

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources
 CHAPTER NUMBER AND TITLE: Chapter 8 Landings Program; Menhaden License Update
 TYPE OF RULE (*check one*): Routine Technical Major Substantive
 PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: Public Law 2020 Chapter 640 created a new license for the harvest of menhaden. Prior to the creation of the menhaden license, menhaden were harvested under the commercial pelagic and anadromous license. This proposed rulemaking updates reporting requirements for menhaden to reflect that the individuals who are required to report menhaden harvest are those that hold the menhaden license under 12 M.R.S. §6502-C. Reporting elements remain the same as in prior seasons.

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

COMMENT DEADLINE: July 6, 2021

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

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

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

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

STATUTORY AUTHORITY FOR THIS RULE: §6173

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

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

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

* Check one of the following two boxes.

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

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

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

APPROVED FOR PAYMENT _____ DATE: _____

(authorized signature)

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

DEPARTMENT OF MARINE RESOURCES

Chapter 8 Landings Program

8.20 Harvester Reporting

M. Menhaden Harvester Permit

Any person that holds a ~~Commercial Pelagic and Anadromous Fishing License issued under 12 M.R.S. §6502-A and a Menhaden Harvester Permit under that license~~ commercial menhaden fishing license under 12 M.R.S. §6502-C must submit daily catch reports during the state and episodic fisheries; and, weekly catch reports during the small scale fishery. Catches from fixed gear must be included in these reports. Any person that holds more than one ~~Commercial Pelagic and Anadromous Fishing License with the Menhaden Harvester Permit~~ commercial menhaden fishing license must report for each license they hold. Any person that holds a noncommercial menhaden fishing license under 12 M.R.S. §6502-C must submit daily catch reports weekly. Reports are required even if the menhaden caught during the week have not been landed. The report shall include the following data elements:

1. Harvester name (as it appears on the harvesting license) and landings number
2. Boat name and state vessel registration number or Coast Guard number (if a boat was used)
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity
7. Number of sets/tows
8. Set time (the average time your gear fished)
9. Average depth
10. Latitude and longitude
11. Sea time (including travel)
12. Pounds by species of all species caught (including discards)
13. Landings number of dealer sold to, or if not sold to a licensed dealer, disposition of catch and whether catch was carried
14. Port landed
15. Signature written or electronic

~~Menhaden reports are not required from menhaden carrier vessels.~~

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: 13-188- Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 8 Landings Program; Menhaden License Update

STATUTORY AUTHORITY: 12 M.R.S. § 6173

DATE AND PLACE OF PUBLIC HEARING(S): NA

COMMENT DEADLINE: July 6, 2021

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

This proposed rulemaking updates reporting requirements for menhaden to reflect the addition of new licenses established for menhaden under 12 M.R.S. §6502-C.

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 updates the licensing structure for menhaden and mirrors reporting requirements specified in Chapter 41 Atlantic Menhaden.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

Information to support these changes were offered through feedback from DMR Landings Program staff and current regulations of Chapter 41.

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

Enforcement of these proposed amendments will not require additional activity in this Agency. Existing enforcement personnel will monitor compliance during their routine patrols.

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

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

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

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

Note: If necessary, additional pages may be used