

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources
 CHAPTER NUMBER AND TITLE: Chapter 34 Groundfish Regulations
 PROPOSED RULE NUMBER *(leave blank; to be assigned by Secretary of State)*:

BRIEF SUMMARY:

In order to be consistent with the National Marine Fisheries Service (NMFS) federal regulations, the Department is proposing regulatory changes for charter, party and recreational fishing vessels operating in state waters targeting cod. For the recreational fishery, this proposal would eliminate the April 15 to April 30 opening for cod adopted earlier this year. The April opening was originally proposed in federal rulemaking but was not ultimately adopted.

Date, time and location of PUBLIC HEARING *(if any)*: None

COMMENT DEADLINE: October 11, 2019

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

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

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

STATUTORY AUTHORITY FOR THIS RULE: 12 M.R.S.A. §6171

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

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

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

** Check one of the following two boxes.*

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

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

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

APPROVED FOR PAYMENT _____ DATE: _____
(authorized signature)

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

DEPARTMENT OF MARINE RESOURCES
Chapter 34 - Groundfish

34.06 Recreational Groundfish Restrictions

- A. Prohibited species.
Charter, Party and Recreational vessels and/or recreational fishermen are prohibited from retaining, killing or landing Windowpane flounder, Ocean pout and/or Atlantic Wolffish.

- B. Restrictions on Sale
It is unlawful to sell, barter, trade, or otherwise transfer for a commercial purpose, or to attempt to sell, barter, trade, or otherwise transfer for a commercial purpose, groundfish caught or landed by charter, party, or recreational fishing vessels.

- C. Recreational Size Limits
 - 1. Persons aboard charter, party and recreational fishing vessels are subject to the following minimum fish sizes:

Species	Minimum Fish Sizes (TL)	Size Inches (cm)
Cod.....		21 (53.3 cm)
American plaice (dab).....		14 (35.6 cm)
Haddock.....		17 (43.2 cm)
Monkfish.....		17 (43.2 cm)
Redfish.....		9 (22.9 cm)
Summer Flounder.....		20 (50.8)
Winter Flounder (blackback).....		12 (30.5 cm)
Witch Flounder (gray sole).....		14 (35.6 cm)
Yellowtail Flounder.....		13 (33.0 cm)

- 2. Exceptions:
 - (a) Vessels may possess fillets less than the minimum size specified, if the fillets are taken from legal-sized fish and are not offered or intended for sale, trade or barter. This exception shall not apply to Atlantic Halibut.

- D. Recreational Limits and Restrictions
 - 1. Winter Flounder
Each person on board a charter, party or recreational fishing vessel may not possess more than 8 Winter Flounder.

 - 2. Haddock
Each person on board a charter, party, or recreational fishing vessel may not possess more than 15 Haddock per day and shall comply with the following restrictions:

- (a) For purposes of counting fish, fillets will be converted to whole fish at the place of landing by dividing the fillet number by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.
 - (b) Haddock harvested by charter, party, or recreational fishing vessels with more than one person aboard may be pooled in one or more containers. Compliance with the possession limit will be determined by dividing the number of fish on board by the number of persons aboard. If there is a violation of the possession limit on board a vessel carrying more than one person, the owner or operator shall be responsible for the violation.
 - (c) Haddock must be stored so as to be readily available for inspection.
 - (d) Haddock may not be possessed on board a charter, party or recreational fishing vessel from March 1 through April 14 inclusive.
3. Summer Flounder
Recreational Effort Restrictions: Summer Flounder creel limit and season.
It shall be unlawful to take, catch, kill, or possess more than two (2) Summer Flounder per day.
4. Cod
Each person on board a charter, party or recreational fishing vessel may not possess more than 1 cod per day. Cod may not be possessed on board a charter, party or recreational fishing vessel from October 1 through April 14 inclusive, and May 1 through September 14 inclusive.

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Meredith Mendelson, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021

Telephone: (207) 624-6579 web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 34 Groundfish Regulations

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

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

COMMENT DEADLINE: October 11, 2019

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

In order to be consistent with the National Marine Fisheries Service (NMFS) federal regulations, the Department is proposing regulatory changes for charter, party and recreational fishing vessels operating in state waters targeting cod. For the recreational fishery, this proposal would eliminate the April 15 to April 30 opening for cod adopted earlier this year. The April opening was originally proposed in federal rulemaking but was not ultimately adopted.

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

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

This proposed rule would provide consistency with applicable federal rules.

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

Applicable federal regulations and New England Fishery Management Council recommendations were considered in the development of this proposed rule.

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

This proposed change is required to comply with federal regulations.

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

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

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

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