

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 34 Groundfish Regulations

ADOPTED RULE NUMBER:

(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY:

In order to be consistent with the National Marine Fisheries Service (NMFS) federal regulations, the Department implemented this rule change for charter, party and recreational fishing vessels operating in state waters targeting cod. For the recreational fishery, this rule eliminates 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.

EFFECTIVE DATE:

(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

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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 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.

Basis Statement:

In order to be consistent with the National Marine Fisheries Service (NMFS) federal regulations, the Department implemented this rule change for charter, party and recreational fishing vessels operating in state waters targeting cod. For the recreational fishery, this rule eliminates 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.

Summary of Comments:

Notice of this proposed rulemaking appeared on September 11, 2019 in the five major daily newspapers as published by the Secretary of State. On September 11, 2019, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. No public hearings were scheduled. The comment period closed October 11, 2019.

No comments were received.

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 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 ___ 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)]