

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 50.02(A) Spiny Dogfish Harvest, Possession, and Landing Restrictions

TYPE OF RULE (*check one*): Routine Technical Major Substantive

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

BRIEF SUMMARY:

On May 1, 2022, the Department of Marine Resources (DMR) adopted an emergency rule that increased the spiny dogfish commercial trip limit in Maine state waters to 7,500 pounds per calendar day or 24-hour period. The increased trip limit aligned Maine’s regulations with the 2022 fishing year spiny dogfish specifications published by NOAA Fisheries on April 7, 2022 and with a recent vote at the Atlantic States Marine Fisheries Commission to mirror the federal waters trip limit in state waters. As emergency rules are temporary, this proposed rule would adopt the May 1, 2022 emergency rule making it part of DMR’s regular rules.

Date, time and location of PUBLIC HEARING (*if any*): None scheduled.

COMMENT DEADLINE: June 24, 2022

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

NAME: Amanda Ellis

MAILING ADDRESS: 21 State House Station, Augusta, Maine 04333-0021

E-MAIL: dmr.rulemaking@maine.gov

TELEPHONE: 207-624-6573

FAX: 207-624-6024

TTY: 207-624-6500 (Deaf/Hard of Hearing)

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 MRS 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.*

X *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
010	13A	1120	10	4946				

DEPARTMENT OF MARINE RESOURCES

CHAPTER 50.02 Harvest, Possession, and Landings Restrictions

A. Spiny Dogfish

When the annual Atlantic States Marine Fisheries Commission quota for spiny dogfish is reached it shall be unlawful to fish for, take, have in possession or land spiny dogfish taken from Maine territorial waters. Persons shall be informed by public notice in a newspaper with statewide circulation when the annual quota for spiny dogfish taken from Maine territorial waters has been reached. This is in accordance with the annual quota established by the Atlantic States Marine Fisheries Commission.

(1) Exception

- (a) This rule shall not apply to vessels or individuals who harvest or possess dogfish for research or biomedical use, provided such vessels or individuals have a permit from the Commissioner of Marine Resources.
- (b) Any person may fish for, take, possess, or transport one dogfish per day provided that the dogfish is for personal use only.

(2) Spiny Dogfish Trip Limit

Effective ~~September 8, 2014~~ May 1, 2022, it is unlawful to harvest, land or possess more than ~~5,000~~ 7,500 pounds of spiny dogfish per calendar day or 24-hour period when Maine territorial waters are not closed to the taking of dogfish in accordance with Chapter 50.02(A).

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: Chapter 50.02(A) Spiny Dogfish Harvest, Possession, and Landing Restrictions

STATUTORY AUTHORITY: 12 MRS 6171

DATE AND PLACE OF PUBLIC HEARING(S): None scheduled.

COMMENT DEADLINE: June 24, 2022

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

This rule increases the spiny dogfish commercial trip limit to 7,500 pounds to align Maine state water regulations with those published by NOAA Fisheries and those voted on at the Atlantic States Marine Fisheries Commission. It would incorporate the May 1, 2022 emergency rule as a regular rule.

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 increase the poundage of spiny dogfish which commercial fishermen may land per trip per day in Maine. As a result, it provides additional fishing opportunities to commercial harvesters in Maine.

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 a final rule for spiny dogfish specifications which was published by NOAA Fisheries on April 7, 2022 (87 FR 20348) as well as a January 25, 2022 motion by the Atlantic States Marine Fisheries Commission Spiny Dogfish Management Board. In development of the rule, DMR also considered the emergency rule adopted on May 1, 2022.

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)]

Note: If necessary, additional pages may be used.