

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 44 American Shad Limits

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

CONCISE SUMMARY:
This regulation makes a correction to Chapter 44 American Shad, to specify that an individual may not take or possess more than 2 shad per day. Prior to this change the regulation only prohibited possession, which led to challenges with proper enforcement of the intended limitation.

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

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AGENCY NAME: Department of Marine Resources
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 Augusta, Maine 04333
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Please approve bottom portion of this form and assign appropriate MFASIS number.

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

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

DEPARTMENT OF MARINE RESOURCES

Chapter 44 - American Shad

44.05 American Shad Limits

1. Daily and Possession Limits.

Except as provided in Chapter 44.05(2) it shall be unlawful for any person to take or possess more than two (2) American shad per day taken from the coastal waters of Maine.

2. The daily limit and possession limit shall not apply to persons licensed under 12 M.R.S.A. §6851 and §6852.

3. It is unlawful to fish for or take American shad from the coastal waters of the State by any method other than hook and line.

Basis Statement

This regulation makes a correction to Chapter 44 American Shad, to specify that an individual may not take or possess more than 2 shad per day. Prior to this change the regulation only prohibited possession, which led to challenges with proper enforcement of the intended limitation.

Summary of Comments

Notice of this proposed rulemaking appeared on September 20, 2017 in the five major daily newspapers as published by the Secretary of State. On September 20, 2017, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. Public hearings were advertised in compliance with the procedures outlined in the Maine Administrative Procedures Act and were held on October 12, 2017 at 5:45pm at the Department of Marine Resources in Augusta. The comment period closed October 23, 2017.

Public Hearing

DMR-Augusta, 32 Blossom Lane

October 12, 2017

5:45pm

No members of the public attended the hearing. The Department was represented by Amanda Ellis.

No written comments were submitted.

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE: Chapter 44 American Shad Limits

STATUTORY AUTHORITY: 12 M.R.S. §6171

DATE AND PLACE OF PUBLIC HEARING:

October 12, 2017, 5:45 PM, DMR – Augusta, 32 Blossom Lane, Augusta, ME

COMMENT DEADLINE: **10/23/2017**

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

To improve the ability to enforce the existing limitations on fishing for shad by adding “take” to limits on 2 fish per day.

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)]

These rule changes would not change any existing requirements except that a new exemption is created in order to allow a lobster and crab fishing license holder to have up to 5 gallons of crab claws detached at sea.

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]

Input from Maine Marine Patrol

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

Enforcement of this rule will not require additional activity in this agency.

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

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

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

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

Note: If necessary, additional pages may be used