goal is to reduce, within five years of its implementation, the incidental serious injury and mortality of marine mammals from commercial fishing operations to insignificant levels approaching a zero serious injury and mortality rate, taking into account the economics of the fishery, the availability of existing technology, and existing state or regional fishery management plans.

A plan concentrating on reducing the incidental take of harbor porpoise in the Gulf of Maine groundfish sink gillnet fishery was developed in August 1996. The plan included closures which expand on those outlined in Amendment 7 of the Multi-species Fishery Management Plan and the use of acoustic deterrent devices (pingers) to further reduce harbor porpoise bycatch.

In addition, the Department of Marine Resources has been a significant partner in the Atlantic Large Whale Take Reduction Plan. The Maine Whale Plan was developed by the Department of Marine Resources in collaboration with Maine Commercial Fishing Industry. The two main components of the Whale Plan, the Sightings Network and the Disentanglement Network, owe their success directly to the involvement of lobstermen, gillnetters, tuna fishermen and others who are interested in taking a pro-active role in the effort to minimize whale-gear interactions and entanglements.

PROGRAMS ADMINISTERED BY THE DEPARTMENT OF MARINE RESOURCES, GOALS & OBJECTIVES, AND COORDINATION ACTIVITIES

History and Organization of DMR

The Department of Marine Resources originated in 1867 with the establishment of Commissioners of Fisheries. In 1895, the Commissioners were renamed Commissioner of Inland Fisheries and Game and a new Commissioner of Sea and Shore Fisheries was authorized, representing the first clear distinction between inland and coastal natural resources. In 1917, the Commissioner was replaced by a Commission of Sea and Shore Fisheries, and in 1931, the Commission became the Department of Sea and Shore Fisheries and the post of Commissioner was reestablished. Both the Advisory Council of the Department of Sea and Shore Fisheries and the Atlantic Sea Run Salmon Commission were created in 1947.

In state government reorganization legislation of 1973, the 106th Legislature established the Department of Marine Resources, along with an expanded Marine Resources Advisory Council. Additional duties and responsibilities were assigned to the agency and its council, along with those which were previously the Department of Sea and Shore Fisheries and its Advisory Council. A new eleven-member Lobster Advisory Council was established by the Legislature to assist the Commissioner on matters related to the lobster industry.

The Department of Marine Resources is organized into two Bureaus: Marine Patrol, and Resource Management, and two Divisions: Administration and Community Resource Development.

BUREAU OF MARINE PATROL

PURPOSE:

The Bureau of Marine Patrol is one of the oldest law enforcement agencies in the State, and was established to protect, manage and conserve the renewable marine resources within the territorial limits of the State of Maine. The Warden Service, so named in 1947, was originally established as Fish Wardens in 1843, and was appointed by the Governor and Council. In 1917 the appointment authority was transferred to the Commissioner of Sea and Shore Fisheries (renamed Commissioner of Marine Resources in 1973). The Bureau has been an integral segment of the department throughout its existence.

Over the years, the Legislature has expanded the areas of responsibility to the enforcement of other laws and regulations of the State. Personnel are authorized to enforce all laws of the State with primary emphasis on marine resources, the protection of life and property, and to arrest and prosecute all violators and serve all processes pertaining to those laws and regulations.

ORGANIZATION:

The Bureau is divided into two field divisions with a lieutenant manning a regional office in each division. Division Offices are located in Boothbay Harbor and Lamoine. Each division is divided into three sections, with a field sergeant in charge of 6 officers in each section. Full complement as this is written is 53 sworn law enforcement officers.

PROGRAM:

The Bureau enforces the State's marine fisheries laws; federal fisheries laws under a Joint Enforcement Agreement within the Exclusive Economic Zone (EEZ) adjacent to Maine's territorial waters; boating registration and safety laws; environmental laws in cooperation with the Department of Environmental Protection; conducts search and rescue operations on coastal waters; enforces all marine-related criminal laws; and provides maritime security efforts in support of Homeland Security. Marine patrol acts as a primary conduit in facilitating both gear and fisheries disputes within the commercial fishing industry, and serves as a general service agency to coastal residents and visitors.

During July 1, 2004 through June 30, 2005, Bureau of Marine Patrol personnel patrolled 771,177 miles in vehicles and spent 13,424 hours on patrol boats. Patrol Officers received 803 complaints and encountered 993 violations along with 1,527 warnings of Marine Resources laws, boat laws, and related criminal laws.

A pamphlet containing marine resource laws is published biannually following adjournment of the first regular session of each legislature.

Bureau of Marine Patrol

GOAL:

Maine will have a marine resource-based industry that is safe and encourages personal stewardship to support sound fishery management.

OBJECTIVE:

Reduce the number of violations through compliance with conservation laws.

PROGRAM STRATEGY:

The Department will administer programs to implement and enforce the laws and regulations necessary for public health and safety and sustainable fishery management.

PERFORMANCE MEASURES:

1. Number of violations as a percent of boats checked for safety.

This measure demonstrates the number of violations encountered while doing routine patrols and boarding boats for safety requirements.

	FY2002	FY2003	FY2004	FY2005
Target	1.8%	1.7%	2.1%	2.2%
Actual	1.9%	1.6%	6.12%	6.12%

Target numbers remained consistent during 2002 and 2003. This measure demonstrates the fact that the continued reduction in Marine Patrol's work force due to the loss of funded positions and the loss of capital and operational funding has reduced the Bureau's ability to maintain and sustain voluntary compliance with industry, therefore showing an increase in the number of violations vs. boats checked

2. Number of harvesters checked vs. number of violations (warnings & summons) not including boating or misc. violations.

This measure demonstrates that Marine Patrol Officers checking harvesters on a routine and regular basis should result in a higher rate of compliance- due to their presence on the water and on land.

	FY2002	FY2003	FY2004	FY2005
Target	5.7%	5.6%	6.1%	6.2%
Actual	5.4%	5.2%	3.24%	3.2%

FY 04 & 05 represents a false indicator. The reduction in manpower and vessels deployed to the field resulted in greatly reduced effective contacts with industry, which resulted in a lower than anticipated percentage of violators vs. contacts.

3. Number of closed area violations (public health) vs. marine patrol officer hours in closed areas.

The number of closed area checks an officer is required to make within a given month is mandated by the FDA in order to maintain the State's Shellfish Certification. This has increased the number of hours an officer must spend checking closed areas in order to meet the mandate by the FDA.

	FY2002	FY2003	FY2004	FY2005
Target	1.6%	1.5%	1.5%	1.6%
Actual	1.8%	1.3%	1.04%	1.04%

The operational impact of having 9,800 officer hours relating to public health enforcement, divided by the number of officers (36) beginning FY 05 – resulted in approximately 272 hours per officer. The fact that patrol, for all purposes, met this target for 04 and 05 reflects the Bureau's commitment to maintaining monitoring efforts in the interest of public health.

4. Number of boat hours (large and small) vs. number of boating violations.

This measure was established to show more of a presence on the water, thus allowing for more voluntary compliance within the fishing industry by increasing our large patrol and small patrol vessels and boat hours.

	FY2002	FY2003	FY2004	FY2005
Target	2.5%	2.4%	2.8%	2.9%
Actual	2.7%	2.1 %	10.24%	10.24%

Marine Patrol's small boat fleet has been reduced by 3 boats out of 21 boats, which has reduced the small boat enforcement overall, with the highest increase in reduction being in the 1st and 4th quarters – small boat season. The dramatic increase in the violation ratio is consistent with the Bureau's inability to maintain enforcement's presence.

5. Number of violators prosecuted as a percent of total harvesters.

The increase in our large patrol fleet, and the FDA mandate regarding the monitoring of closed areas should increase the number of harvester violators.

	FY2002	FY2003	FY2004	FY2005
Target	5.0%	4.9%	4.7%	4.8%
Actual	5.3%	4.5%	10.4%	8.1%

FY 02 and 03 represent little drop in the percentage of violations due to industry's lag in recognizing the reduction in patrol effort. By 2004 the lack of enforcement and presence resulted in a dramatic increase in the violation percentage.

Explanation for Missing FY 2000 and FY 2002 Years:

In FY2000 and FY2001 – Performance measures were changed due to several measures no longer having the ability to be measured within Marine Patrol – due to housing of records and information at another State Agency.

Bureau of Marine Patrol - Coordination Initiatives

SUBJECT	ACTIVITY	COLLABORATORS
Enforcement	Enforcing management measures to promote proper stewardship	National Marine Fisheries Service, US Coast Guard
	Boating law enforcement prosecution summary.	Inland Fisheries & Wildlife, US Coast Guard, trade and special interest groups.
	Develop recommendations to address dangerous boating activity.	US Coast Guard, Inland Fisheries and Wildlife, and boating public
	Develop and expand ability to respond to Port Security and maritime LE emergencies	MEMA, US Coast Guard, State Police, Secret Service, Custom Border Protection
Education and Awareness	Implementing boating basics program.	Inland Fisheries and Wildlife and US Coast Guard
	Participate in annual meeting of National Association of Boating Law Administrators (NASBLA).	Inland Fisheries and Wildlife and US Coast Guard
	Distribute information on boating safety.	Boating associations, US Coast Guard, Inland Fisheries and Wildlife, boat show organizers.
	Develop educational programs and make recommendations for legislation at the state level for improved safety within the Commercial Fishing Industry	US Coast Guard, Commercial Fishing Safety Council-(which includes industry and educational experts)
Diver Safety	Maintain and improve diver safety certification program.	Southern Maine Community College, US Coast Guard, and fishing industry.
Gear Conflicts	Mediation of disputes.	Professional mediators, fishing associations, fishing industry.

BUREAU OF RESOURCE MANAGEMENT

PURPOSE:

The Bureau of Resource Management is engaged in marine education, shellfish sanitation and public health, and scientific research and monitoring to conserve, restore, and manage the marine and estuarine resources of the State of Maine. Primary responsibilities are to conduct and sponsor scientific research (which may include biological, chemical, hydrological, and technological research and monitoring of marine resources and the marine environment), provide information on stock levels and environments of commercially and recreationally valuable marine organisms, and provide technical and scientific information, services and assistance to the public, industry and governments. The Bureau conducts monitoring of water quality for the classification of shellfish growing areas, biotoxin monitoring, the Shellfish Sanitation Program, monitoring of finfish aquaculture operations, oil spill response activities, restoration activities for anadromous fish resources in Maine rivers, and marine education programs including the operation of the public aquarium in West Boothbay Harbor.

The Bureau of Resource Management is involved in interstate management of commercially and recreationally important species including American lobster, northern shrimp, Atlantic herring, striped bass, Atlantic menhaden, bluefish, shad and river herring, American eel, horseshoe crab, and winter flounder through the Atlantic States Marine Fisheries Commission. The Bureau participates in the Atlantic Coastal Cooperative Statistics Program, a coast wide initiative to improve the collection of commercial and recreational statistics. Scientific staff participates in data collection, stock assessment, and management plan development for groundfish, sea scallops, ocean quahogs, Atlantic herring, and American lobster that are managed by the New England and Mid-Atlantic Fishery Management Councils and National Marine Fisheries Service.

ORGANIZATION:

The Bureau of Resource Management was established administratively in 1946 and is the oldest continuously operating marine research agency in the Gulf of Maine. The Bureau is comprised of five divisions: Biological Monitoring and Assessment, Ecology, Marine Education, Public Health, and Stock Enhancement. The fishery laboratory is located at McKown Point, a peninsula in Boothbay Harbor and home to a large and productive fishing industry at the turn of the 20th century. The laboratory is a state-of-the-art facility designed to meet the fishing industry's needs and the Department's mandate of overseeing the State's marine resources. This laboratory consists of a marine aquarium, microbiological and biotoxin laboratories, GIS mapping facilities, wet lab, and a scientific and fishermen's library. The Stock Enhancement Division, which is responsible for anadromous fish activities, is located in Hallowell. A microbiological/biotoxin laboratory, located at Lamoine State Park, serves the eastern section of the coast.

PROGRAM:

The Biological Monitoring and Assessment Division collects resource information for assessment and management of American lobster, Atlantic herring, northern shrimp, green sea urchin, ocean quahog, sea scallop, and sea cucumber. Detailed catch, effort,

and biological data are collected from fishermen along the entire Maine coast. Samples are processed for length, weight, sex, state of maturity, gonad weight, and age composition, and utilized in stock assessments and management decisions. Commercial landings data are collected from seafood dealers and are provided to the National Marine Fisheries Service. Cooperative research is conducted with the fishing industry and other scientists to reduce bycatch in the northern shrimp and examine relationships between environmental factors and northern shrimp distribution; implement a fishery for rock crab; and tag halibut, Atlantic herring, and Gulf of Maine cod.

The Ecology Division recently conducted the fourth year of a spring and fall survey of marine resources along the coasts of Maine and New Hampshire; a study to characterize the distribution of juvenile fish and their habitats in the coastal waters of eastern Maine; aquaculture site reviews and monitoring; a volunteer-assisted horseshoe crab survey; and provided scientific support to the Aquaculture Task Force. The Marine Recreational Fishery Statistics Survey and the Large Pelagics Survey samples saltwater angler catches along the coast. The Division also conducts long-term monitoring of atmospheric and oceanographic conditions in Boothbay Harbor and eelgrass mapping assessments.

The Stock Enhancement Division conducts surveys to evaluate spawning success of American shad, alewife, and striped bass; fishway operation and maintenance; stocking of American shad and alewives; review of hydropower projects and activities that could impact anadromous fish resources; elver monitoring; and provides technical assistance to municipalities with alewife fisheries. Technical assistance is provided to municipalities with alewife fisheries and fish passage projects in various watersheds are negotiated.

The Public Health Division evaluates shellfish growing areas and conducts a wholesale dealer evaluation and certification program to protect public health under the National Shellfish Sanitation Program. Water quality from shellfish growing areas is monitored, and staff continue to identify pollution sources that may be corrected in order to increase the amount of shellfish-producing areas open to harvesting. Biotoxin sampling is conducted to monitor the occurrence of Paralytic Shellfish Poisoning from "Red Tides" and close shellfish harvest areas as necessary to protect public health. Phytoplankton monitoring by volunteers is conducted to monitor the presence of toxin-producing algae.

The Marine Education Division operated the public aquarium at the West Boothbay Harbor laboratory from Memorial Day weekend through September to provide visitors with the opportunity to learn about Maine's marine resources. Education programs focused on teacher workshops and coordination of the Officer SALTY program in which Marine Patrol officers teach marine science and conservation in elementary schools. The Burnt Island Living Lighthouse Program completed its second season of operation with a living history program of a lighthouse keeper's life in the 1950s.

Bureau of Resource Management

GOAL:

Maine will have a healthy and productive marine ecosystem where management of the marine resources is based on an increased understanding of the Gulf of Maine.

OBJECTIVE:

Maintain the number of people in Maine that find it likely that commercial and recreational fishing will continue to be an important and viable industry.

PROGRAM STRATEGY:

The Department of Marine Resources will administer programs to conserve and develop marine and estuarine resources; to conduct and sponsor scientific research; and to protect public health.

PERFORMANCE MEASURES:

1. Number of fisheries dependent samples collected.

This measure demonstrates the number of samples collected from commercial and recreational fisheries in Maine. The purpose of collecting these samples is to provide data for use in stock assessments and to monitor the status of Maine fisheries. The following commercial fisheries are sampled: lobster, herring, sea urchin, shrimp, and sea scallop. Maine also conducts the intercept portion of the National Marine Fisheries Service's Marine Recreational Fisheries Statistics Survey. This involves interviewing saltwater anglers to determine their catch of species such as striped bass, mackerel, cod, and haddock. Data collected in all of these surveys include effort information (e.g. type and amount of gear, length of fishing trip, etc.) and biological data on the catch (length, weight, sex, etc.).

	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Target	1,993	3,900	2,400	2,600	3,000	4,100
Actual	3,282	3,139	3,876	3,428	3,034	2,734

Target numbers were established at the beginning of the Performance Based Budgeting process and have not been adjusted each year to more closely reflect actual sampling intensity. The total number of actual samples varies from year to year due to changes in the availability of fish, weather, the economy, and management regulations. For example, declines in the sea urchin resource have resulted in shorter fishing seasons and fewer fishery dependent samples being collected. The length of the shrimp fishing season has also varied from year to year based on the annual shrimp stock assessment. The number of saltwater angler interviews obtained has varied from year to year based on the availability of striped bass in Maine waters and economic conditions.

2. Number of volunteers assisting in DMR programs.

This measure demonstrates the number of volunteers assisting the DMR with various sampling programs. Volunteers assist with the collection of water samples from shellfish growing areas and phytoplankton samples for the identification of Harmful Algal Blooms, the counting of horseshoe crabs during their spawning season in May and June, and maintenance of fishways for migrating fish.

	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Target	75	150	110	115	160	170
Actual	214	251	235	220	228	204

The number of volunteers assisting the DMR exceeded target numbers in all years due to the development of new programs. A volunteer program for water quality monitoring has existed for many years. In 2000, a volunteer phytoplankton monitoring program was started and in 2001, the horseshoe crab monitoring program was expanded to include volunteers.

3. Number of marine recreational fishermen.

This measure demonstrates the amount of fishing effort in marine recreational fishing along the Maine coast. The primary species targeted is striped bass and this measure primarily reflects the importance of that fishery to the state.

	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Target	336,000	306,000	375,000	380,000	350,000	360,000
Actual	216,006	309,670	308,219	315,558	358,103	287,299

The number of recreational anglers varies depending on the availability of fish, fishing season, weather, and the economy.

4. Acres of shellfish habitat closed for harvesting.

This measure demonstrates progress in removing sources of pollution in coastal waters and opening new areas for shellfish harvesting. This work requires identification of pollution sources through shoreline surveys, work with the Department of Environmental Protection and landowners to remediate pollution problems, and testing growing area waters over several years to determine that bacterial standards for shellfish harvest are met.

	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Target	145,160	120,130	115,000	110,000	140,000	130,000
Actual	159,355	155,915	153,846	153,676	139,956	146,378

The number of closed acres of shellfish habitat has been steadily reduced over the years. The large decrease in 2004 is due to reducing the size of closures around residential overboard discharges based on actual flow of discharges and volume of receiving waters instead of using points of land to identify closure lines as was done historically. Target numbers were established in 1999 at which time large amounts of acres were being opened due to large pollution abatement projects.

5. Number of red tide and pathology samples processed.

This measure demonstrates the number of shellfish samples collected and processed in the Biotoxin Monitoring Program. Shellfish are collected from coastal water from April through October, and occasionally later in the offshore ocean quahog fishery, and are tested for toxin levels. Shellfish harvesting areas are closed when toxin levels exceed safe levels for human consumption.

	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Target	3,750	3,185	4,200	4,500	3,500	3,600
Actual	3,171	3,552	2,985	3,103	3,281	3,143

The number of red tide samples processed varies with the severity of Red Tide blooms each year. There is no way to predict future Red Tide seasons and thus target numbers are not very useful. No pathology samples have been processed in since FY 2003 due to the elimination of the pathologist position.

6. Number of individuals attending DMR Aquarium.

This measure demonstrates the number visitors to the DMR Aquarium who receive an educational experience about Maine's marine resources. The Aquarium is open to the public from Memorial Day weekend through the end of September. School groups from around the state visit the Aquarium in May and June and in the fall.

	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Target	33,012	34,550	38,000	40,000	35,000	40,000
Actual	34,662	36,495	34,551	36,246	35,290	30,631

The actual number of visitors to the DMR Aquarium has tracked fairly well with target numbers. Factors such as the economy and summer weather may greatly impact visitation such as in FY 2005.

Bureau of Resource Management - Coordination Initiatives

The Bureau of Resource Management is comprised of five divisions: Biological Monitoring and Assessment, Ecology, Marine Education, Public Health and Stock Enhancement. Each of these divisions has opportunities for cooperation and collaboration with outside entities. These fall broadly under four headings: Research and Monitoring, Development of Management Plans, Public Awareness, and Habitat Protection. In addition, there are specific programs for which the collaborating groups are noted.

SUBJECT	ACTIVITY	COLLABORATORS
Research and Monitoring	Conduct periodic meetings with researchers and the fishing industry to discuss research needs for marine resources (ex. sea urchins, lobsters, striped bass)	University of Maine, Bigelow Laboratory for Ocean Sciences, Maine Sea Grant, Gulf of Maine Research Institute, University of New England, Commercial and recreational fishing industries
	Coordinate effort to report commercial fisheries landings by state and federal port agents; cooperative coastwide program planning	National Marine Fisheries Service, Atlantic States Marine Fisheries Commission, Atlantic Coast Cooperative Statistics Program
	Coordinate collection of recreational fisheries statistics; cooperative coastwide program planning	National Marine Fisheries Service, Atlantic States Marine Fisheries Commission, Atlantic Coast Cooperative Statistics Program
	Participate in regional fishery stock assessments (shrimp survey, inshore trawl survey, etc)	National Marine Fisheries Service, Atlantic States Marine Fisheries Commission, other state fishery agencies
	Conduct gear research, sea sampling, habitat studies	Fishing Industry
	Develop and coordinate research studies and fisheries sampling programs through contracts	University of Maine, Bigelow Laboratory for Ocean Sciences, University of New England, Gulf of Maine Research Institute, Gulf of Maine Lobster Foundation, Fishing Industry
	Issue Requests for Proposals (RFPs) for research	Advisory Councils, Fishing industry
	Present research results at workshops and conferences	American Fisheries Society, RARGOM, Sea Grant, etc.
	Biological input to Atlantic salmon program. Process data from Brunswick fishway	Atlantic Salmon Commission
	Assisting with management of	Department of Environmental

	NPDES permit regarding the required marine finfish monitoring program.	Protection
	Research to determine most effective aquaculture assessment methods	Department of Environmental Protection, University of Maine

Development of Management Plans	Participate in interstate and federal fishery management plan committees	Atlantic States Marine Fisheries Commission, New England and Mid-Atlantic Fishery Management Councils, other state fishery agencies
	Develop state fishery management plans (ex. sea urchins, lobster, scallop, eels)	Fishing industry, Fishing Associations, Advisory Councils, University of Maine
	Develop policy and monitoring of aerial spraying of pesticides in coastal areas	Maine Forest Service, Maine Department of Environmental Protection, Maine Pesticide Control Board
	Coordinate with staff on fisheries management in numerous rivers and lakes inhabited by diadromous fish. Sharing of data and information.	Department of Inland Fish and Wildlife, U.S. Fish & Wildlife Service, Maine State Planning Office, Natural Resources Conservation Service, Atlantic Salmon Commission, Natural Resources Council of Maine, Trout Unlimited, American Rivers, Atlantic Salmon Federation, Penobscot Indian Nation, St. Croix Waterway Commission
Public Awareness	Provide guidance and technical assistance to municipalities that have alewife harvesting rights.	Municipalities
	Participate on Policy Advisory Committees	Maine Sea Grant Program, Gulf of Maine Ocean Observing System, Gulf of Maine Data Partnership
	Saltwater recreational fishing initiatives (including publication of the Annual Saltwater Recreational Newsletter, the Maine Saltwater Angler's Guide, and maintaining a presence at Sportsman's shows, groups and clubs)	Coastal Conservation Association of Maine, Sportsman Alliance of Maine, Maine Guides Association, Maine Chapter of Trout Unlimited, Maine Headboat/Charterboat fleet, saltwater anglers

	Public access for recreational fishing	Department of Inland Fisheries and Wildlife, Department of Conservation, Department of Transportation
	Assistance to current and potential lease applicants in working with local communities and locating and marking a site appropriately	Army Corps of Engineers, UMaine Sea Grant, Inland Fisheries and Wildlife
	Teacher training programs	Maine Sea Grant Program, University of Maine Cooperative Extension, Gulf of Maine Research Institute, Maine Coastal Program

Habitat Protection	Participate on U.S.-Canada working group to develop actions to maintain and enhance environmental quality in the Gulf of Maine	Gulf of Maine Council on the Marine Environment
	Oil Spill Response: plan, respond and evaluate Natural Resource Damage Assessment	Department of Environmental Protection, Inland Fisheries and Wildlife, US Coast Guard, NOAA, U.S. Fish and Wildlife Service
	Participate on federal and interstate committees to develop Essential Fisheries Habitat information for management plans	New England Fishery Management Council, Atlantic States Marine Fisheries Commission
	Map eelgrass beds for habitat protection and oil spill response	State Planning Office, Department of Environmental Protection, Department of Conservation, Department of Transportation, Office of Geographic Information Systems
	Participate in periodic coordinating meetings	Atlantic States Marine Fisheries Commission, Marine Recreational Fisheries Statistics Committee; Atlantic Coast Cooperative Statistics Program; National Marine Fisheries Service, Marine Recreational Fisheries Statistics Division
	Coordinate comments to FERC on DMR concerns about activities that impact	State Planning Office and Department of Environmental Protection

	diadromous fish resources.	
	Comment on highway construction projects regarding impacts on diadromous fish. Conduct joint studies and assessment on bridge projects.	Department of Transportation

Specific Activities:

SUBJECT	ACTIVITY	COLLABORATORS
Pollution Source Abatement	Meet twice annually to review priorities and work plans and to identify those areas (towns) where funds will be targeted. Staff also interacts throughout the year with updates on remediation projects and identification of new sources to target for funding.	Department of Environmental Protection, Municipal Government
Wastewater Treatment Plant Licensing	Ongoing discussions and occasional meetings to share concerns about licensing at treatment plants and to improve mechanisms for evaluating the potential impact from these plants and for notification of malfunctions.	Department of Environmental Protection, Municipal Government
Surface Water Ambient Toxin (SWAT) program	DMR participates in decision-making for sampling and data evaluation as this program relates to the marine environment. DMR also assists with the field work specific to the sampling of marine organisms.	Department of Environmental Protection, Department of Human Services - Bureau of Health, other Agencies and Non-Governmental Organizations
Seafood Inspection	Meet to coordinate inspections for facilities which process seafood in order to limit overlap of inspections.	Department of Agriculture, Department of Human Services
Evaluation of Toxicological Data	The State Toxicologist assists DMR with the interpretation of toxicological data for making decisions about opening areas to the harvest of marine organisms which might be contaminated with various pollutants.	Department of Human Services / Bureau of Health
Development of Consumer Advisories	DMR works with the Bureau of Health and other agencies in developing consumer advisories for marine organisms which might pose a health risk to the consuming public.	Department of Human Services / Bureau of Health
Volunteer Monitoring (water quality, phytoplankton, and horseshoe crabs)	DMR works with many citizen groups which are or have been supported by the Shore Stewards Program.	State Planning Office, University of Maine Cooperative Extension, Municipal Governments and citizen volunteers

	DMR utilizes numerous citizen groups which have been trained through UMCE. There is significant interaction between DMR and UMCE throughout the year for developing training materials, coordination of volunteer management, and other technical support functions	Maine State Planning Office, University of Maine Cooperative Extension, Municipal governments and citizen volunteers
Other Public Relations activities	DMR frequently meets with staff from SPO on other initiatives which involve coastal planning, watershed management and environmental monitoring.	State Planning Office
Monitoring of Compliance with the NSSP	DMR interacts routinely with USFDA on technical issues related to the implementation of all elements of the shellfish sanitation program. These interactions are ongoing, but generally involve 2-4 site visits by FDA staff to evaluate compliance of the state program.	United State Food and Drug Administration, other states
Bay Management	DMR is working with the Maine Coastal Program at SPO on a legislatively directed study on bay management. This work includes the joint supervision of a NOAA Coastal Services Fellow. In addition, at various points in the project, other interested state agencies have been approached for their participation.	State Planning Office, Department of Environmental Protection, Department of Inland Fisheries and Wildlife, Department of Conservation, Department of Transportation, Maine Geological Survey

DIVISION OF ADMINISTRATIVE SERVICES

PURPOSE:

The Division of Administrative Services was established to perform the administrative functions of the Department, and to advise government agencies concerned with development or activity in coastal waters. Its primary responsibilities are to receive, control and expend funds received from legislative appropriations, private sources, federal programs and dedicated revenue sources, including fees from approximately thirty-seven types of licenses and permits. Detailed records are maintained on all receipts and expenditures as well as licenses, purchases of goods and services, equipment, payroll, personnel, allotments and encumbrances, statistics on landings, management, special information and federal/state programs.

Duties include coordination of public hearings for regulation changes, and aquaculture leases following APA procedures; collective bargaining matters, preparation and allocation of the biennial budget and work programs, contracts, and actions taken on personnel matters; statistics; information technology; contact with central service agencies; and providing timely information to management with regard to all administrative matters.

ORGANIZATION:

The Division of Administrative Services, established through the authority vested in the Commissioner of Marine Resources, consists of four sections: Personnel, Licensing, Information Services, and Financial Services.

The Division provides service to the Department in finance, personnel, equipment, purchasing, processing of license applications and revenues and assists in the administration of federal and other revenue contracts and projects, department contracts for special services, and coordination of public hearings & aquaculture leases. Liaison with the New England Fishery Management Council is provided by Division personnel. The Licensing section handles license sales, receptions, statistics, information processing, and inquiries from the public. The Division administers the state's financial records of the Atlantic States Marine Fisheries Commission and provides liaison with the Legislature and various types of communications for the marine fishing industry.

PROGRAM:

The Division of Administrative Services carries out directives of the Commissioner of Marine Resources in performing his/her statutory responsibilities, complying with all state and federal laws and regulations concerning administrative matters. The Division provides data needed for departmental decisions, represents the Commissioner in matters concerning administration, assists in preparing strategic plans, and manages all budgetary, fiscal, licensure, human resource and information technology processes of the Department.

Division of Administrative Services

GOAL:

The Department of Marine Resources will be recognized as an agency that maximizes efficiency and productivity and fulfills its statutory commitments.

OBJECTIVE:

Improve the effectiveness and efficiency of delivering the Department's administrative services.

PROGRAM STRATEGY:

The Department of Marine Resources will administer programs to assist with personnel, budget and finance, information technology and licensing.

PERFORMANCE MEASURES:

1. Percent of annual employee performance reviews completed on or before the employee's anniversary date.

This measure demonstrates the Department's commitment to providing feedback on employee performance. Measure will be taken by simply counting the number of appraisals that are filed timely. The percentage should increase over time as supervisors become more familiar with the evaluation process.

	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Target	70%	76%	78%	80%	78%	80%
Actual	68%	74%	81%	87%	81%	80%

This measure is based on the entire fiscal year and reported in the 4th quarter as the percentage total number of submitted employee performance reviews.

2. Percentage of grievances resolved at or below Step 3 of the collective bargaining grievance process.

This measure demonstrates the Department's effecting handling of human resource matters at the lowest level possible. Effective supervisor training will assist in keeping this percentage on the rise. Measure will be made by counting cases resolved at or below Step 3 of the collective bargaining process.

	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Target	86%	90%	90%	91%	90%	91%
Actual	NA	NA	NA	NA	90%	33%

This measure was reported for the entire year in the fourth quarter 2005. 3 out of 9 grievances were resolved at Step 3 or below. Grievances stem from the same issues, employees being denied 10-7 time, minimum staffing requirements, overtime interpretations, no time off and not enough employees to get the job done. Budget cuts have resulted in most of these grievance issues in the Bureau of Marine Patrol. There are very clear practices and language that requires us not to settle every grievance and to stand firm on our interpretation and intent of the contract language. To not settle a grievance is not a measure of poor performance on the part of this office, but rather an indicator of triggers.

3. Number of hours of computer down time as a percentage of total computer system uptime capacity.

Network availability will be calculated by means of networking software that tracks down time. This will demonstrate the effectiveness of the Department's operations. Percentage should be stable or decrease over time to demonstrate an efficient network.

	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Target	2.5%	2.0%	2.0%	1.75%	2.0%	1.95%
Actual	3.0%	2.25%	2.5%	2.0%	1.75%	1.92%

In FY05 our IT division operated consistently and effectively with a veteran employee filling a limited period Information System Support Specialist II and a contracted desktop support technician located in BBH. With the direction of the Departmental Information Systems Manager upgrades and enhancements to the servers, software and network, IT met all expectations with very minimal down time.

3. Percentage of harvester license applications processed within 5 working days.

This measure will be made by comparing initial license application dates to eventual licensure by way of the MRLN licensing system. This will demonstrate the efficiency of the licensing staff and should be increasing over time to reflect more efficient use of resources.

	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Target	68%	70%	71%	72%	75.0%	77.0%
Actual	50.4%	82.8%	81.8%	85.5%	78.6%	83.2%

Online renewals account for a small but growing percentage of license sales increasing from 1% of total sales in FY04 to 4% in FY05. This growth will continue in the future with continued marketing and increased license availability. The greatest impact on license processing time occurred from the distribution of pre-filled renewal applications. This measure has been re-evaluated reflecting fiscal year data vs. calendar year data.

Division of Administrative Services - Coordination Initiatives

SUBJECT	ACTIVITY	COLLABORATORS
Financial Management	Establish a viable budget plan for fiscal resources	Bureau of the Budget, Bureau of Accounts & Controls, Governor's Office
	Meet with senior department management to review fiscal performance	Departmental Bureau Directors, Commissioner, Deputy Commissioner
	Create meaningful fiscal performance reports	Bureau of Accounts & Controls, Bureau of the Budget
Computer Services	Develop and implement a new computer licensing and enforcement system to support fisheries management programs.	Bureau of Information Services and contractors.
	Work to increase technology agreements and interagency cooperation.	Various municipal, county, state and federal agencies.
	Coordinate information needs.	Legislators, public, and various municipal, county, state and federal agencies.
	Set state computer standards and policies.	Information Services Policy Board and Informational Services Managers Group
	Meet bi-weekly to discuss standards and coordinate efforts.	Information Services Managers Group
	Develop a centralized fisheries statistical database.	University of Maine, National Marine Fisheries Service, and vendor.
Communication	Organize recreational/commercial specific information, regulatory changes and current resource management data.	Atlantic States Marine Fisheries Commission, National Marine Fisheries Service, Atlantic Salmon Authority, Inland Fish and Wildlife, Sportsmen's Associations, etc.
	Participate at various workshops, seminars, hearings, schools and sportsmen's shows.	School systems, municipalities, legislators, sportsmen's associations, etc.

DIVISION OF COMMUNITY RESOURCE DEVELOPMENT

PURPOSE:

The purpose of the Division is establish and maintain communication with constituent communities to include harvesters, processors and municipalities with regard to anticipating problems and opportunities which may be addressed by the agency.

ORGANIZATION:

The Division is staffed with a Resource Coordinator (who works closely with the fishing industry), the Watershed Management group (which works with shellfish management and permit reviews), and an aquaculture policy advisor.

PROGRAM:

RESOURCE COORDINATOR: A Resource Coordinator works very closely with fishing organizations, individuals and companies to identify problems and opportunities in the fisheries. The objective is to deal with both in a timely manner, to prevent problems from becoming conflicts and to take advantage of the opportunities. The resource coordinator is poised to get department assistance in the form of expertise from throughout the agency in order to deal with any particular issue.

WATERSHED MANAGEMENT: Most of the effort in this group is spent with municipalities that are involved in municipal shellfish management programs. Approximately 71 towns of the 90 along the coast are in this program. The group also assesses the impacts of construction and dredging projects proposed by individuals, municipal and federal governments.

AQUACULTURE POLICY: The coordinator manages the aquaculture leasing and pathology programs for both shellfish and finfish. The coordinator also works closely with industry groups, federal and state officials, and the public, and anticipates and responds to policy issues, legislation, and requests for information or public presentations.

Division of Community Resource Development

GOAL:

Coastal communities will have a sustainable fisheries economic base.

OBJECTIVE:

Maintain economic opportunities in marine harvesting, processing, and fisheries support industries at no less than 1997 level.

PROGRAM STRATEGY:

The Department of Marine Resources will administer a program to promote and develop the Maine coastal fishing industries and to assess ecological impact with regard to alterations of the marine environment.

PERFORMANCE MEASURES:

1. Value of seafood landed or processed in Maine.

This measure demonstrates whether the economic opportunities in marine harvesting, processing and fisheries are remaining at least the 1997 level.

	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005
Target	\$325M	\$325M	\$325M	\$325M	\$325M	\$325M
Actual	\$348M	\$300M	\$307M	\$317M	\$405M	not yet available

This number represents the total value of all species landed or processed in Maine using the most recent data available. Following a decline in FY2001, landings values have been increasing steadily. The dramatic increase in FY2004 is in part due to the implementation of mandatory reporting for lobster dealers.

Division of Community Resource Development Coordination Initiatives

SUBJECT	ACTIVITY	COLLABORATORS
Permit Review/Technical Assistance - Natural Resource Protection Act (NRPA)	Provide environmental reviews and comments pertaining to wetland alteration projects, dredge projects, and permit reviews under the NRPA. Provide assistance on environmental impacts for projects seeking public land leases on submerged and/or inter tidal lands	Department of Environmental Protection, Department of Inland Fisheries & Wildlife, Department of Transportation, Department of Conservation.
Coastal Watershed Management - (in support of protecting/preserving the State's marine/estuarine environments from degradation)	The Department's Coastal Watershed Program identifies priority areas for marine resource protection and enhancement projects, coordinates coastal abatement efforts with other agencies, provides technical assistance relating to coastal development, municipal comprehensive plans, wetland mitigation and coastal ecological assessment/evaluation.	Department of Environmental Protection, State Planning Office, Coastal Municipalities, Regional Planning Commissions, Casco Bay Estuary Partnership, Washington County Economic Development Council, U.S. Environmental Protection Agency
Marine Resource Management - (Municipal Shellfish Management Programs)	Provide technical assistance to municipalities engaged in managing their soft-shell clam resources. Provide regulatory oversight relating to program compliance with statutory requirements.	Coastal municipalities, Maine Soft-shell Clam Advisory Council, University of Maine Cooperative Extension Service, Maine Maritime Academy, Beals Island Regional Shellfish Hatchery, Cobscook Bay Clam Restoration Project, Penobscot Bay Network, Department of Environmental Protection, State Planning Office.
Aquaculture Research, Planning & Policy Development	Developing fish health regulations with other agencies.	Inland Fisheries and Wildlife, Department of Agriculture, New Brunswick gov't agencies
	Research, disease testing and containment issues.	University of Maine, USDA ISA program, Inland Fisheries and Wildlife
	Aquaculture strategic planning and policy development.	State Planning Office/ Maine Coastal Program

Aquaculture Permitting, Assessment and Monitoring	DMR currently administers a joint application process to lease portions of state-controlled submerged lands for aquaculture purposes.	Department of Environmental Protection, Army Corps of Engineers, Environmental Protection Agency, US Fish and Wildlife Service and National Marine Fisheries Service
	Implementing marine finfish monitoring program.	Department of Environmental Protection
	Co-managing the lease regulations enforcement program	Marine Patrol

EMERGING ISSUES

In 2003-2004, DMR undertook a long range planning exercise, in an effort to look into the future for marine resources, management systems, and stakeholders. While our workload and external pressures often force us into a reactive position, the more that we can do to anticipate upcoming issues, the better we can position ourselves to address them.

The Commissioner asked staff to bring forward their ideas on issues the Department is likely to face in the next 10-20 years, with a focus on how to best serve the marine resources and citizens of Maine, and how to remain a dynamic, relevant agency in the future. Once responses were compiled, the information was shared with industry members at a session at the Fishermen's Forum, as well as at meetings of the DMR Advisory Council and Lobster Advisory Council, for their feedback.

The topics that were raised fall into two categories: broad "big picture" trends v. "specifics".

Big picture trends include:

- **Growing demands on marine resources:**

Pressure on marine resources has increased from a range of sectors. More than 70 marine, estuarine, and diadromous species are harvested commercially, caught by saltwater anglers, or reared by aquaculture.

Commercial fishing

Maine ranked second in value of marine resources landed in commercial fisheries in 2004 in the Northeast Region (Maine-Virginia). Landings increased from 213.3 million pounds in 2003 to 304.0 million pounds in 2004. The value increased from 274.2 million in 2003 to \$404.7 million in 2004. A large portion of that increase was due to the reported increase in lobster landings as a result of mandatory reporting for lobster dealers beginning in 2004.

Lobster continued to be the most valuable species landed in the region and the state, with Maine accounting for 70.6% of the revenues (\$286 million) from the 2004 lobster harvest. Other species of importance include the groundfish complex, soft-shell clam, Atlantic herring, sea urchin, and blood worm.

The status of our marine resources varies. A number of the fisheries in the Gulf of Maine are over harvested, many are fully exploited at current levels of fishing effort, others are rebounding, and still others are of concern because we have such little understanding of them. Many groundfish species are no longer considered over fished, although Gulf of Maine cod remain at low levels. Landings of sea urchins have declined dramatically in recent years and there is ample evidence that they are seriously depleted in the western part of the state and portions of eastern Maine waters. Lobster landings have increased to record levels but have declined in the most recent years. Reported lobster landings for

2004 were a record high as the result of mandatory reporting from dealers; however, DMR's sampling program indicates that catches actually declined from previous years. The declines in landings may be partly due to lower water temperatures, but are being watched with concern by managers and fishermen. Even Atlantic herring, which is an underutilized resource throughout its entire range, appears to be over harvested on individual spawning grounds in the Gulf of Maine in the summer and fall.

Recreational fishing

The importance of marine recreational fishing in Maine continues to grow. The total number of anglers has increased from 136,000 in 1992 to nearly 360,000 in 2004, and is valued in excess of \$27 million. Much of this increase in participation can be attributed to the recovery of the striped bass fishery, in which catches increased from an estimated 37,500 fish to almost 1 million fish over the same period. There is increased interest in recreational fishing in Maine's marine waters (the number of saltwater trips has increased from almost 629,000 in 1999 to over 900,000 in 2003), and a growing number of in-state and out-of-state anglers are looking to our waters for an enjoyable recreation experience. This has caused increased demands for new programs by the Department. Access, stock enhancement, and management issues will need to be addressed in the coming years. In addition, there is greater potential for increased conflicts among different users. These conflicts will require enforcement attention and policy actions. Currently, the State is not prepared to address the additional needs which this renewed interest in recreational fishing will require.

Aquaculture

The last five years have brought enormous economic, legal, natural, and regulatory challenges to the aquaculture industry, particularly the finfish sector. With the implementation of recommendations from Governor's Task Force on the Planning and Siting of Marine Aquaculture, the regulatory environment for leasing has gained more public acceptance, and the new procedures and policies are taking hold. While the salmon industry has many challenges before it, recent consolidations in salmon lease holders leads the DMR to believe that we are in a rebuilding period. Even during the recent period of modest harvests, landings data show that salmon is still the second most valuable species in Maine, next to lobster.

Shellfish aquaculture, in contrast, has seen steady growth over the last few years. The DMR continues to receive applications for oyster and mussel leases throughout the coast. The DMR is processing applications as they arrive, with no backlog, and there is a continued interest by new entrants. Primary concerns relate to control of disease as the industry expands, and documenting any environmental changes that occur as a result of various shellfish culture methods.

• **Increasing public focus on fisheries issues**

Increasingly, the broader public is expressing interest in the status of marine resources, and their sustainable management. At times, pressures to try to preserve fishermen's

livelihoods are in direct conflict with pressures from conservationists to take a more cautious approach to management.

- **Increasing litigation in fisheries management**

Most recently, drastic changes in groundfish management were driven by a lawsuit that resulted in Amendment 13 to the Multispecies Fisheries Management Plan. Since that time, the State has not had to become involved in any fisheries lawsuits, but it remains a concern. At the national level, efforts to reauthorize the Magnuson-Stevens Act have included attention to those areas where providing more clarity with regard to the intent of Congress would minimize the likelihood of litigation.

- **Overlapping/contradictory state and federal jurisdictions and interests**

Management of Maine's marine resources occurs at various and multiple levels including municipal for soft-shell clams and state for species that occur primarily in state waters such as sea urchins and sea cucumbers. Management of species that occur mainly in state waters but migrate across state jurisdictional boundaries (striped bass, shad and river herring, northern shrimp, American lobster) occurs at the interstate through the Atlantic States Marine Fisheries Commission (ASMFC). The New England Fishery Management (NEFMC) and National Marine Fisheries Service (NMFS) are responsible for management of species that occur primarily in the EEZ (3-200 mi from shore) such as the groundfish species complex, sea scallops, and large pelagic species such as sharks and tunas. DMR scientists participate on technical and stock assessment committees for species managed by these organizations, including American lobster, northern shrimp, Atlantic herring, striped bass, Atlantic menhaden, spiny dogfish, bluefish, shad and river herring, American eel, winter flounder, groundfish, monkfish, whiting, sea scallops, and ocean quahogs. Data collected by DMR sampling programs are integral components of stock assessments used to manage these species. DMR scientists participate in municipal shellfish committee meetings, the Soft-shell Clam Advisory Council, Lobster Zone Council meetings, the Lobster Advisory Council, Scallop Advisory Council, and Sea Urchin Zone Council. DMR is also a member of the Atlantic Coastal Cooperative Statistics Program (ACCSP) that is implementing a plan to cooperatively collect, manage and disseminate fishery statistical data for commercial and recreational fisheries.

Specific Topics include:

- **Ecosystem / Area Management:** A more ecosystem-based approach to management has been recommended by both the Pew Oceans Commission and the US Commission on Ocean Policy. The US Ocean Action Plan notes, "U.S. ocean and coastal resources should be managed to reflect the relationships among all ecosystem components, including human and nonhuman species and the environments in which they live. Applying this principle will require defining relevant geographic management areas based on ecosystem, rather than political, boundaries."

- **Marine Protected Areas:** Interest continues to develop in some sectors in the use of marine protected areas (MPAs) as a tool for marine resource management. At the national level, an effort is underway to inventory all MPAs around the country, and to establish a national system.
- **Protected Resources (whales, turtles...):** Concerns about the impacts of lobstering on right whales has already significantly altered practices in the lobster fishery, from the adoption of “whale-safe” gear to Dynamic Area Management (DAM) programs. DMR anticipates that in the future it will be necessary to devote more resources toward ensuring compliance with protected resources regulations.
- **Impacts on habitat:** With the realization that some habitats are particularly vulnerable to disturbance by natural forces and human activities, habitat protection is assuming an increasingly important role in current fisheries management. Habitat protection is also considered to be a cornerstone in the development of ecosystem based approaches to fisheries management. Recognition of the role of habitat is reflected in the specification of the Essential Fish Habitat (EFH) requirements of the Magnuson Stevens Act, and reauthorization efforts have included language specifying Habitat Areas of Particular Concern (HAPC).
- **Single species overreliance:** With the decline of the inshore groundfish fishery, urchins, and scallops, Maine’s coastal communities are heavily reliant on lobstering to support the coastal economy. Many fear that even a decline that is in keeping with the long-term average catches in this fishery (~ 20 million pounds) will prove disastrous given the current capital investment in the fishery. In addition to continuing to develop management measures to sustain the lobster resource, DMR must also focus on restoring opportunities in other fisheries, in order to provide reasonable alternatives to lobstering.

DEPARTMENT OF MARINE RESOURCES CONSTITUENCIES SERVED

Since its establishment in 1867, the Department of Marine Resources (DMR) has provided services to many different constituencies along the coast of Maine. Most people think of DMR as primarily serving the commercial fishing industry (including aquaculture), but in fact DMR's services extend to recreational users of the marine environment, as well as the general public. As the only Department whose sole focus is on the marine environment, DMR's role includes all facets of marine resource management.

Commercial fishing: The commercial fishing industry includes harvesters, processors, and dealers. All of the Department's functions, from licensing to research to enforcement, are organized to aid commercial fishermen in pursuing their livelihood in a safe, efficient and sustainable fashion.

Aquaculture: The Department grants several different types of leases and one type of license. When a lease or license is issued, a grower is being given the right to use public waters for a particular period of time to raise particular organisms in a particular place. A lease or license gives a farmer legal protection for their product. However these grants are not exclusive and allow for other types of compatible activities to occur within the lease or license area. The Department is committed to making the lease process more efficient, while still improving public information about proposed leases and thoroughly reviewing and evaluating each application.

Recreational fishing: Sustainable management of marine resources benefits recreational fishermen as much as commercial fishermen. The Department offers noncommercial licenses in a variety of fisheries, including lobster and scallop. In addition, recreational fishermen are served by stock enhancement projects, dam removal, and fish passage improvements. Recreational fishermen come from all over the state and from out of state as well, bringing additional resources to coastal communities. Further development of this industry requires progress in areas of public access and resource enhancement.

Recreational boaters: In the area of boating safety, the marine patrol is equipped to serve both recreational and commercial boaters who may find themselves in jeopardy.

Public: Under the Interstate Shellfish Sanitation Conference (ISSC) the Department of Marine Resources is responsible for the health of our commercial and recreational shellfish. The constituents served by this role are not only the consumers of shellfish, but also the greater public who has a stake in clean coastal waters. Through the DMR's water quality monitoring program and sanitation survey programs, thousands of acres of clam flats have been opened for commercial and recreational digging, indicating a very high level of water quality in those areas.

In addition to the public health ramifications of the management of Maine's marine resources, sustainable management also benefits all people who value Maine's marine waters and their biodiversity.

The Department maintains an aquarium at the laboratory in West Boothbay, as well as the Burnt Island Living Lighthouse, which are key components of our educational program. A whole new generation is learning about the marine environment around them. Students who live further inland are also able to take advantage of DMR's educational programs by visiting the aquarium or having "Officer Salty" visit the classroom.

Please see the following list of fishing associations and organizations with whom the Department works. This is not a comprehensive list, but provides an example of the number and types of organizations served.

Fishing Associations and Organizations

Associated Fisheries of Maine
Coastal Conservation Association
Cobscook Bay Fishermen's Association
Downeast Lobstermen's Association
East Coast Pelagic Association
Independent Fishermen Invested in Sustainable Harvesting (IFISH)
Island Fishermen's Wives
Lobster Institute, University of Maine
Maine Aquaculture Association
Maine Aquaculture Innovation Center
Maine Fishermen's Cooperative Association
Maine Fishermen's Forum Board
Maine Fishermen's Wives Association
Maine Gillnetters Association
Maine Import/Export Lobster Dealers Association
Maine Lobster Pound Association
Maine Lobster Promotion Council
Maine Lobstermen's Association
Maine Professional Guides Association
Maine Seaweed Council
Northwest Atlantic Marine Alliance (NAMA)
Portland Fish Exchange
Southern Maine Lobstermen's Association
Sportsman's Alliance of Maine
Stonington Fisheries Alliance

DEPARTMENT OF MARINE RESOURCES
REGULATORY AGENDA 2004-2005

CHAPTER 45: Shrimp

STATUTORY AUTHORITY: 12 M.R.S.A. §6171(3)

PURPOSE: To set the annual shrimp season for the harvest year 2003-2004

EFFECTIVE DATE OF ADOPTED RULE: 45.05(1)(A)(2) Nov. 26, 2003 Emergency

AFFECTED PARTIES: The commercial shrimp fleet and the wholesale and retail seafood industry.

CHAPTER 2: Aquaculture

STATUTORY AUTHORITY: 12 M.R.S.A. §§6072, 6072-A, 6072-C, 6171(3), 6192(4), major substantive: 6072(7-A), 6078-A(6), and 6072

PURPOSE: Codification of the code of containment to provide compliance with salmon conservation plan, the Aquaculture Task Force and industry initiatives. Corrections based on rule review for errors and inconsistencies; application and notification requirements; department review procedures; bay management and husbandry practices; general revisions to update regulations to address changes in industry practices and new statutes.

Specific statutory compliances that require rulemaking: update decision standards on significant wildlife habitat and marine habitat; quantify permissible impact for noise and light; establish visual impact criteria (color, height, shape and mass) (major substantive); alternative production fee schedule based on the amount of feed that is used at finfish facilities (major substantive); implement a fee structure for lease rents and application fees that are in addition to the minimum lease rents and application fees (major substantive); develop a fee schedule for the production of shellfish reared on an aquaculture lease (major substantive); update with statutory changes the rules on the annual lease review and revocation; and update limited purpose aquaculture lease notification step for riparian notices.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Aquaculture industry

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 5: Confidentiality of Fisheries Statistics

STATUTORY AUTHORITY: 12 M.R.S.A. §§6071, 6173

PURPOSE: Update and for consistency with the federal Atlantic Coastal Cooperative Statistics Program (ACCSP). Update rules that list violations of regulations as Class D crimes to civil crimes.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Commercial and recreational fishermen

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 8: Landings Program

STATUTORY AUTHORITY: 12 M.R.S.A. §§6171, 6173(1)&(2)

PURPOSE: Continue to update landings type reporting requirements in conjunction with the implementation of the Atlantic Coastal Cooperative Statistics Program (ACCSP) and for greater consistency with dealer and harvesters reporting requirements.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Harvesters and dealers

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 9: Harvester: Shellstock Harvesting, Handling and Sanitation

STATUTORY AUTHORITY: 12 M.R.S.A. §6856

PURPOSE: Updates for clarification and consistency with the Food and Drug Administration, National Shellfish Sanitation Program (NSSP).

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Shellfish dealers, harvesters, consumers, wholesale shellfish processors, aquaculturists

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 10: Clams and Quahogs

STATUTORY AUTHORITY: 12 M.R.S.A. §6171

PURPOSE: Amendments to quahog permitting and reporting requirements to be consistent with the federal management plan under Amendment 10. Update with National Shellfish Sanitation Program and rule review for inconsistencies and errors.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Quahog harvesters

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 11: Scallops

STATUTORY AUTHORITY: 12 M.R.S.A. §§6171, 6856, 6171-A, 6728, 6729

PURPOSE: Establish state wide scallop conservation regulations and or management rules pertaining to conservation of the scallop resource. Update with National Shellfish Sanitation Program and rule review for inconsistencies and errors. Amend to prevent gear conflicts between lobster and scallop fishermen. Amend for inconsistencies or technical corrections.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Scallop fishers; commercial lobster fishers

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 12: Mussels

STATUTORY AUTHORITY: 12 M.R.S.A. §6171

PURPOSE: Amendments to size and harvest restrictions; develop limited entry system and update with National Shellfish Sanitation Program and rule review for errors and inconsistencies. Consideration and possible development of size and harvest restrictions and a limited-entry system.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Aquaculturists, mussel fishermen

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 13: Whelks

STATUTORY AUTHORITY: 12 M.R.S.A. §6171

PURPOSE: Update trap design and marking requirements. Update with National Shellfish Sanitation Program and rule review for inconsistencies and errors.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Whelk fishermen

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 14: Oysters

STATUTORY AUTHORITY: 12 M.R.S.A. §6171

PURPOSE: Update with National Shellfish Sanitation Program and rule review for inconsistencies and errors.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Aquaculturists, commercial fishermen

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

- Chapter 15 General Shellfish Sanitation Requirements
- Chapter 16 Uniform Physical Plant Equipment and Operation Requirements
- Chapter 17 Shucker-Packer
- Chapter 18 Shellstock Shipper
- Chapter 19 Reshipper
- Chapter 20 Depuration

STATUTORY AUTHORITY: 12 M.R.S.A. §6856

PURPOSE: Outlines the requirements for all shellfish operations and protects the health and safety of the consumer by preventing the sale and distribution of shellfish that are unsafe for human consumption. Amend for consistency with the Food and Drug Administration, National Shellfish Sanitation Program (NSSP) or technical corrections.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Shellfish dealers, harvesters, consumers, wholesale shellfish processors

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 22: Shellfish Culture in Closed Areas

STATUTORY AUTHORITY: 12 M.R.S.A. §6856 and 5 M.R.S.A. §9051

PURPOSE: Establish the conduct of shellfish culture in closed areas and the transfer of shellfish from closed areas to open areas for the purpose of relaying and transfer. Update with National Shellfish Sanitation Program and rule review for inconsistencies and errors. Update rules that list violations of regulations as Class D crimes to civil crimes.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Shellfish dealers, aquaculturists

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 23: Standards for closure of contaminated or polluted flats

STATUTORY AUTHORITY: 12 M.R.S.A. §6856 and 5 M.R.S.A. §9051

PURPOSE: Establish consistency with the Food and Drug Administration, National Shellfish Sanitation Program (NSSP) and rule review for inconsistencies and errors. Update rules that list violations of regulations as Class D crimes to civil crimes.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Shellfish harvesters, dealers, aquaculturists

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 24: Importation of Live Marine Organisms

STATUTORY AUTHORITY: 12 M.R.S.A. §§6071, 6171(3)

PURPOSE: Chapter 24 will be amended to prevent the introduction of infectious or contagious type organisms that pose a danger to indigenous marine life or its environment; and update the fish health guidelines and shellfish health guidelines for wild and aquaculture industry. Shellfish regulation updates or establishment of testing, movement restrictions and hatchery inspection requirements. Update rules that list violations of regulations as Class D crimes to civil crimes.

Develop rules that allow use of processed salmon racks in bait products.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Any person seeking an importation permit, aquaculturists

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 25: Lobster and Crab

STATUTORY AUTHORITY: 12 M.R.S.A. §§6171, 6171 (2-A)

PURPOSE: Set the annual Monhegan Island Lobster Conservation Area (MILCA) season.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Lobster harvesters registered in the MILCA.

CONSENSUS-BASED RULE DEVELOPMENT: contemplated

CHAPTER 25: Lobster and Crab

STATUTORY AUTHORITY: 12 M.R.S.A. §§6421, 6446, 6446(2-A), 6447, 6448, 6171

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 referendum on policy proposals; license entry eligibility requirements per zone; resolve boundary line disputes. Update rules that list violations of regulations as Class D crimes to civil crimes.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Present and future lobster harvesters

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 25: Lobster and Crab

STATUTORY AUTHORITY: 12 M.R.S.A. §§6171, 6171-A

PURPOSE: To comply with the ASMFC Amendments to the Interstate Fishery Management Plan for Lobster. Implementation of emergency rules, repeal of rules replaced by laws and corrections based on rules review for errors and inconsistencies would be promulgated. Develop rules on artificial bait products. To provide compliance with federal rules on whales under the Endangered Species Act and Marine Mammal Protection Act. Update rules that list violations of regulations as Class D crimes to civil crimes.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Present and future lobster harvesters; lobster dealers

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 26: Sea Urchin Harvesting Season

STATUTORY AUTHORITY: 12 M.R.S.A. §§6749, 6749-W, 6749-V, 6749-A

PURPOSE: Provide protection from depletion. 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, change dealer logbook reporting to weekly, electronic. Designate the open days for the sea urchin fishery in Zones 1 and 2. Suspend or adjust the license lottery.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Sea urchin harvesters, buyers, processors

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 26: Sea Urchin Conservation Areas

STATUTORY AUTHORITY: 12 M.R.S.A. §§6171, 6749-N

PURPOSE: Repeal conservation areas for research on the urchin resource.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Sea urchin harvesters, buyers, processors

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 28: Marine Worms

STATUTORY AUTHORITY: 12 M.R.S.A. §§6171

PURPOSE: Establish measures for conservation of the resource.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Marine worm harvesters, bait dealers, recreational fishers

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 30: Alewives

STATUTORY AUTHORITY: 12 M.R.S.A. §6171

PURPOSE: To conserve and manage river herring stocks in Maine coastal waters; proposed rules would consider closed areas, closed seasons, gear restriction and/or creel limits. The rules adopted as necessary to meet state goals and requirements of the ASMFC Interstate Fisheries Management Plan for Shad and River Herring. Repeal of rules replaced by laws promulgated prior to 1979 and corrections based on rules review for errors and inconsistencies.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Commercial and recreational river herring fishermen

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

Chapter 31: Horseshoe Crab

STATUTORY AUTHORITY: 12 M.R.S.A. §6171

PURPOSE: To provide compliance with interstate fisheries management plans and for conservation of the horseshoe crab.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Harvesters.

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 34: Groundfish

STATUTORY AUTHORITY: 12 M.R.S.A. §§6171, 6171(3), 6171-A,

PURPOSE: To conserve and protect the decreased Groundfish stocks by adjusting the sizes to conform to federal Fisheries Management Plan restrictions. Conversely, to adjust Maine regulations for liberalization of rules pertaining to recovering groundfish stocks. Compliance with ASMFC measures for Groundfish. Update rules that list violations of regulations as Class D crimes to civil crimes.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Commercial and recreational Groundfish fishermen

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 36: Herring

STATUTORY AUTHORITY: 12 M.R.S.A. §§6171, 6171(2-A), 6171-A

PURPOSE: Amend regulations as necessary to conform to the joint New England Fisheries Management Council (NEFMC) and ASFMC herring plans, implementation of emergency rules, repeal of rules replaced by laws and corrections based on rules review for errors and inconsistencies. Changes include days out of the fishery, fixed gear rules, spawning closures, 2000-pound trip limit and addendums passed by ASMFC and NEFMC.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Herring harvesters and processors; bait dealers, lobstermen

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 40: Smelts

STATUTORY AUTHORITY: 12 M.R.S.A. §§6171, 6171-A

PURPOSE: Repromulgate or repeal rules enacted prior to 1979. If repromulgated, update rules that list violations of regulations as Class D crimes to civil crimes.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Commercial and recreational smelt fishermen

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 41: Atlantic Menhaden

STATUTORY AUTHORITY: 12 M.R.S.A. §§6171, 6171-A

PURPOSE: Amend regulations to comply with the ASMFC interstate fisheries management plan.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Commercial and recreational fishermen

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 42: Striped Bass

STATUTORY AUTHORITY: 12 M.R.S.A. §§6171 and 6556-A

PURPOSE: To conserve and manage striped bass throughout their Atlantic coast range and restore spawning populations to Maine rivers; adjustment of creel limits, minimum size, closed areas/seasons, and/or gear restrictions will be adopted as necessary to conform to the ASMFC Interstate Striped Bass Fishery Management Plan.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Recreational striped bass fishermen

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 45: Shrimp

STATUTORY AUTHORITY: 12 M.R.S.A. §§6171, 6171(3), 6171-A

PURPOSE: Chapter 45 will be amended to allow for the changes made to the Maine Shrimp Management by the ASMFC. Set the annual shrimp season. Consider requirements for a double Nordmore grate during certain periods of the shrimp season, use of a double Nordmore grate with a longer season, and prohibiting shakers on shrimp boats.

ANTICIPATED SCHEDULE: Prior to December 1, 2004 and October 1, 2005

AFFECTED PARTIES: The commercial shrimp fleet and the wholesale and retail seafood industry

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 46: Maine Salmonid Production Quality Assurance Program

STATUTORY AUTHORITY: 12 M.R.S.A. §6021-A

PURPOSE: Repeal the Maine Salmonid Production Quality Assurance Program.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Salmon processors

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 47: Maine Mussel Select Grade Standard Program

STATUTORY AUTHORITY: 12 M.R.S.A. §6021-A

PURPOSE: Repeal the Maine mussel select grade standard program and establish voluntary grade standards and requirements for the production of a select grade of Maine mussel shellstock.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Mussel dealers, consumers

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

Chapter 50: Spiny Dogfish and Coastal Sharks

STATUTORY AUTHORITY: 12 M.R.S.A. §6171

PURPOSE: To provide compliance with interstate fisheries management plans or the National Marine Fisheries Service (NMFS) Fishery Management Plan for Dogfish in territorial seas through limits on commercial and recreational fisheries. Update rules that list violations of regulations as Class D crimes to civil crimes.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Commercial and recreational dogfish harvesters

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 55: Gear Restrictions

STATUTORY AUTHORITY: 12 M.R.S.A. §§6171, 6171(3), 6171(5), 6171-A, 6192

PURPOSE: Amend Chapter 55 to prevent conflict between different fisheries. Implementation of emergency rules, repeal of rules replaced by laws, promulgated prior to 1979 and corrections based on rules review for errors and inconsistencies will be promulgated as necessary. To provide compliance with federal rules on whales under the Endangered Species Act and Marine Mammal Protection Act. Update rules that list violations of regulations as Class D crimes to civil crimes.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Fishermen

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 95: Closed Polluted Areas

STATUTORY AUTHORITY: 12 M.R.S.A. §6172

PURPOSE: Chapter 95 will be amended to establish closures and openings of waters that contain consumable marine organisms, which is or may become contaminated or polluted. Update rules that list violations of regulations as Class D crimes to civil crimes.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: All recreational and commercial fisheries

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

CHAPTER 96: Closed Areas – Paralytic Shellfish Poisoning

STATUTORY AUTHORITY: 12 M.R.S.A. §6172

PURPOSE: Chapter 96 will be amended to establish closures and openings of waters that contain a consumable marine organism, which is or may become contaminated. Update rules that list violations of regulations as Class D crimes to civil crimes.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: All recreational and commercial fisheries

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

NEW CHAPTER: Monkfish

STATUTORY AUTHORITY: 12 M.R.S.A. §6171

PURPOSE: To provide compliance with the National Marine Fisheries Service (NMFS) Fishery Management Plan for Monkfish in territorial seas through limits on commercial and or recreational fisheries.

ANTICIPATED SCHEDULE: Prior to October 1, 2005

AFFECTED PARTIES: Commercial and recreational fishers

CONSENSUS-BASED RULE DEVELOPMENT: not contemplated

DEPARTMENT OF MARINE RESOURCES – REGULATIONS ADOPTED 2004-2005

Chronological Summary of Adopted Regulations effective May 10, 2004 – October 3, 2005

- 1 25.20 Protected Resources (Whale protection) May 1, 2004
...consistency with the federal Atlantic Large Whale Take Reduction Plan's gear modifications and facilitates Maine's enforcement
- 2 25.08(B) Lobster Trap Tag System June 12, 2004
...require a noncommercial lobster and crab fishing applicant to declare one vessel on their application
- 3 25.93(B) Lobster Fishing Effort Limitations June 12, 2004
...to clarify that a person must indicate on a lobster and crab license application form for issuance or renewal their declared lobster zone (home zone) in which they will fish the majority of their traps plus indicate on the same license application all other lobster management zones that they intend to fish
- 4 26.20 Repeal of Sea Urchin Research Areas June 12, 2004
...research completed - repeal 6 of the 7 Sea Urchin Conservation areas
- 5 26.07(1)&(2) Sea Urchin Harvesting Season 2004-2005 August 22, 2004
...sets the annual season
- 6 26.15 Sea Urchin Harvester License Limited Entry System August 22, 2004
...suspended the lottery system, for conservation reasons
- 7 55.04(B)(1) Maine Gillnet Bait Fishing Regulations August 22, 2004
...add the definition of bait gillnet in Ch. 34 to the regulations on bait gillnet in Ch. 55
- 8 25.93(F) Management rules – Zone E limited entry... September 20, 2004
...amended the exit ratio from 2:1 to 5:1
- 9 34.10 Groundfish Regulations (Amend 13 cont)... September 20, 2004
...complement Amendment 13. Changes to size and season limitations on cod and haddock on recreational fishing sector; and commercial sector trawl and gillnet mesh sizes. The commercial haddock and yellowtail flounder restrictions have been removed. The recreational summer flounder size and creel limit has been adjusted in accordance with prior federal rulemakings. Plus technical changes in the Pollock, halibut and whiting rules...
- 10 25.95(1)(B)(2)(a) Monhegan season 04-05 October 4, 2004
...sets the annual season
- 11 45.05(1)(A)(2) Shrimp Season, 04-20 Emergency November 17, 2004
...sets the annual season, up to 90 days
- 12 25.94(2)(e)&(f) Lobster Management Zones, Zones E&F January 1, 2005
...revised Zone E - Zone F boundary that begins at Newbury Point in Small Point Harbor, Phippsburg
- 13 25.96 Lobster Apprentice Program – Zone E January 1, 2005
... Apprentices who wish to enter Zone E must complete their apprenticeship in that zone, and sponsors of Zone E apprentices must have held a Class I, II or III lobster and crab fishing license for at least 5 years.
- 14 2(10)(43)(45)&(60) Aquaculture Lease Regulations January 1, 2005
...increases to application, renewal, transfer and rental fees
- 15 2.90 Limited-purpose aquaculture (LPA) license January 1, 2005
... updates to the limited-purpose aquaculture license rules: no more than 4 licenses per individual are allowed by statute at any time, written decisions are required, site information on fishing and other uses must be provided in applications, non-notification to a town by DMR does not invalidate a license, compliance with updated shellfish sanitation and biotoxins monitoring regulations, renumbering and grammar corrections; and in renewal procedures license issuance is not based solely on a harbormaster's or town officer's opinion...

- 16 5 Confidentiality of Fisheries Statistics January 1, 2005
...clarify and update Department procedures authorized by 12 M.R.S.A. §6173 to preserve the confidentiality of statistics submitted to the Department
- 17 25.90(D)(3) Swans Island, Lost Tag Replacement... January 1, 2005
...updated to synchronize the Swans Island regulations with current State lobster management regulations
- 18 36.01(D)(2)(a) Herring...Correction January 1, 2005
...amended for consistency with the Interstate Fishery Management Plan for Atlantic Herring Plan by clarifying that the incidental catch of herring during closures shall not exceed 2000 pounds
- 19 45.05(1)(A)(2) Shrimp Season, 04-05 January 25, 2005
...sets the annual season
- 20 55.61 Emergency – Dragging in Taunton Bay River... March 11, 2005
...emergency regulations to protect and conserve the marine organisms in Taunton Bay from imminent depletion due to the expiration of the dragging prohibition in accordance with 12 M.R.S.A. §6959 that expired March 1, 2005 and interim period pending reauthorization by the Maine Legislature.
- 21 2.90(2)(G)(2) LPA Renewal application – technical correction April 25, 2005
...the citation to Chapter 2.90(2)(A-F) has been removed to clarify that the original application process is not required for an LPA renewal.
- 22 9.01(A) Compliance and Chapter 9.07 Shellfish Aquaculture April 25, 2005
...rewrite of the compliance paragraph for consistency with recent changes in Chapter 2.90 by removing and clarifying the reference to the “potential” for closures other than those for bacterial pollution and marine biotoxins; and changes to Chapter 9.07, the repeal of out-of-date “registration” for aquaculture requirements...
- 23 10.04 Quahog – Registration/Labeling for aquaculture April 25, 2005
...repealed the outdated section pertaining to registration for aquaculturists and product labeling
- 24 14 Oyster Regulations – Updates and repeals April 25, 2005
...repealed the outdated section pertaining to registration for aquaculturists and product labeling plus updates
- 25 25.02 Close time about Monhegan – Repeal April 25, 2005
...obsolete and out of date with 12 M.R.S.A. §6472 and regulations in Chapter 25.95(1)(B), pertaining to the time of open and closed seasons in the Monhegan Lobster Conservation area.
- 26 25.93(F)(1)(b)(iv) Exit Ratios for Limited Entry Zones – Zone G April 25, 2005
...amended the exit ratio from 2:1 to 5:1
- 27 35 Maine Fresh Groundfish Quality Control Program/Repeal April 25, 2005
...repealed based on lack of industry participation for many years and no longer in compliance with the Food and Drug Administration’s current rules contained in 21 C.F.R. § 123, Fish and Fishery Products, and HACCP
- 28 46 Maine Salmonid Production Quality Assurance Program/Repeal April 25, 2005
...repealed based on lack of industry participation and transfer of promotional and marketing assistance for seafood products for the aquaculture industry to the Department of Agriculture, Food and Rural Resources...
- 29 47 Maine Mussel Select Grade Standard Program/Repeal April 25, 2005
...repealed based on lack of industry participation and transfer of promotional and marketing assistance for seafood products for the aquaculture industry to the Department of Agriculture, Food and Rural Resources...
- 30 2 Aquaculture Lease Regulations updates/compliance May 1, 2005
... compliance and consistency with the Governor’s Task-Force and legislative changes; maximum acreage changes, following, scoping sessions, corner coordinates, decision criteria, more harbormaster notices; NSSP updates; allow new experimental lease holders to opt to have their lease term begin on any date within 12 months of the decision date....
- 31 25.93(F)(1)(b)(vi) Exit Ratios for Limited Entry Zones – Zone A June 20, 2005
...establish an exit ratio of 3:1...

- 32 34.10(1)(B)(2)(c) Winter Flounder – Recreational 8 fish max June 20, 2005
...establishes an 8 fish creel limit for the recreational fishing sector and meets compliance requirements with the ASMFC February 10, 2005 approval of Amendment 1 to the Winter Flounder Plan...
- 33 34.10(1)(B)(4)(a)(i) Summer Flounder, Comm. 1,000 lb trip limit, Emerg. May 5, 2005
...a 1,000 pound vessel trip limit is considered necessary to prevent over fishing of the summer flounder resource
- 33 34.10(1)(B)(4)(a)(i) Summer Flounder – Commercial 1,000 lb trip limit June 20, 2005
...due to renewed interest to land summer flounder from a directed fishery, which could once again close this fishery, a 1,000 pound vessel trip limit is considered necessary to prevent over fishing of the summer flounder resource in order to avoid unusual damage or imminent depletion, and to allow for the continued rebuilding of the stock in accordance with the ASMFC and Mid-Atlantic Fishery Management Council summer flounder plans.
- 34 2.37(1)(A)(9,10) Decision Standards – Noise, Visual Impacts (Maj Sub) July 15, 2005
... new lease decision standards for noise and visual impact. Height limitations are be grandfathered for structures in place or under construction at the time the rulemaking is effective....
- 35 2.37(1)(A)(8) Decision Standards – Lighting (Maj Sub) July 15, 2005
...new lease decision standards for lighting...
- 36 26.07(1)&(2) Sea Urchin Harvesting Season 2005-2006 August 25, 2005
...sets the annual season
- 37 25.95(1)(B)(2)(a) Monhegan season 05-06 October 3, 2005
...sets the annual season

DEPARTMENT OF MARINE RESOURCES

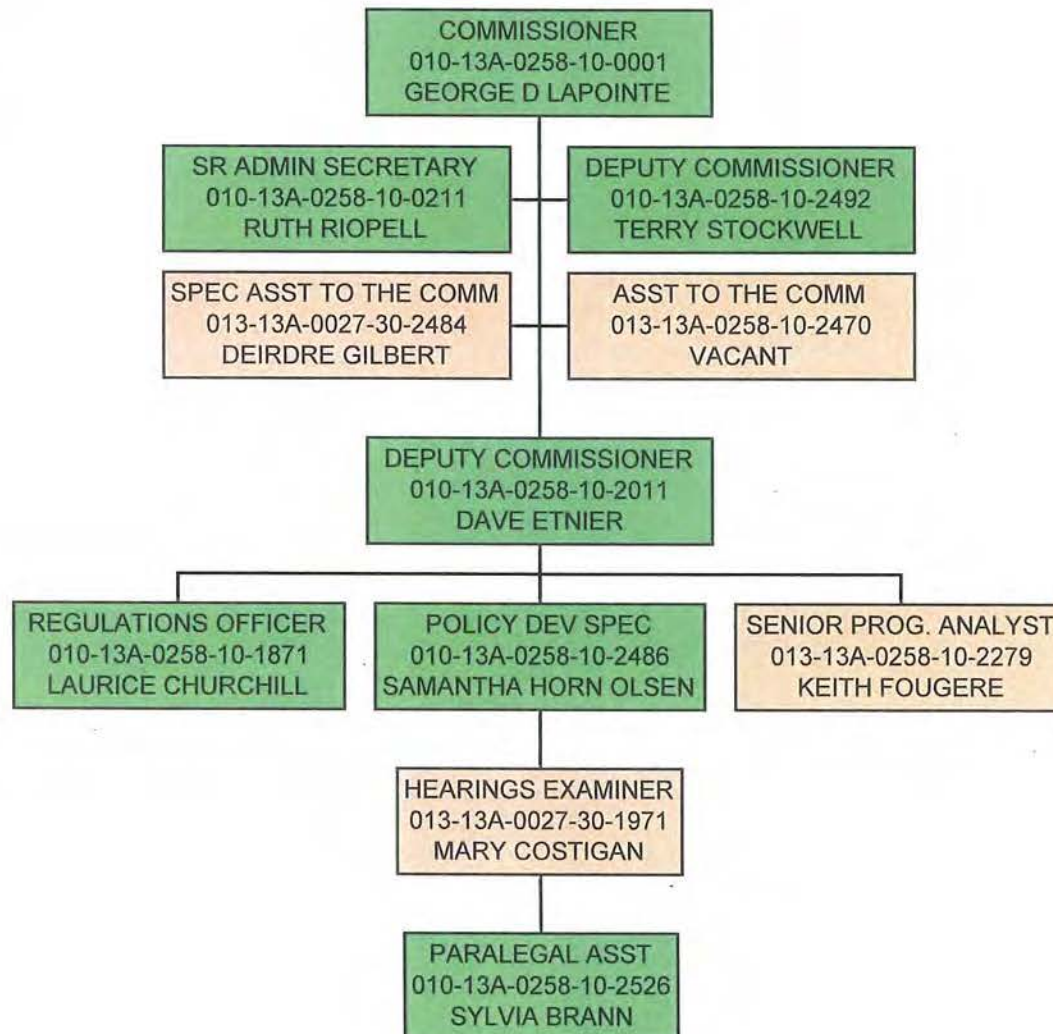
Chronological Summary of Adopted Pollution Rules/Closures/Repeals effective 2004 – 2005 to date

1. Area No. 1, Piscataqua River, Kittery, Eliot, South Berwick - February 3, 2004
- 2,3. Area No. 1-B, Jaffrey Point, N.H. to Brave Boat Harbor, York - April 2, 2004; July 28, 2005
4. Conditional Area No. 2-A, York Harbor, York - July 28, 2005
5. Area No. 2-B, Lobster Cove, York - August 15, 2005
6. Area No. 3, Cape Neddick Nubble to Bald Head Cliff, York and Ogunquit - March 28, 2005
7. Conditional Area No. 8, Cape Porpoise, Kennebunkport - June 23, 2005
8. Conditional Area No. 8-A, Cape Porpoise Harbor, Kennebunkport - June 23, 2005
9. Conditional Area No. 8-AA, Goosefare Bay, Kennebunkport and Biddeford - June 23, 2005; August 15, 2005
10. Conditional Area No. 9, Saco River, Biddeford and Saco - July 15, 2004
- 11,12. Area No. 10, Saco Bay, Saco, Old Orchard Beach and Scarborough - July 15, 2004; May 18, 2005
- 13,14. Area No. 11, Scarborough River - May 12, 2005; May 13, 2005
15. Area No. 12, Prouts Neck, Scarborough - July 28, 2005
16. Area No. 13, Spurwink River, Scarborough and Cape Elizabeth - July 15, 2004
17. Conditional Area No. 14, Portland-Falmouth Area - July 8, 2004
18. Conditional Area No. 14-A, Falmouth-Cumberland - July 6, 2004
19. Area No. 14-C, Town of Long Island, Hope Island, Cumberland and Cliff Island, Cumberland and Portland – July 16, 2004
- 20,21. Area No. 16, Royal River and Cousins River, Yarmouth and Freeport - August 23, 2004; September 10, 2004
- 22,23. Conditional Area No. 17, Harraseeket River, Freeport - September 28, 2004; October 12, 2004
24. Conditional Area No. 17-B, Maquoit Bay, Brunswick and Freeport - February 3, 2004
25. Area No. 17-D, Bustins Island, Freeport - December 29, 1994
26. Conditional Area No. 17-E, Basin, Ash and Stover Coves, Harpswell - January 29, 2004
27. Area No. 17-F, Potts Harbor, Harpswell - January 29, 2004
28. Area No. 17-G, Harpswell Sound, Harpswell - January 29, 2004
29. Area No. 18-CC, Merepoint, Brunswick - January 29, 2004
30. Area No. 18, Orrs and Bailey Islands, Harpswell - January 29, 2004
31. Conditional Area No. 18-F, Card and Orrs Coves, Harpswell - February 3, 2004
32. Area No. 18-G, Northern Quahog Bay, Harpswell - February 3, 2004
- 33,34. Conditional Area No. 18-B, New Meadows River, Brunswick, West Bath and Harpswell - May 14, 2004; August 11, 2004
- 35,36. Conditional Area No. 18-BB, Upper New Meadows Lake, Brunswick and West Bath - April 25, 2005; June 23, 2005
37. Conditional Area No. 18-P, Bombazine Island, Harpswell and Foster Point, West Bath - August 11, 2004
38. Conditional Area No. 19, Wood Island to Malaga Island, Phippsburg - October 6, 2004
- 39,40. Conditional Area No. 20-G, Middle Kennebec River, Phippsburg, Georgetown and Arrowsic - March 30, 2005; April 21, 2005
- 41,42. Conditional Area No. 20-H, Lower Kennebec River, Phippsburg, Georgetown and Arrowsic - January 13, 2004; August 11, 2004
43. Area No. 21, Indian Point, Georgetown, to McCarty Cove, Westport - September 2, 2004
44. Area No. 22-B, Sawyer Island, Hodgdon Island, Merrow Island and adjacent shores, Boothbay - June 17, 2004
45. Area No. 22-G, Upper Sheepscot River and Deer Meadow Brook, Wiscasset, Alna, and Newcastle - June 24, 2004
46. Area No. 23, Boothbay Harbor, Damariscove Island Area - September 14, 2004
47. Area No. 24-A, Lower Salt Bay, Newcastle and Damariscotta - May 19, 2004
48. Conditional Area No. 25, Damariscotta River, Newcastle, Damariscotta, Edgecomb, So. Bristol, Nobleboro - May 19, 2004
49. Area No. 25-D, Long Cove Point to Muscongus Harbor, Bristol - October 6, 2004
50. Area No. 25-O, Louds Island, Bristol and Bremen Long Island Areas - August 1, 2005
- 51,52. Conditional Area No. 26, Medomak River, Waldoboro and Friendship - July 5, 2005; August 30, 2005
53. Area No. 26-E, Dutch Neck and Back River Cove, Waldoboro and Friendship - May 19, 2004

54. Area No. 26-D, Wiley Cove, Cushing - February 26, 2004
55. Area No. 26-H, Broad Cove, Cushing - February 26, 2004
56. Area No. 26-N, Maple Juice Cove, Cushing - February 26, 2004
57. Area No. 27-B Deep, Teel and Otis Coves, St. George - February 26, 2004
- 58,59. Conditional Area No. 27-C, Upper Bay, St. George River, Warren, Thomaston, and South Thomaston - January 10, 2005; January 24, 2005
60. Closed Area No. 27-E, Upper St. George and Mill River, Warren and Thomaston - May 27, 2004
61. Area No. 28-I, Weskeag River, South Thomaston and Owls Head - March 10, 2004
- 62,63. Area No. 33, Searsport - August 11, 2004; September 10, 2004
- 64,65. Area No. 34, Stockton Harbor, Searsport and Stockton Springs - January 15, 2004; September 10, 2004
- 66,67. Conditional Area No. 36, Penobscot and Bagaduce Rivers, Towns of Castine, Penobscot, and Brooksville - April 16, 2004; June 10, 2004
68. Area No. 36-F, Islesboro - July 22, 2005
69. Area No. 30-A, Southwestern Vinalhaven - December 27, 2004
70. Area 30-B, The Basin, Vinalhaven - December 27, 2004
71. Closed Area No. 30-I, North Haven Island - December 17, 2004
72. Area 30-L, Bartlett Harbor and Crabtree Point, North Haven - December 17, 2004
- 73,74. Area No. 36-A, Northern Bay, Town of Penobscot - March 25, 2004; December 13, 2004
75. Area No. 36-B, Upper Bagaduce River, Town of Brooksville - March 25, 2004
76. Area No. 36-C, Harborside, Town of Brooksville - March 25, 2004
77. Conditional Area No. 39-A, Center Harbor, Brooklin - December 16, 2004
- 78,79. Conditional Area No. 37-D, Long Cove, Deer Isle - January 26, 2004; December 2, 2004
80. Closed Area No. 42-B, Burnt Coat Harbor, Swans Island - July 15, 2004
- 81,82. Area No. 39-E, Salt Pond, Sedgwick, Brooklin, and Blue Hill - January 8, 2004; January 28, 2005
83. Area No. 39-H, Northern Morgan Bay, Surry - January 13, 2004
84. Area No. 39-I, Area No. 39-I, Bragdon Brook, Blue Hill - May 12, 2005
85. Conditional Area No. 39-J, Hub Island and Peters Cove, Blue Hill Harbor - September 2, 2005
86. Area No. 40-A, Union River, Patten Bay and Heath Brook, Towns of Ellsworth, Surry and Trenton - July 15, 2005
87. Area No. 48-C, Northwest Cove, Bar Harbor - May 11, 2005
88. Area No. 43, Southwest Harbor and Norwood Cove - July 16, 2004
89. Area No. 44, Northeast Harbor and Bracy Cove - July 16, 2004
90. Area No. 45, Sutton Island, Cranberry Isles - July 16, 2004
91. Area No. 45-A, Great Cranberry Island, Cranberry Isles - July 16, 2004
92. Area No. 45-B, Little Cranberry Island, Cranberry Isles - July 16, 2004
93. Area No. 46, Seal Harbor - July 16, 2004
94. Area No. 49-D, Eagle Point, Lamoine - May 12, 2005
95. Area No. 50-D, Evergreen Point, Sullivan - May 18, 2005
96. Area No. 51-C, Bunker Cove, South Gouldsboro - January 15, 2004
97. Area No. 52, Prospect Harbor and Shark Cove, Gouldsboro - February 23, 2005
98. Area No. 52-A, Corea Harbor and Sand Cove, Gouldsboro - February 23, 2005
99. Area No. 53, Narraguagus River, Milbridge - June 3, 2005
100. Area No. 53-D, Curtis Creek, Harrington - March 25, 2005
101. Area No. 54, Jonesport and West Jonesport - March 9, 2005
102. Area No. 54-A, North End of Beals Island - March 9, 2005
103. Area No. 54-H, Chandler River, Jonesboro - February 26, 2004
104. Conditional Area No. 55, Randall Flats and Sanborn Cove, Machiasport - July 12, 2005; August 30, 2005
105. Area No. 55-E, Machias and East Machias Rivers - July 12, 2005
106. Area No. 56-H, Ox Cove, Pembroke - January 15, 2004
107. Area No. 59, Half Moon Cove, Eastport - February 27, 2004

- 108-116. Area No. 500, Maine Coast from the New Hampshire Border to the Canadian Border - March 29, 2005; April 6, 2005; April 27, 2005; May 4, 2005; May 26, 2005; June 2, 2005; August 30, 2005; September 8, 2005; October 7, 2005
117. Area No. 1002, Maine/New Hampshire border to Maine/Canadian border (entire Maine Coast) - July 14, 2004

**DEPARTMENT OF MARINE RESOURCES
COMMISSIONER'S OFFICE
DECEMBER 2005**



■ 010 - General Fund
■ 014 - OSR
■ 013 - Federal

**DEPARTMENT OF MARINE RESOURCES
BUREAU OF RESOURCE MANAGEMENT
OCTOBER 2005**



Director Resource Mgmt
010-13A-0027-01-0621
Linda Mercer

Admin Secretary
010-13A-0027-01-1841
Connie Devinger

.5 Clerk Typist II
010-13A-0027-10-2510
Lisa Pinkham

Account Clerk II
013-13A-0258-10-0691
Rochelle Creamer

COMMERCIAL MONITORING & ASSESSMENT

HABITAT / AQUACULTURE

STOCK ENHANCEMENT

PUBLIC HEALTH

EDUCATION

MAINTENANCE

Scientist IV
010-13A-0027-01-1271
Dan Shick

Scientist IV
010-13A-0027-01-0601
John Sowles

Scientist IV
013-13A-0027-30-2261
Tom Squiers

Natural Resource Program Manager
010-13A-0027-01-2433
Amy Fitzpatrick

Education Spec. III
013-13A-0027-30-2349
Elaine Jones

Building Maint Super
010-13A-0027-01-1941
Steve Gaudette

Scientist II
013-13A-0027-30-2458
Bruce Joule

Scientist II
014-13A-0027-10-2469
Jon Lewis

Secretary
010-13A-0027-01-1201
VACANT

Scientist I
013-13A-0027-30-2292
Michael Brown

Scientist II
013-13A-0027-30-1751
Gail Wipplhauser

.5 Conservation Aide
013-13A-0027-30-2361
John Maclaine

Specialist I
013-13A-0027-30-2294
Jason Bartlett

.5 Conservation Aide
013-13A-0027-30-2362
Vaughn Crandall

.5 Conservation Aide (V)
013-13A-0027-30-2360
VACANT

.5 Conservation Aide
013-13A-0027-30-2370
VACANT

Specialist I
014-13A-0027-45-2359
Skip Zink

Scientist I
014-13A-0027-50-2419
Nate Gray

Specialist I
014-13A-0027-50-2429
Jason Valliere

.5 Conservation Aide
014-13A-0027-50-2421
Ryan Small

.5 Conservation Aide
014-13A-0027-50-2420
Peter Marcellino

.5 Conservation Aide
014-13A-0027-50-2430
Kris Maccabe

Specialist I
013-13A-0027-30-2334
Clarisse Brown

Technician
013-13A-0027-30-2348
Peter Dumont

Specialist I
013-13A-0027-30-2376
Robert Watts

.5 Conservation Aide
013-13A-0027-30-2355
Sherry Hanson

Specialist I
013-13A-0027-30-1141
Marilyn Lash

Scientist II
013-13A-0027-30-2367
Mark Lazzari

Scientist III
014-13A-0258-23-2454
Seth Barker

Scientist I
013-13A-0027-30-2378
VACANT

Scientist II
014-13A-0027-60-2450
Peter Thayer

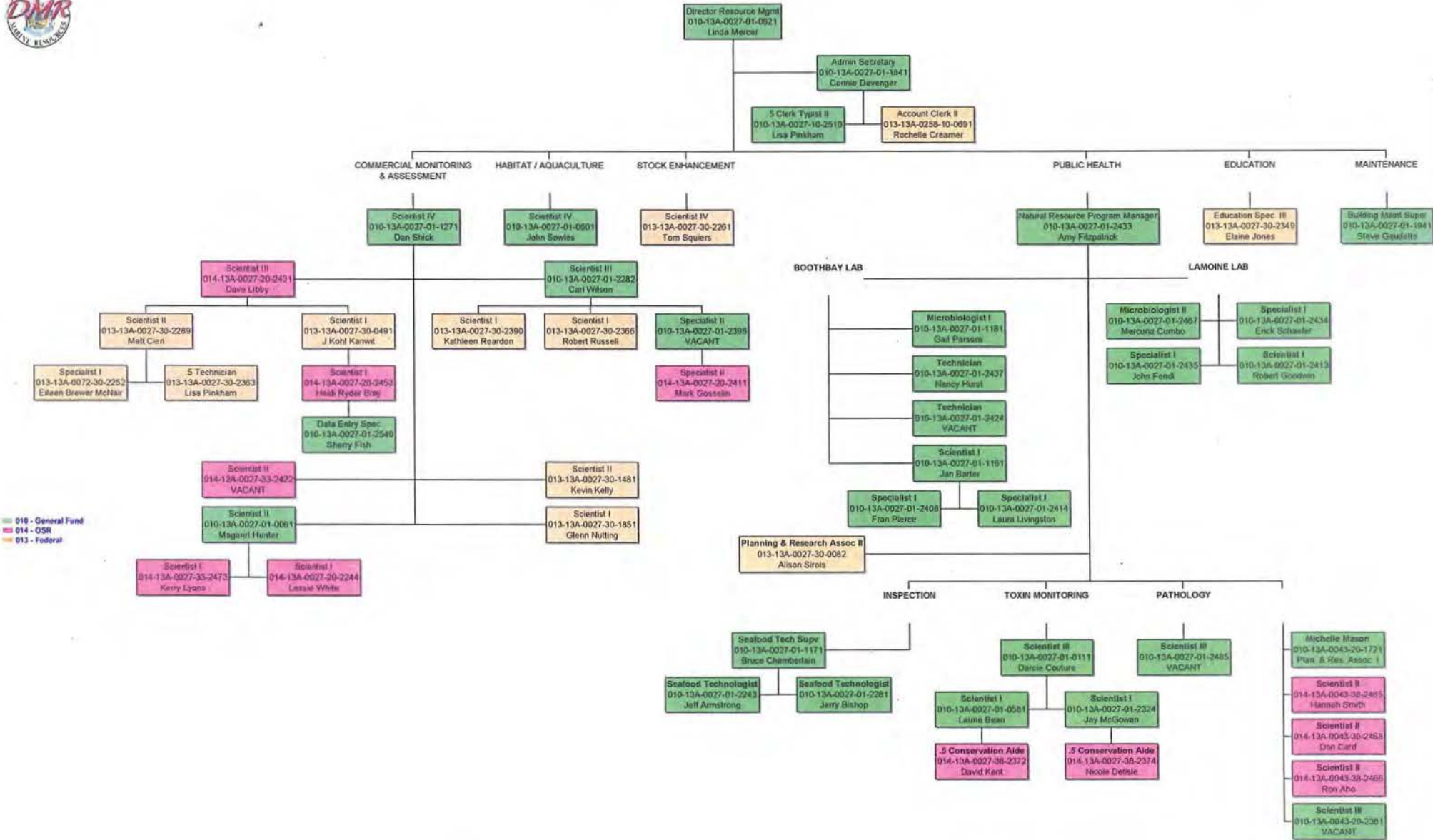
Scientist II
010-13A-0027-01-1791
Sally Sherman

Plan & Res. Assoc. II
013-13A-0027-30-2456
Brian Swan

010 - State
014 - OSR
013 - Federal

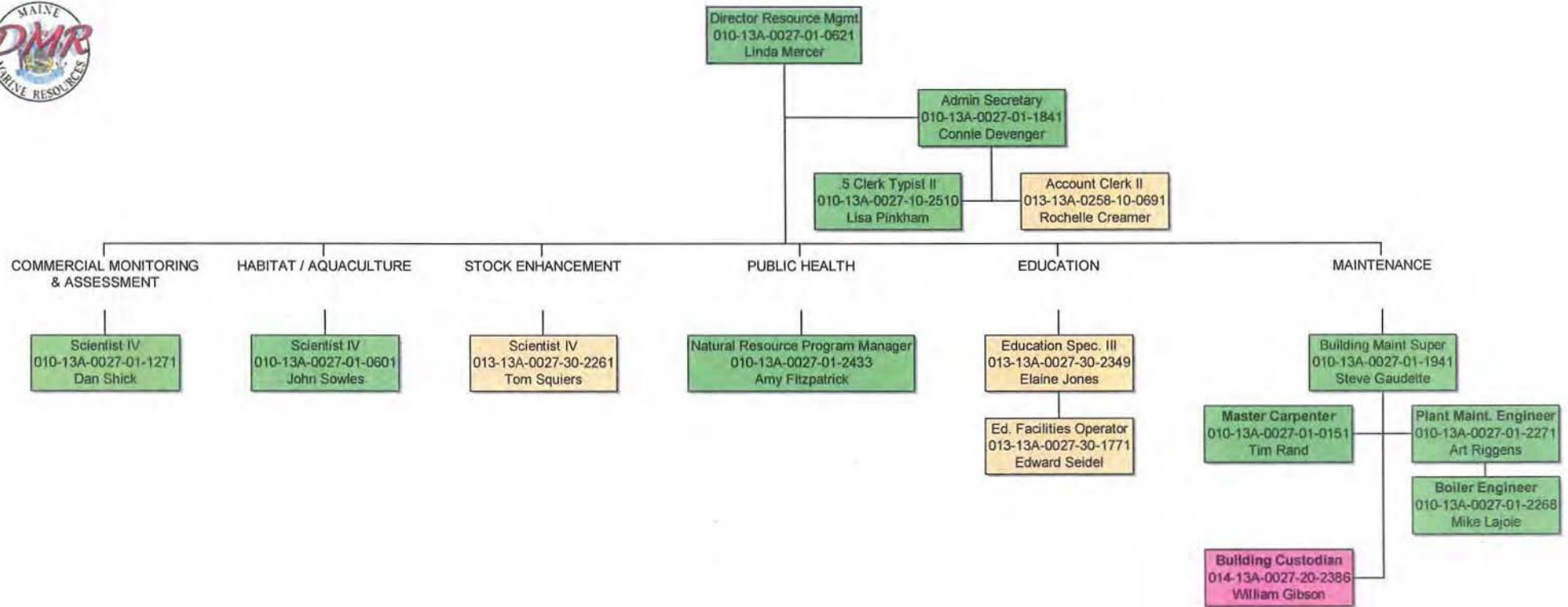


DEPARTMENT OF MARINE RESOURCES
BUREAU OF RESOURCE MANAGEMENT
OCTOBER 2005



010 - General Fund
014 - OSR
013 - Federal

**DEPARTMENT OF MARINE RESOURCES
BUREAU OF RESOURCE MANAGEMENT
OCTOBER 2005**



■ 010 - General Fund
 ■ 014 - OSR
 ■ 013 - Federal

**DEPARTMENT OF MARINE RESOURCES
BUREAU OF MARINE PATROL
Effective December 16, 2005**



Watercraft Fund

General Fund

Lobster Management

Federal

Shellfish Fund

Bolded-Unfunded Positions

CHIEF- COLONEL
JOSEPH FESSENDEN
010-13A-0029-40-1131

PLANNING & RESEARCH
CATHY FETTERMAN
010-13A-0029-40-0721

CLERK III
LUCRETIA AHEARN
013-13A-4139-40-2585

DEPUTY CHIEF-MAJOR
JOHN FETTERMAN
010-13A-0029-40-0201

SERGEANT / SPEC OPS
STEVE INGRAM
010-13A-0029-40-0821 4400

LIEUTENANT
JON CORNISH
010-13A-0029-40-1091 4200

LIEUTENANT
ALAN TALBOT
010-13A-0029-40-2384 4300

MAR MECHANIC SPEC
ALLISON GIBBS
010-13A-0029-40-2388

MAR MECHANIC SPEC
DAVID GIBBS
014-13A-0029-30-1361

CLERK TYPIST III
ANNETTE BRANN
010-13A-0029-40-2427 4200

CLERK TYPIST III
EVELYN MATHESON
010-13A-0029-40-2426 4300

SERGEANT/SEC. I
RICK LAFLAMME
010-13A-0029-40-2277

SERGEANT / SEC. II
PAUL JOYCE
010-13A-0029-40-2278

SERGEANT/SEC. III
DALE SPROWL
010-13A-0029-40-1081

SERGEANT/SEC. IV
MARLOWE SONKSEN
010-13A-0029-40-2452

SERGEANT/SEC. V
JOHN WILLIAMS
010-13A-0029-40-2375

SERGEANT/SEC. VI
JAY CARROLL
010-13A-0029-40-1071

MP SPECIALIST
EDWARD LOGAN
014-13A-0029-30-2483

MPO
VACANT
013-13A-0029-40-0901

MPO
DAVID TESTAVERDE
010-13A-0029-40-1031

MPO
HENRY STEVENSON
010-13A-0029-40-2505

MPO
MITCHELL BAILEY
010-13A-0029-40-1191

MP SPECIALIST
DARYEN GRANATA
014-13A-0029-30-0871

MPO
VACANT
013-13A-0029-40-0961

MP SPECIALIST
MICHAEL NEELON
014-13A-0029-30-2455

MPO
DAVID BARRY
010-13A-0029-40-0202

MPO
TOM HALE
010-13A-0029-40-2402

MPO
VACANT
013-13A-0029-40-2405

**MPO
VACANT-until 2-14-06
010-13A-0029-40-2331

MPO
SCOTT COUTURE
010-13A-0029-40-0921

MPO
CLINTON THOMPSON
010-13A-0029-40-0891

MP SPECIALIST
MIKE FORGUES
010-13A-0029-40-0831

MPO
DONALDSON BOORD
010-13A-0029-40-1011

MPO
JODI MCMAHAN
010-13A-0029-40-0911

MPO
TROY LEWIS
010-13A-0029-40-2506

MPO
DANIEL WHITE
010-13A-0029-40-2412

MPO
VACANT
013-13A-0029-40-2504

MPO
MIKE YOUNG
014-13A-0029-30-2472

MP SPECIALIST
RENE CLOUTIER
014-13A-0029-30-1101

MP SPECIALIST
VACANT
013-13A-0029-40-2542

MPO
RACHEL PERRON
010-13A-0029-1831

MPO
ROBERT BEAL
010-13A-2209-40-1021

MPO
VACANT
013-13A-0029-40-2400

MPO
BRIAN TOLMAN
010-13A-0029-40-2328

MPO
MATTHEW TALBOT
010-13A-0029-40-2507

MP SPECIALIST
TROY DOW
010-13A-0029-40-0941

MPO
KURT SONESON
010-13A-0029-40-0881

MPO
THOMAS REARDON
010-13A-0029-40-0991

MPO
RUSTIN AMES
010-13A-0029-40-0971

MPO
COLIN MACDONALD
010-13A-0029-40-1041

MPO
VACANT
014-13A-0029-30-2330

**MPO
VACANT-until 2-14-06
010-13A-0029-40-2404

MP SPECIALIST
VACANT
013-13A-0029-40-2541

MPO
MICHAEL PINKHAM
010-13A-0029-40-0861

MPO
ROYCE EATON
010-13A-0029-40-2403

MPO
GORDON FAULKINGHAM
010-13A-0029-40-1251

MPO
DAVID DENT
014-13A-0029-30-2471

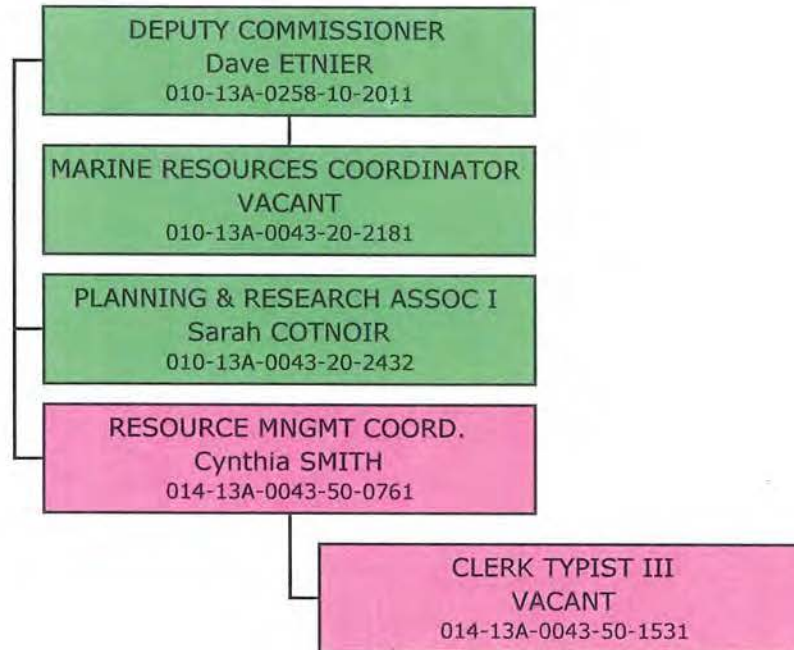
MP SPECIALIST
RUSSELL WRIGHT
014-13A-0029-30-1061

MP SPECIALIST
MARK MURRY
010-13A-0029-40-1051

**2 Vacant General Fund Position
Pos.# 2404 & 2331 are frozen until
February 14, 2006
MPO Young will be moved into one
of the General Fund Positions, along
with MPO David Dent on Feb. 14, 2006

12-16-2005

DEPARTMENT OF MARINE RESOURCES
Division of Community Resource Development
OCTOBER 2005



- 010 - General Fund
- 014 - OSR
- 013 - Federal

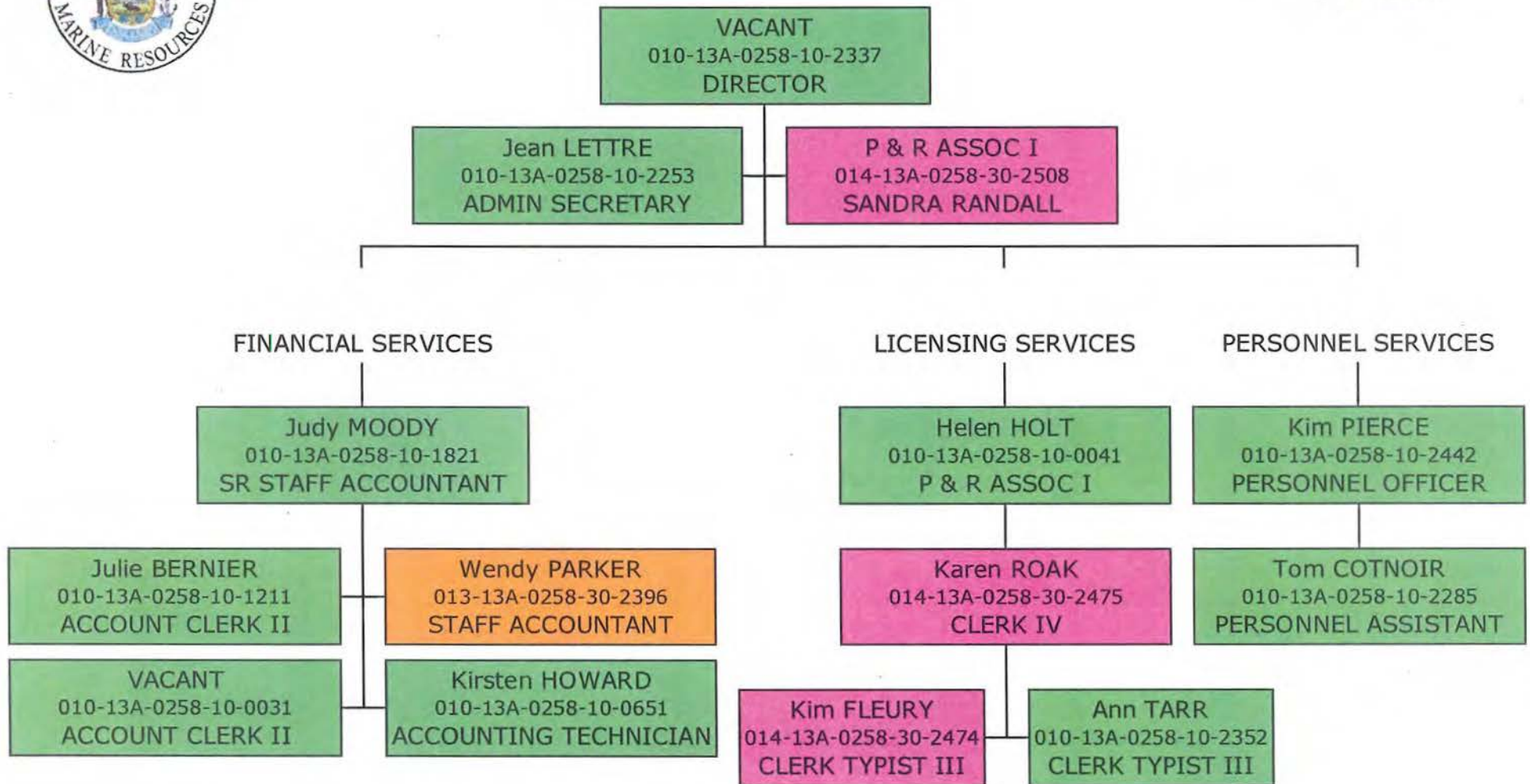
DEPARTMENT OF MARINE RESOURCES

Division of Administrative Services

OCTOBER 2005



- 010 - General Fund
- 014 - OSR
- 013 - Federal



General Fund Appropriations
Actual Department & Program Totals
Adjusted for Major Reorganizations & Transfers - One Time Appropriations
10-Year History: FY1995-96 to FY2004-05

	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05
DEPARTMENT OF MARINE RESOURCES										
010-13A-0027-01 01 1403							0.1			
Pos. - Leg.	(32.0)	(32.0)	(33.000)	(33.000)	(35.000)	(35.000)	(36.000)	(34.500)	(32.500)	(31.500)
Pers. Serv.	1,367,568	1,581,487	1,787,751	1,819,057	2,172,410	2,249,938	2,415,026	2,385,937	2,497,221	2,493,188
All Other	664,284	857,851	944,339	966,074	1,032,219	1,855,421	1,113,874	1,061,323	1,006,160	1,053,259
Cap. Exp.	34,530	60,530	76,157	53,987	91,500	268,000	101,200	60,484	14,699	0
Program Total	2,066,382	2,499,868	2,808,247	2,839,118	3,296,129	4,373,359	3,630,100	3,507,744	3,518,080	3,546,447
Annual % Increase	34.93%	20.98%	12.34%	1.10%	16.10%	32.68%	-17.00%	-3.37%	0.29%	0.81%
010-13A-0029-40 01 1404										
Pos. - Leg.	(45.0)	(45.0)	(45.000)	(45.000)	(49.000)	(49.000)	(49.000)	(49.000)	(43.000)	(43.000)
Pos. - Other	(0.0)	(0.0)	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)
Pers. Serv.	2,427,059	2,573,572	2,455,800	2,530,960	2,560,989	2,658,481	2,947,290	2,976,790	2,895,277	3,550,845
All Other	392,826	453,723	466,887	480,366	594,308	598,113	542,821	583,856	561,782	572,220
Cap. Exp.	113,225	113,225	113,225	86,061	181,000	140,000	163,700	156,844	200	20,000
Program Total	2,933,110	3,140,520	3,035,912	3,097,387	3,336,297	3,396,594	3,653,811	3,717,490	3,457,259	4,143,065
Annual % Increase	11.98%	7.07%	-3.33%	2.02%	7.71%	1.81%	7.57%	1.74%	-7.00%	19.84%
010-13A-0043-20 01 1402										
Pos. - Leg.	(8.0)	(8.0)	(8.000)	(8.000)	(8.000)	(8.000)	(8.000)	(7.000)	(4.000)	(4.000)
Pos. - Other	(0.0)	(0.0)	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)
Pers. Serv.	838,743	553,029	421,472	432,349	435,452	427,941	481,284	422,577	251,054	260,373
All Other	240,989	36,774	64,464	65,769	82,742	72,131	78,653	72,107	55,355	63,341
Cap. Exp.	40,000	14,000	0	0	5,000	0	0	0	0	0
Program Total	1,119,732	603,803	485,936	498,118	523,194	500,072	559,937	494,684	306,409	323,714
Annual % Increase	-26.83%	-46.08%	-19.52%	2.51%	5.03%	-4.42%	11.97%	-11.65%	-38.06%	5.65%
010-13A-0258-10 01 1401										
Pos. - Leg.	(12.0)	(12.0)	(14.000)	(14.000)	(14.000)	(15.000)	(15.000)	(17.500)	(17.500)	(17.500)
Pers. Serv.	551,424	569,854	626,792	702,588	761,328	817,453	912,247	1,101,085	1,198,730	1,233,148
All Other	203,132	302,852	147,933	148,651	545,723	486,015	536,753	569,637	486,604	553,968
Cap. Exp.	259,133	408,000	5,000	0	117,700	119,300	156,000	108,952	11,992	55,000
Program Total	1,013,689	1,280,706	779,725	851,239	1,424,751	1,422,768	1,605,000	1,779,674	1,697,326	1,842,116
Annual % Increase	124.20%	26.34%	-39.12%	9.17%	67.37%	-0.14%	12.81%	10.88%	-4.63%	8.53%
DEPARTMENT OF MARINE RESOURCES										
Pos. - Leg.	(97.0)	(97.0)	(100.000)	(100.000)	(100.000)	(107.000)	(100.000)	(100.000)	(97.000)	(96.000)
Pos. - Other	(0.0)	(0.0)	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)	(0.000)
Pers. Serv.	5,184,794	5,277,942	5,291,815	5,484,954	5,930,179	6,153,813	6,755,847	6,886,389	6,842,282	7,537,554
All Other	1,501,231	1,651,200	1,623,623	1,660,860	1,374,992	3,061,880	2,272,101	2,286,523	2,109,501	2,242,788
Cap. Exp.	446,888	595,785	194,382	140,048	385,200	527,300	420,500	326,280	26,391	75,000
Dept. Total	7,182,913	7,524,897	7,109,820	7,285,862	8,700,371	9,742,793	9,448,348	9,499,592	8,979,074	9,855,342
Annual % Increase		5.90%	-5.52%	2.45%	19.41%	11.98%	-3.01%	0.54%	-5.48%	9.76%
One Time Appropriations	(364,226)	(613,668)			(40,000)	(968,000)	(139,148)			(538,848)
	6,768,687	6,911,229	7,109,820	7,285,862	8,660,371	8,774,793	9,309,700	9,499,592	8,979,074	9,316,494
		2.11%	2.87%	2.48%	18.87%	1.32%	6.10%	2.04%	-5.48%	3.76%

FINANCIAL SUMMARY

The Department of Marine Resources General Fund appropriation levels (excluding one-time appropriations) for the Department of Marine Resources have gone from \$8.7 million in Fiscal Year 2000 to \$9.3 million in Fiscal Year 2005. Over a 6 year cycle, general fund appropriations have increased 7.6%. However, growth was primarily in Personal Services with significant declines in All Other and Capital cost categories. (see *Worksheet A*)

Throughout the six year period, Personal Services costs have dominated all cost categories with the exception of Fiscal Year 2004. In Fiscal Year 2004, a total of eleven positions were transferred out of General Fund and into Other Special Revenue accounts. (see *Worksheet B*)

In Fiscal Years 1996 and 1997 there was a one time investment of \$977,894 for Information Technology needs such as network servers, personal computers, printers, notebooks, software and training. In addition, a new licensing database program named MRLEN was created to streamline and automate licensing and enforcement related issues. In Fiscal Year 2000, the department submitted an Information Technology Plan to maintain the \$977,894 investment. The IT Plan included network support, desktop support, BIS and TELCO charges associated with maintaining the initial investments. The IT Plan allowed for a replacement cycle for PC's, notebooks, printers and associated software. Other one-time appropriations in Fiscal Year 2000 included lab equipment for pathology studies and the purchase of a new global positioning system to assist in watershed mapping.

The following list identifies other significant one-time appropriations:

FY2001:

- \$300,000 – To design and implement a fisheries statistics database system;
- \$448,000 – To fund long-term plans to restore the Kennebec River Fishery;
- \$25,000 – Elver fishery
- \$20,000 – For the disposal of toxic substances Boothbay Harbor laboratory.
- \$175,000 – For Boothbay Harbor dock

FY2002:

- \$139,418 - To fund Lobster Stock Assessment

In Fiscal Year 2002, Personal Services numbers in Bureau of Resource Management were adjusted to add the match dollars that pertain to federal positions requiring a percentage of state funding by including the split funding in the new electronic Time and Attendance Management System. In Marine Patrol an employee initiated FJA for Marine Patrol Officers was approved for re-class increasing personal services costs significantly. In Fiscal Year 2005, a one-time appropriation of \$538,848 was approved to assist the department in paying the significant retroactive portion of the re-classes for the Officers.

In Fiscal Year 2004, the department suffered huge budget cuts, losing another position, all other general operating costs, and essential capital funding. Fiscal Year 2005 indicates a gain from Fiscal Year 2004, however the total appropriations were lower than Fiscal Year 2003 budget levels.

Department of Marine Resources
6 Year Actual General Fund Appropriations less One-Time Appropriations
Activiy by Cost Category with Percentage Increases
Worksheet A

Fiscal Year	Category	Sum Appropriated	Per Ser	All Other	Capital	2000 vs. 2005
2000	Personal Services	\$ 5,930,179				
2000	All Other	\$ 2,374,992				
2000	Capital	\$ 395,200				\$ 8,700,371
2001	Personal Services	\$ 6,153,813	3.80%			
2001	All Other	\$ 2,288,680		-0.04		
2001	Capital	\$ 332,300			-15.90%	
2002	Personal Services	\$ 6,755,847	9.80%			
2002	All Other	\$ 2,272,101		-0.70%		
2002	Capital	\$ 420,900			26.70%	
2003	Personal Services	\$ 6,886,389	1.90%			
2003	All Other	\$ 2,286,923		0.70%		
2003	Capital	\$ 326,280			-22.50%	
2004	Personal Services	\$ 6,842,282	-0.60%			
2004	All Other	\$ 2,109,901		-7.70%		
2004	Capital	\$ 26,891			-91.80%	
2005	Personal Services	\$ 7,537,554	10.20%			
2005	All Other	\$ 2,242,788		6.30%		
2005	Capital	\$ 75,000			178.90%	\$ 9,855,342
Percentage Increase 2000 vs. 2005 by Cost Category			27.10%	-5.57%	-81.02%	
Percentage Increase 2000 vs 2005 by Total of All Cost Categories						13.27%

Department of Marine Resources
Fiscal Year 2004 & 2005 Position Changes/Elimination
Worksheet B

Total Positions in 1998
 97

1998	1999	2000	2001	2002	2003	2004	2005	Position Title	Notes
1.00								ADMIN POLICY DEVELOPMENT SPECIALIST	
1.00								ADMIN DEPUTY COMMISSIONER	
1.00								BRM PATHOLOGIST POSITION	
		2.00						BRM MR SCIENTIST I	Transferred from Federal
		4.00						MARINE PATROL OFFICERS	
			1.00					ADMIN PARALEGAL ASSISTANT (Brann)	
				1.00				BRM DATA ENTRY SPECIALIST	Self Funded with All Other
					(1.00)			BRM MR SCIENTIST I (White)	To Gas Tax
					(1.00)			BRM MR SCIENTIST III (Libby)	To Gas Tax
					0.50			BRM CLERK TYPIST III (Pinkham)	To Gas Tax
					1.00			ADMIN DEPT'L INFORMATION SYSTEM MGR	From Gax Tax
					1.00			ADMIN PERSONNEL OFFICER	From Gax Tax
					0.50			ADMIN CLERK TYPIST III - LICENSING	From Gax Tax
					(1.00)			CRD DIRECTOR OF MARKETING	To Gas Tax
						(1.00)		BRM BUILDING CUSTODIAN	Position Abolished
						(1.00)		BRM MR SCIENTIST III (Wilson)	To Lobster Management
						(3.00)		CRD MR SCIENTIST II - To Shellfish Acct	Shellfish Biologist
						(2.00)		MARINE PATROL SPECIALIST	Lobster Management
						(4.00)		MARINE PATROL OFFICERS	Unfunded in federal account
							(1.00)	BRM MR SCIENTIST II (Hunter)	Sea Urchin
								BRM MR SCIENTIST III	50% to Aquaculture Account
								BRM MR SPECIALIST I	50% Kennebec Hydro Dam Agreement
								BRM MR SCIENTIST II	50% Kennebec Hydro Dam Agreement
								BRM MR SCIENTIST IV	50% Kennebec Hydro Dam Agreement
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100.00	100.00	106.00	107.00	108.00	108.00	97.00	96.00	Total Headcount Impact of Changes	
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Use of Alternative Delivery Systems

Over the past few years, the Department of Marine Resources has applied innovative techniques to deliver services to our customers and achieve our goals and objectives. There has been a strong effort to utilize alternative methods to deliver services to the public to fill perceived gaps in services.

Contracted Services

In fiscal year 1996, DMR applied over half a million dollars toward providing services using contracted support from the private sector. That amount has since increased substantially, and in fiscal 2001, DMR applied nearly \$1.3 million for that purpose. More than 75% of that amount was applied toward research services, and another 15% for computer desktop support. By fiscal year 2004, the amount applied to contracted support had increased to \$1.4 million, but declined in fiscal year 2005 to \$900,000. This was largely due to the change in status of desktop support from a contracted service to a position at DMR, as well as a dramatic decline in the funding available for research services.

The types of services that the Department is committed to provide, yet is not entirely conducted by permanent staff, include many marine research initiatives, including lobster and scallop assessment and research, the inshore trawl survey, and mahogany quahog research, among many other projects. Other services provided through the use of temporary service agencies include summer assistance at the Department's Aquarium, a recreational fisheries survey, and lab work relative to paralytic shellfish poison, a marine toxin. In addition, the Stock Enhancement Division utilizes a private hatchery to raise shad for stocking purposes.

The Division of Administrative Services has employed the services of temporary service agencies to provide assistance to Department's technology staff to distribute and implement an improved information technology resource provided the Department by the Productivity Realization Task Force.

Volunteer Services

- *Water Quality, Phytoplankton and Horseshoe Crab Monitoring*

Volunteers have played an integral role in support functions and data collection for the Department's classification of shellfish growing areas, horseshoe crab spawning activity and toxic phytoplankton. The Department has implemented comprehensive volunteer programs involving annual recruitment, training, certification, feedback and ongoing program management for volunteers. Under the Public Health Division volunteers assist with water sampling, shoreline survey work, and phytoplankton monitoring. Volunteers are also the main data collectors for the annual horseshoe crab surveys. Over the past ten years, the Department has successfully completed, in collaboration with other agencies, the reopening of approximately 123,037 acres of flats and waters due in part to volunteer

efforts. Volunteers have also proven the phytoplankton program effective as an "early warning" system for biotoxin sampling and closures as well as contributed significantly to understanding the life history and spawning behavior of the Maine horseshoe crab population.

A total of 205 volunteers participated in Department programs in 2005. Water quality volunteers collected approximately 2871 water samples or greater than 20% of all the water samples analyzed by the Boothbay Harbor and Lamoine laboratories. Since 1996, the Department, in collaboration with other agencies and organizations, has utilized a phytoplankton monitoring program using citizen volunteers modeled after U.S. Food and Drug Administration protocols. This year the program consisted of 62 citizen volunteers at 46 sites along the coast collecting data on a weekly basis for seven months of the year. Marking the completion of a fifth consecutive year, the horseshoe crab survey completed its monthly survey thanks to the efforts of 64 additional volunteers. Work completed for the department by volunteers includes: water sampling, pollution source sampling, shoreline survey support work, shellfish sampling under special licenses during conditional area closures and biotoxin events, supplied vessels for sampling, microscopic identification and notification of toxic phytoplankton, relative abundance data collection of all phytoplankton, quantitative data collection of spawning horseshoe crab populations and community outreach and education.

- *Aquarium Docent Program*

The Aquarium at the West Boothbay Harbor laboratory uses volunteer docents to assist visitors at the Aquarium. The docents provide valuable help in leading tour groups and educating the public about the Aquarium exhibits. Docents also serve as educators and provide assistance with the exhibits.

- *Work-study and Internships*

Many research initiatives at the Marine Resources Laboratory are augmented by the use of work-study students and interns. Students are used throughout the lab working with scientists in many ways including collecting samples, entering data, and providing research assistance. Students are also used by the Division of Education to assist with the Aquarium and other educational initiatives. These students provide a valuable contribution to the laboratory and also gain an understanding of marine resource professional opportunities.

Training Services

In 1993, the State Legislature determined that hand harvesting (diving) for scallops and sea urchins required certification of safety training. It was beyond the scope and expertise of the Department to implement such a training program. Working with the Southern Maine Technical College (SMTC) in its development, the Department has established an agreement with SMTC to provide the training necessary for certification. The lobster industry is also developing a training requirement as a component of the apprenticeship program. It is anticipated that similar arrangements may be made with outside educational institutions to provide the services needed.

DEPARTMENT OF MARINE RESOURCES COMPLIANCE WITH FEDERAL HEALTH AND SAFETY LAWS

EEO/AFFIRMATIVE ACTION-DISCRIMINATION/AMERICANS WITH DISABILITY ACT

The Human Resources Office oversees the responsibilities of the EEO/ Affirmative Action Plan, discrimination and Americans with Disability Act.

The State EEO Coordinator will be developing a statewide EEO/Affirmative Action plan and completing the new plan sometime in 2006. Department of Marine Resources continues to train employees on employee harassment and discrimination, completing mandatory face-to-face training in September 2005 for all employees. In April 2005 the yearly written notification of the States Employee Harassment and Discrimination Policies was delivered to all employees with employees signing an acknowledgment form that they had received and read the policy. The acknowledgement forms are now filed in their personnel files. The Department continues to make reasonable accommodations when circumstances require so; monitoring of interviews and selection process is on going. The HR Director continues to investigate complaints of harassment and discrimination in coordination with the management staff, the state EEO Coordinator and the Assistance Attorney General assigned to the Human Rights area. The HR Director works on an ongoing basis to assist supervisors and management staff in identifying potential areas of concern in our employment practices and services.

In 2006, recruitment efforts will be reviewed, specifically in underutilized classifications under professional, technician, skilled craft and protective services. The department continues to include an EEO clause in all recruitment written material, postings of vacancies, purchase orders, contracts, leases and other legal notices.

HEALTH AND SAFETY

The Department continues to provide ongoing training to employees to ensure they perform duties in accordance with the federal Occupational Safety and Health Act by State law and inspections are conducted by the Department of Labor. Safety training is provided to new Marine Patrol Officers during their 18 weeks of training at the Maine Criminal Justice Academy and ongoing each year throughout their careers.

WORKERS COMPENSATION

With the Department consolidating into the new Natural Resource Service Center, there will continue to be a person designated to oversee workers compensation working with the central Workers Compensation Department, along with processing timely paperwork and managing claims. Each case continues to be assigned to a case manager who works with the injured employee to ensure proper attention and a safe return to work. Workers compensation claims are reviewed to determine future safety training needs.

OTHER

The Bureau of Marine Patrol continues to train officers in firearm safety and each officer must qualify one time a year with firearms. The Bureau strives to train in firearms at least 3 times a year. Marine Patrol Officers receive training in proper use of force, proper techniques of handcuffing, and use of pepper spray. Each officer is informed of up-to-date changes in regulation of use of force. They must receive CPR and first aid training every two years. They receive other types of training from the US Coast Guard and are sent to the Federal Law Enforcement Training Center (FLETC), in Glynco, Georgia. During this past year in-service training took place to include employee harassment, discrimination, and performance management. The Bureau has instituted a vessel inspection program conducted by the Deputy Chief, to include a safety inspection as well as a yearly operational exercise that demonstrates competency in a different aspect of emergency procedures, each year. Other trainings received in 2004 include, Dealing with People in Mental Health Crisis; and Juvenile Law and Use of Force. Marine Patrol in 2005 also received training in Admissions and Confessions, New Law Review, Search and Seizure, Cultural Diversity, and Firearms, along with Anti Terrorism/Homeland Security Training; Explosives Handling and Emergency Vehicle Operation Liability Training.

INFORMATION MANAGEMENT

LANDINGS PROGRAM: DMR does not post individual landings information over the Internet. All data are held as confidential according to 12 M.R.S.A §6173 and chapter 5 regulations, therefore DMR does not release landings information in a way that directly identifies any individual or business that submitted the data. When storing the data electronically, names and license numbers are coded. Only a few designated users have access to electronic landings data. All requests for landings information are funneled through the Landings Program, regardless of whether they are intra-department requests or come from outside DMR. All data requests that come from outside DMR are logged in a database. All non-electronic data are kept in a secure location; all DMR employees with access to the data are held to the confidentiality provisions in 12 M.R.S.A §6173 and chapter 5 regulations.

EMAIL POLICY: The following is the DMR's email policy, issued to staff.

Effective January 2, 2002, the only email you are authorized to use or access on Department of Marine Resource's (DMR) equipment is your DMR email account provided to you by the department.

DMR email accounts end in @maine.gov. Example: Firstname.Lastname@maine.gov

The use of an email account other than that provided by the State of Maine, Department of Marine Resources circumvents extensive anti-virus protection technology implemented throughout state government for the protection of all users and agencies.

The use of email accounts other than that provided to you by the State of Maine, Department of Marine Resources is the most common source of virus introduction into our email system.

As such, this policy is necessary to reduce the likeliness of computer virus infections through email.

After January 2, 2002, if other email accounts are found on your DMR personal computer by IT staff, it will be eliminated without discussion and reported to your supervisor for further action.

Examples of unauthorized access include, but are not limited to: AOL, Hotmail, Yahoo, GWI, Commtel, Adelphia, MSN, Dellnet, etc.

Always be cautious of emails containing attachments. Never disable your anti-virus protection software. Report all possible virus infections immediately to the DMR Helpdesk. Do not attempt to clean yourself. If the DMR Helpdesk is not immediately available, power off and/or unplug your personal computer until you are notified to resume normal operations by the IT staff.

Email Distribution List Policy

To: All Employees Using State of Maine Computers

From: Janet E. Waldron, Commissioner
Department of Administrative and Financial Services

Subject: Policy for Use of State E-mail System for Widespread Dissemination to State Employees

Purpose: This policy is intended to assure that the state's capacity to communicate with all state employees through the e-mail system is used only for business purposes.

Scope: Any internal, statewide e-mail intended for widespread dissemination to State employees must be sent through the Bureau of Information Services. For purposes of this policy, "widespread dissemination" generally means dissemination to all State employees, to multiple agencies, or mass mailings within an agency. The exception to this requirement is when agencies are given specific authority to use distribution lists within their own agency - although agencies are still required to observe the Limitation cited below. Each agency must appoint a single person responsible for ensuring the consistent application of this policy within its agency.

Approval: All such e-mails must be approved in advance by the Deputy Commissioner of DAFS.

Limitation: The use of the e-mail system for this type of communication is limited to matters directly related to the business of the state. Examples of matters that are appropriate include training/education, safety, employment opportunities, emergency notifications, notifications about work related issues such as early release, etc. Examples of matters that are not appropriate include promotional or informational material from agencies intended for the general public and not directly related to state business, promotional or informational material from outside entities such as nonprofit agencies, non-State governmental entities and solicitations, etc.

Effective Date: This policy shall be effective as of October 7, 2002.

DMR's Implementation of the Above Policy

By the directive of Commissioner George Lapointe dated October 1, 2002:

Pam Isham, IT Manager, has been designated the person responsible for ensuring the compliance of Commissioner Waldron's email policy within DMR, including:

Limiting the use of our largest email distribution list, "DMR", to official State of Maine business only;

Email distribution lists with greater than 25 recipients destined for internet addresses

must be pre-approved by the department's designee;
Allowing DMR staff to continue sending emails using our internal distribution lists without prior approval (For example: Fire alarms will be tested in Boothbay today, Birthday cake is in the cafeteria for all to enjoy, Wet paint on the back deck, Current State job vacancies, etc.);
And lastly, educate and advise staff on the proper way to send attachments and use of our email system.

Email Privacy Policy

February 2002

Staff members may not access another's email without prior approval from the email-box owner.

The Director of Administration or Personnel Officer may grant an exception, but will do so only in extreme situations such as concerns for safety, or if access to the employee's email is required due to an investigation or legal disclosure mandate.

Instant Messaging Policy

Instant messaging is not authorized to be installed or used on DMR computers.

If you have a legitimate business need that cannot be otherwise met, contact the Department's IT Manager.

Thanks in advance for your cooperation in keeping our network responsive and available for business.

Policy on the Use of Automated Telephone Answering Equipment

The purpose of this policy is to assure that the public can contact State agencies via telephone in a way that is customer friendly and efficient. While some members of the public are comfortable using well-designed automated answering equipment, many would rather talk to a person. It is the intent of this policy to accommodate these preferences as much as possible by offering options to customers they are comfortable with. In this regard, the following policy is established effective February 14, 2000.

This policy applies to all published office numbers and telephone lines with voice mail during business hours. It does not apply to call centers or to special information or service lines such as the State of Maine Ferry Service number which announces ferry schedules or the Marine Resources line which announces certain fishing restrictions.

There must always be a clearly stated "0" option on every published number and every number with voice mail. This option must be stated early in the recording.

All "0" options must always go to a live person during business hours.

There will be no "layered" or "nested" menus for office applications. This means that the following is not acceptable. "This is the Bureau of X. If you want the Division of Y, press one. If you want the Division of Z, press 2" The caller then presses one, for example, and hears, "This is the Division of Y. If you want the director's office, press one. If you want the deputy director's office, press two...." Exception to this rule will be handled on a case-by-case basis.

Menus for office applications should normally be limited to four. Lengthy menus are difficult for the customer to comprehend and work with to get the service they want.

There will be no voice mail on reception numbers during normal business hours.

Voice mail should be updated when out of the office to include the day(s) the employee will be out and an explanation that by pressing "0" the caller will reach a receptionist. It is not necessary to leave a daily message when in the office. A standard voice mail message such as: "You have reached _____, I am in the office today. However, I am either on another line or in a meeting and will return your call as soon as possible. Please dial "0" if you wish to speak to a receptionist." is appropriate.

Individuals who are responsible for answering published numbers for their units should be responsible for:

Asking each caller if they would like to be transferred to voice mail when the person they are trying to reach is unavailable. No caller should be transferred to voice mail without being asked first.

Making sure the voice mail of co-workers who are unexpectedly out of the office for the day is handled appropriately. Options for doing this include (1) disconnecting their voice mail and programming that telephone to ring to the main line, (2) if prior arrangements have been made, changing their voice mail greeting as needed, or (3) reminding the employee to change his or her voice mail remotely.

Reminding all co-workers to leave a voice mail greeting which describes where they are and when they will return.

The Bureau of Information Services will provide technical assistance to the departments to assist them in implementing this policy.

The Bureau of Information Services will review specific issues as they arise and make recommendations to the Commissioner's Office.

It is anticipated that by following these guidelines the public will be better served and the business of the State will be conducted in a more efficient manner. If you have any

comments or questions about this proposed policy, please contact Charlie Jacobs at 287-4547.

Use of Software on State Computers

Adopted by the ISPB on April 8, 1996

Statement of Purpose

The purpose of this policy is to insure that the utility of State owned personal computers is not diminished by the installation of unauthorized software. Utility of personal computers may be diminished as a result of the configuration being modified by the installation of personally owned software, by the introduction of a computer virus, by filling up the hard disk with personally owned software, by decreasing the compatibility of documents with those of other employees due to the business use of personally owned software, or detracting from efficiency by spending business time learning and using non standard software. This policy also attempts to reduce the State's potential liability resulting from an employee's use of software which has not been properly licensed.

Policy

Only software acquired by the State for official use may be loaded onto, or used on Maine State Government owned personal computers.

Backup Policy

Employees are expected to ensure backups are being performed weekly.

Virus Policy

Employees are expected to report virus activity to the Help Desk, 624-6020.