

# NOTICE OF AGENCY RULE-MAKING ADOPTION

**AGENCY:** Department of Marine Resources

**CHAPTER NUMBER AND TITLE:** Chapter 34 Groundfish. Recreational Cod and Haddock Federal Compliance Proposed Rule-making

**ADOPTED RULE NUMBER:**

**CONCISE SUMMARY:**

In accordance with the New England Fisheries Management Council and for consistency with the National Marine Fisheries Service (NMFS) federal regulations effective May 1, 2015, the Department enacted emergency rulemaking for charter, party and recreational fishing vessels operating in state waters regarding cod and haddock. For the recreational fishery, the cod fishery has been closed and it is now unlawful to take or possess cod in state waters. For recreational haddock fishing, the minimum size is now reduced to 17 inches to reduce mortality. This rulemaking makes that emergency rulemaking permanent.

As authorized by 12 M.R.S. § 6171, the Commissioner of Marine Resources adopts this regulation.

**EFFECTIVE DATE:** August 8, 2015

**AGENCY CONTACT PERSON:** Bruce Joule (207) 633-9505  
**AGENCY NAME:** Department of Marine Resources  
**ADDRESS:** 21 State House Station  
Augusta, Maine 04333  
**WEB SITE:** <http://www.maine.gov/dmr/rulemaking/>  
**E-MAIL:** [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)  
**TELEPHONE:** (207) 624-6576  
**TTY:** (711) Maine Relay

DEPARTMENT OF MARINE RESOURCES

Chapter 34 - Groundfish Regulations

34.10 Maine Groundfish Management Plan

1. Groundfish Management Plan

B. Size, Possession and Gear Restrictions

(2) Recreational - size, possession and gear restrictions

(a) Persons aboard charter, party and recreational fishing vessels are subject to the following minimum fish sizes:

Minimum Fish Sizes (TL)	
Species	Size Inches (cm)
Cod.....	<del>21 (53.3 cm)</del>
Haddock.....	<del>21 (53.3 cm)</del> <u>17 (43.2 cm)</u>
Pollock.....	19 (48.3 cm)
Witch Flounder (gray sole).....	14 (35.6 cm)
Yellowtail Flounder.....	13 (33.0 cm)
American plaice (dab).....	14 (35.6 cm)
Atlantic halibut.....	41 (104.1 cm)
Winter Flounder (blackback).....	12 (30.5 cm)
Redfish.....	9 (22.9 cm)
Summer Flounder.....	20 (50.8 cm)

(b) Exception

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, Chapter 34.10(1)(B)(2)(b), shall not include Atlantic halibut.

(c) Possession restrictions

Each person on board a charter, party or recreational fishing vessel may not possess more than 8 winter flounder per day.

Each person on board a charter, party or recreational fishing vessel may not possess more than 3 haddock per day and shall comply with the following restrictions:

- (i) 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.
- (ii) 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 violation shall be deemed to have been committed by the owner or vessel operator.

(iii) Haddock must be stored so as to be readily available for inspection.

(iv) Haddock may not be possessed on board a charter, party or recreational fishing vessel from September 1 through November 30 inclusive and March 1 through April 30 inclusive.

~~Each person on board a charter, party or recreational fishing vessel may not possess more than 9 cod per day and shall comply with the following restrictions:~~

~~(i) 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.~~

~~(ii) Cod 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 violation shall be deemed to have been committed by the owner or vessel operator.~~

~~(iii) Cod must be stored so as to be readily available for inspection.~~

~~(iv) Cod may not be possessed on board a charter, party or recreational fishing vessel from September 1 through April 14, inclusive.~~

(d) 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.

(e) Prohibited species

Vessels are prohibited from taking or landing Atlantic wolffish and Atlantic cod.

# **Basis Statement**

Chapter 34 Groundfish. Recreational Cod and Haddock Federal Compliance Proposed Rule-making

In accordance with the New England Fisheries Management Council and for consistency with the National Marine Fisheries Service (NMFS) federal regulations effective May 1, 2015, the Department enacted emergency rulemaking for charter, party and recreational fishing vessels operating in state waters regarding cod and haddock. For the recreational fishery, the cod fishery has been closed and it is now unlawful to take or possess cod in state waters. For recreational haddock fishing, the minimum size is now reduced to 17 inches to reduce mortality. This rulemaking would make that emergency rulemaking permanent.

# Summary of Comments

Chapter 34 Groundfish. Recreational Cod and Haddock Federal Compliance Proposed Rule-making

Notice was provided through the Secretary of State's Weekly Newspaper Rulemaking Notice, Wednesday June 10, 2015; Notice to the for-hire fleet and recreational fishing general mailing list by email on June 11, 2015. No comments were received.

# Rule-Making Fact Sheet

(5 M.R.S.A., §8057-A)

AGENCY: Department of Marine Resources

**NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:**

Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021  
Telephone: (207) 624-6576; web address: [www.maine.gov/dmr/rulemaking](http://www.maine.gov/dmr/rulemaking); e-mail  
dmr.rulemaking@maine.gov

CHAPTER NUMBER AND RULE: Chapter 34 Groundfish. Recreational Cod and Haddock Federal  
Compliance Proposed Rule-making

STATUTORY AUTHORITY: 12 M.R.S. §6171

DATE AND PLACE OF PUBLIC HEARINGS: None held

DEADLINE FOR COMMENTS: July 10, 2015

**PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:**

In accordance with the New England Fisheries Management Council and for consistency with the National Marine Fisheries Service (NMFS) federal regulations effective May 1, 2015, the Department enacted emergency rulemaking for charter, party and recreational fishing vessels operating in state waters regarding cod and haddock. For the recreational fishery, the cod fishery has been closed and it is now unlawful to take or possess cod in state waters. For recreational haddock fishing, the minimum size is now reduced to 17 inches to reduce mortality. This rulemaking would make that emergency rulemaking permanent.

Updated assessments for Gulf of Maine cod indicate the stock is in severe decline and haddock exceeded the catch limit in place for FY 2014. Because the FY 2014 recreational overage was substantial, significant changes in management measures were deemed necessary by NMFS to ensure the recreational fishery does not exceed its catch limit again in FY 2015. The necessary reduction represents a 78% reduction for Atlantic cod, and an 84% reduction for haddock from the actual estimated 2014 recreational catch. This rule was adopted on an emergency basis to implement the management measures in time to ensure that recreational harvest limits are not exceeded in 2015, in order to protect cod and haddock from unusual damage or imminent harm caused by overfishing.

**ANALYSIS AND EXPECTED OPERATION OF THE RULE:** The proposed regulations would apply to persons in the recreational fishing sector who fish cod and haddock in Maine's territorial waters and the federal Gulf of Maine Regulated Mesh Area.

**FISCAL IMPACT OF THE RULE:**

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