

**NOTICE OF AGENCY RULE-MAKING ADOPTION**

**AGENCY:** Department of Marine Resources

**CHAPTER NUMBER AND TITLE:** Chapter 43: Bluefish

**CONCISE SUMMARY:**

Bluefish and striped bass are two species whose recreational fisheries often overlap. Like the striped bass fishery, there is a circle hook requirement when fishing with bait in the recreational bluefish fishery. The Department has amended the striped bass regulations to provide greater clarity on the use of circle hooks in the striped bass recreational fishery. This includes providing a definition of bait. To ensure continued consistency between the circle hook requirements for the two fisheries, the Department has amended the bluefish regulations to adopt the same definition of bait as is in the striped bass regulations. The rule also cleans up regulatory language in Section 43.01(C), removing language prohibiting the use of treble hooks with bait given subsequent language supersedes this prohibition by only allowing for the use of circle hooks with bait. Continued consistency in the circle hook requirements for striped bass and bluefish will provide clarity to anglers and Marine Patrol.

**ADOPTED RULE NUMBER:**

(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

**EFFECTIVE DATE:**

(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

**AGENCY CONTACT PERSON:** Amanda Ellis (207) 624-6573  
**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      |
| <i>Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta</i> |             |        |     |      |             |
| 010   | 13A         | 1120   | 10  | 4946 | regulations |

## Chapter 43 - Bluefish

### 43.01 Bluefish Limits

#### 1. Method of Taking

A. Daily and Possession Limits. Except as provided in 43.01(A)(1) it shall be unlawful for any person to take, catch, kill, or possess more than 3 bluefish per day.

(1) Exemptions. The daily limit and possession limit shall not apply to persons licensed under 12 M.R.S. §6501 and §6421. The possession limit shall not apply to persons licensed under 12 M.R.S. §6851 and §6852.

B. It is unlawful to use multiple (more than two) barbed or barbless treble hooks on any artificial lure or flies while fishing for bluefish.

~~C. It is unlawful to use treble hook(s) 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".

For the purposes of this chapter, bait is defined as any marine or freshwater organism live or dead, whole or parts thereof, and earthworms, including but not limited to, night crawlers (*Lumbricus terrestris*).

D. Any striped bass killed during the take of bluefish becomes part of the daily bag limit in accordance with Chapter 42.02.

## Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: 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: 43, Bluefish

STATUTORY AUTHORITY: 12 M.R.S.A. §6171

DATE AND PLACE OF PUBLIC HEARING(S): June 24, 2021, held remotely via Microsoft Teams.

COMMENT DEADLINE: July 6, 2021

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

Given overlap between the recreational fisheries for striped bass and bluefish, this rule aligns circle hook requirements for the two fisheries by applying a common definition of bait.

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 rule clarifies the use of circle hooks in the bluefish recreational fishery and aligns this with requirements in the striped bass fishery. This rule will provide clarity to both anglers and Marine Patrol.

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]:

This rule considered Addendum VI to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan, the meeting of the Atlantic Striped Bass Management Board on March 16, 2021, and concurrent rulemaking for Chapter 42: Striped Bass.

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)]

**Basis Statement**

Bluefish and striped bass are two species whose recreational fisheries often overlap. Like the striped bass fishery, there is a circle hook requirement when fishing with bait in the recreational bluefish fishery. The Department has amended the striped bass regulations to provide greater clarity on the use of circle hooks in the striped bass recreational fishery. This includes providing a definition of bait. To ensure continued consistency between the circle hook requirements for the two fisheries, the Department has amended the bluefish regulations to adopt the same definition of bait as is in the striped bass regulations. The rule also cleans up regulatory language in Section 43.01(C), removing language prohibiting the use of treble hooks with bait given subsequent language supersedes this prohibition by only allowing for the use of circle hooks with bait. Continued consistency in the circle hook requirements for striped bass and bluefish will provide clarity to anglers and Marine Patrol.

**Summary of Comments**

Notice of the proposed rulemaking appeared on June 2, 2021 in the five major daily newspapers as published by the Secretary of State. On June 1, 2021, the rule was posted on the DMR website, and on June 2, 2021 electronic messages were sent to individuals who subscribe to DMR notices. A remote public hearing was held on June 24, 2021. The comment period closed July 6, 2021. DMR did not receive any written comments on the proposal.

Attendance at the public hearing:

| Name                        | Affiliation                 |
|-----------------------------|-----------------------------|
| Megan Ware and Amanda Ellis | DMR staff                   |
| Barry Gibson                | Charter fisherman and guide |

Mr. Gibson did not wish to provide a comment at the hearing.