

**Notice of Agency Rule-making Proposal**

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 42 Striped Bass Method of Taking

PROPOSED RULE NUMBER *(leave blank; to be assigned by Secretary of State)*:

**BRIEF SUMMARY:**

This rule would remove the circle hook requirement for Atlantic striped bass. Due to their migratory behavior, the Atlantic States Marine Fisheries Commission (ASMFC) governs interstate management for Atlantic striped bass. Consistent regulations across jurisdictions are recommended within the ASMFC Striped Bass Management Plan and a circle hook restriction is recommended within Amendment 6 of the Plan to reduce the mortality associated with hooking and releasing striped bass. Maine implemented a circle hook restriction in 2013 with the assumption that it be similarly implemented by the other Atlantic states. Other jurisdictions have not enacted this requirement and do not plan to implement a circle hook restriction. A circle hook restriction limited to Maine waters exclusively is not an effective management measure for a migratory fish species spanning from Maine to North Carolina along the Atlantic coast.

Date, time and location of PUBLIC HEARING *(if any)*: 2:00 PM January 9, 2019, DMR Laboratory, West Boothbay Harbor, ME. (Snow date 2:00 PM January 10, 2019, DMR Laboratory, West Boothbay Harbor, ME)

COMMENT DEADLINE: January 21, 2019

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

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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: 12 M.R.S. §6171

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.*

*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
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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 must 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.

# 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/>

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

The circle hook restriction for Atlantic striped bass is proposed for removal because Maine is the only jurisdiction that has implemented this rule. Amendment 6 of the Atlantic States Marine Fishery Commissions Striped Bass Management Plan recommends that a circle hook restriction be implemented into rule for each jurisdiction from Maine to North Carolina to reduce hooking mortality. Atlantic striped bass are migratory and consistent regulations across jurisdictions are essential for effective management of the species. Maintaining this restriction for only Maine waters is ineffective and overly restrictive to Maine anglers. The removal of this hook restriction will not impact the overall management for this species given Maine has the lowest catch rates within this species range.

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)]

Anglers fishing for striped bass would no longer need to adhere to the circle hook restriction and would be able to use traditional J style hooks when fishing for Atlantic striped bass with bait.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission reviewed the striped bass regulations across jurisdictions during the summer 2018 meeting. Maine was the only jurisdiction with a circle hook restriction and the other jurisdictions did not indicate plans to implement circle hook restrictions within their respective jurisdictions. Maine has also received input from recreational and charter boat anglers requesting that the restriction be rescinded in Maine's waters.

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.

*Note: If necessary, additional pages may be used.*