

NOTICE OF AGENCY EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 42.01 Statewide Striped Bass Size Restrictions, Harvest Methods

CONCISE SUMMARY:

In order to come into compliance with the Atlantic States Marine Fisheries Commission’s Atlantic Striped Bass Interstate Fishery Management Plan, the Department is implementing regulatory changes to expand the required use of circle hooks in the recreational striped bass fishery. Specifically, this emergency rulemaking makes it unlawful to use any hook other than a circle hook when fishing for striped bass with bait. In doing so, this emergency rulemaking removes the exception that previously exempted those fishing for striped bass with baited latex and rubber tube rigs from having to use circle hooks. In addition to coming into compliance with the Fishery Management Plan, this regulation has the potential to have positive impacts on the stock by broadening the requirement to use circle hooks in the striped bass fishery and reducing discard mortality rates.

EFFECTIVE DATE: December 16, 2020

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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.

Basis Statement

The Commissioner adopts this emergency rulemaking to modify the circle hook requirements for striped bass such that it is unlawful to use any hook other than a circle hook when fishing for striped bass with bait. This emergency rulemaking removes the exception that previously exempted those fishing for striped bass with baited latex and rubber tube rigs from having to use circle hooks. This action is necessary to come into compliance with the Atlantic States Marine Fisheries Commission's (ASMFC) Atlantic Striped Bass Interstate Fishery Management Plan.

Striped Bass is managed by ASMFC. As a part of Addendum VI to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan, the use of circle hooks is required when recreationally fishing for striped bass with bait; this requirement goes into effect January 1, 2021. At its October 2020 meeting, the Atlantic Striped Bass Management Board reviewed state regulatory language for the circle hook requirement. As a part of this review, ME DMR submitted existing regulatory language which requires the use of circle hooks when fishing for striped bass with bait; however, this regulation also provided an exception to the circle hook requirement for those who were fishing with baited latex and rubber tube rigs. Maine was one of two states which included an exception to the circle hook requirement for a portion of the striped bass recreational fishery. Ultimately, the Atlantic Striped Bass Management Board voted to disapprove any exceptions to the requirement to use circle hooks when recreationally fishing for striped bass with bait.

ME DMR must modify its striped bass regulation in order to come into compliance with the ASMFC Striped Bass Interstate Fishery Management Plan. Further, broadening the requirement to use of circle hooks in the recreational striped bass fishery has the potential to have positive benefits for the stock given the use of circle hooks has been shown to reduce discard mortality rates. For these reasons, the Commissioner hereby adopts an emergency regulation to modify the circle hook requirements in the striped bass recreational fishery in accordance with 12 MRS §6171(3)(C).

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: 42.01 Statewide Striped Bass Size Restrictions, Harvest Methods

STATUTORY AUTHORITY: 12 M.R.S. 6171(3)(C).

DATE AND PLACE OF PUBLIC HEARING: NA; Emergency Rulemaking

COMMENT DEADLINE: NA; Emergency Rulemaking

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

This action is intended to come into compliance with the Atlantic Striped Bass Interstate Fishery Management Plan and broaden the requirement to use circle hooks in the recreational striped bass fishery.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___ YES ___ X NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

This rule will expand the required use of circle hooks in the recreational striped bass fishery. By removing the previous exception, there will be a uniform requirement in Maine to use circle hooks when fishing for striped bass with bait.

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 as well as the meeting of the Atlantic Striped Bass Management Board on October 21, 2020.

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

Enforcement of this amendment would 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.