

NOTICE OF AGENCY RULE-MAKING PROPOSAL

AGENCY: Department of Marine Resources

RULE TITLE OR SUBJECT: Chapter 42 Striped Bass Minimum Size; Option B

CONCISE SUMMARY: At their October 2014 meeting, the Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission (ASMFC) approved Addendum IV to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass. The Addendum establishes new fishing mortality (F) reference points, as recommended by the 2013 benchmark stock assessment. In order to reduce F to a level at or below the new target, coastal states are required to implement a 25% harvest reduction from 2013 levels for the 2015 fishing season. Maine is advancing two options for public comment to achieve that reduction. This proposed rulemaking (Option B) would establish a new minimum size for Maine's striped bass fishery. Specifically, this rule proposes that a person would be able to take one striped bass each day 28 inches or more in total length. A second option (Option A) is proposed in a separate concurrent rule-making.

THIS RULE WILL ___ WILL NOT X HAVE A FISCAL IMPACT ON MUNICIPALITIES.
STATUTORY AUTHORITY: 12 M.R.S. §6171

PUBLIC HEARINGS:

Monday March 9, 2015 Lincoln County 911 Communications Center, 34 Bath Road, Wiscasset. 6 p.m.

Wednesday March 11, 2015 Cabela's Sportsmen Meeting Room, 100 Cabela Blvd, Scarborough. 6 p.m.

DEADLINE FOR COMMENTS: March 23, 2015

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

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Hearing facilities:

If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

DEPARTMENT OF MARINE RESOURCES

Chapter 42 - Striped Bass

42.01 Statewide Striped Bass Size Restrictions, Harvest Methods

1. Method of Taking.

- A. It is unlawful to fish for or take striped bass in territorial waters, except by hook and line. It is unlawful to use a gaff to land any striped bass.
- B. It is unlawful to use multiple (more than two) barbed or barbless treble hooks on any artificial lure or flies while fishing for striped bass in territorial waters.
- C. It is unlawful to use treble hooks when using bait.
The following becomes effective January 1, 2013:
It is unlawful to use any hook other than a circle hook when using bait. For purposes of this chapter the definition of circle hook means "a non-offset hook with a point that points 90° back toward the shaft of the hook".

Exception: Rubber or latex tube rigs will be exempt from the circle hook restriction as long as they conform with the following: the lure must consist of a minimum of 8" of latex or rubber tubing with a single hook protruding from the end portion of the tubing where bait may be attached. Use of treble hooks is not allowed with these rigs.

- D. Any striped bass legally taken from the territorial waters shall be immediately released alive into the water from which it was taken, or killed at once. Any striped bass killed becomes part of the daily bag limit in accordance with Chapter 42.02.

2. Size Restrictions.

It is unlawful to take or possess striped bass which are less than ~~20~~ 28 inches long ~~or greater than 26 inches total length but less than 40 inches total length~~. It is unlawful to possess striped bass unless the fish are whole with head on and are ~~between 20~~ 28 ~~and 26~~ inches or greater total length ~~or 40 inches and greater total length~~.

42.02 Striped Bass - Limits, Personal Use

It is unlawful for any person to fish for, take or possess striped bass in or from territorial waters, except for personal use. The sale of wild striped bass caught for personal use or by commercial fisheries in other States or jurisdictions is prohibited in the State of Maine.

It is unlawful for any person to take or possess more than one (1) striped bass each day which may be ~~between 20~~ 28 ~~and 26~~ inches in total length ~~or 40 inches or greater in total length~~.

Exception for Hybrid Striped Bass:

This Section shall not apply to the possession and sale of hybrid striped bass under the following conditions:

1. Hybrids (*Morone saxatilis* x *Morone chrysops*). Whole aquaculture raised striped bass shall have a tag or label affixed to each fish container holding fish.
2. Fillets. Fillets from aquaculture-raised hybrid striped bass shall have the skin attached.

3. Tags and Labels. All tags and labels affixed to containers of whole aquaculture-raised hybrid striped bass and filets from aquaculture-raised hybrid striped bass shall be clearly marked "Hybrid Striped Bass" and provide the following information:
 - a. State of origin
 - b. Name and address of shipping and receiving dealers
 - c. Permit number of shipping and receiving dealers
 - d. Date shipped
 - e. Net weight of container

4. Nomenclature. It is unlawful for any person to market, promote, advertise, or sell whole hybrid striped bass or hybrid striped bass fillets as "striped bass." Only the term "hybrid striped bass" shall be used when marketing, promoting, advertising, or selling at retail hybrid striped bass and hybrid striped bass fillets.

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 42 Striped Bass Slot Limit; Option B

STATUTORY AUTHORITY: 12 M.R.S. §6171

DATE AND PLACE OF PUBLIC HEARINGS:

Monday March 9, 2015 Lincoln County 911 Communications Center, 34 Bath Road, Wiscasset. 6 p.m.

Wednesday March 11, 2015 Cabela's Sportsmen Meeting Room, 100 Cabela Blvd, Scarborough. 6 p.m.

DEADLINE FOR COMMENTS: March 23, 2015

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE: At their October 2014 meeting, the Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission (ASMFC) approved Addendum IV to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass. The Addendum establishes new fishing mortality (F) reference points, as recommended by the 2013 benchmark stock assessment. In order to reduce F to a level at or below the new target, coastal states are required to implement a 25% harvest reduction from 2013 levels. Maine is advancing two options for public comment to achieve that reduction. This proposed rulemaking (Option B) would establish a new minimum size for Maine's striped bass fishery. Specifically, this rule proposes that a person would be able to take one striped bass each day 28 inches or more in total length. A second option (Option B) is proposed in a separate concurrent rule-making.

This management action is deemed necessary to respond to the results of the 2013 Atlantic striped bass benchmark assessment indicating F (Fishing Mortality) in 2012 was above the new F target, and female spawning stock biomass (SSB) has been steadily declining below the target level since 2006. This means even though the stock is not overfished and overfishing is not occurring, SSB is approaching its overfished threshold and stock projections show SSB will likely fall below the threshold in the coming years. In addition, a similar decline has been observed in total harvest.

ANALYSIS AND EXPECTED OPERATION OF THE RULE: Persons participating in the striped bass fishery will be required to adhere to the amended length limits established through the rule.

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.