

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: 34.06 Recreational Groundfish Measures for Cod and Haddock

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

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

BRIEF SUMMARY:

On September 1, 2022, DMR adopted an emergency rule to be consistent with a NOAA Fisheries federal rulemaking. DMR is proposing to adopt the emergency rule as part of its regular rules. Consistent with the existing emergency rule, this proposal would implement regulatory changes for charter, party and recreational fishing vessels operating in state waters regarding Gulf of Maine cod and haddock. The bag limit for Gulf of Maine haddock is increased to 20 fish, with the fishing season and minimum size remaining unchanged. The season for Gulf of Maine cod is expanded such that cod may be possessed on board charter, party, or recreational fishing vessels from April 1-14, inclusive, and from September 1 – October 7, inclusive. The minimum size for Gulf of Maine cod is also increased to 22 inches, and there is no change to the 1-fish bag limit. This action ensures compliance with the federal fishery management plan. It also expands recreational fishing opportunities for these species in Maine state waters.

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

COMMENT DEADLINE: October 7, 2022

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: 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
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DEPARTMENT OF MARINE RESOURCES

CHAPTER 34.06 Recreational Groundfish Restrictions

A. Prohibited species

Charter, Party and Recreational vessels and/or recreational fishermen are prohibited from retaining, killing or landing Windowpane flounder, Ocean pout and/or Atlantic Wolffish.

B. Restrictions on Sale

It is unlawful to sell, barter, trade, or otherwise transfer for a commercial purpose, or to attempt to sell, barter, trade, or otherwise transfer for a commercial purpose, groundfish caught or landed by charter, party, or recreational fishing vessels.

C. Recreational Size Limits

1. Persons aboard charter, party and recreational fishing vessels are subject to the following minimum fish sizes:

Species	Minimum Fish Sizes (TL)	
		Size Inches (cm)
Cod.....	21 (53.3 cm)	<u>22 (55.9 cm)</u>
American plaice (dab)	14	(35.6 cm)
Haddock	17	(43.2 cm)
Monkfish	17	(43.2 cm)
Redfish	9	(22.9 cm)
Summer Flounder.....	20	(50.8 <u>cm</u>)
Winter Flounder (blackback)	12	(30.5 cm)
Witch Flounder (gray sole)	14	(35.6 cm)
Yellowtail Flounder	13	(33.0 cm)

2. **Exceptions**

- (a) Vessels may possess fillets less than the minimum size specified, if the fillets are taken from legal-sized fish and are not offered or intended for sale, trade or barter. This exception shall not apply to Atlantic Halibut.

D. Recreational Limits and Restrictions

1. **Winter Flounder**

Each person on board a charter, party or recreational fishing vessel may not possess more than 8 Winter Flounder.

2. **Haddock**

Each person on board a charter, party, or recreational fishing vessel may not possess more than ~~45~~ 20 Haddock per day and shall comply with the following restrictions:

- (a) For purposes of counting fish, fillets will be converted to whole fish at the place of landing by dividing the fillet number by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.
- (b) Haddock harvested by charter, party, or recreational fishing vessels with more than one person aboard may be pooled in one or more containers. Compliance with the possession limit will be determined by dividing the number of fish on board by the number of persons aboard. If there is a violation of the possession limit on board a vessel carrying more than one person, the owner or operator shall be responsible for the violation.
- (c) Haddock must be stored so as to be readily available for inspection.
- (d) Haddock may not be possessed on board a charter, party or recreational fishing vessel from March 1 through March 31 inclusive.

3. **Summer Flounder**

Recreational Effort Restrictions: Summer Flounder creel limit and season

It shall be unlawful to take, catch, kill, or possess more than two (2) Summer Flounder per day.

4. **Cod**

Each person on board a charter, party or recreational fishing vessel may not possess more than 1 cod per day. ~~and must comply with the following restrictions:~~ Cod may not be possessed on board a charter, party, or recreational fishing vessel from October 8 through March 31, inclusive, and from April 15 through August 31, inclusive.

- ~~(a) Cod may not be possessed on board a recreational fishing vessel, as defined in Section 34.01(J), from October 1 through March 31, inclusive, and from April 15 through September 14, inclusive.~~
- ~~(b) Cod may not be possessed on board a charter or party boat, as defined in Section 34.01(B), from October 8 through March 31, inclusive, and from April 15 through September 7, inclusive.~~

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: 34.06 Recreational Groundfish Measures for Cod and Haddock

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

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

COMMENT DEADLINE: October 7, 2022

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

This proposal is intended to manage the Gulf of Maine cod and haddock recreational fishery in compliance with the federal fishery management plan.

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 proposal will increase the bag limit for Gulf of Maine haddock while expanding the fishing season and increasing the minimum size for Gulf of Maine cod. The proposal also re-aligns the Gulf of Maine cod fishing seasons for private and for-hire recreational anglers. This proposal is expected to increase opportunities for participation in these recreational fisheries.

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 the final rule issued by NOAA Fisheries which set fishing year 2022 recreational management measures for Gulf of Maine cod and haddock and the associated September 1, 2022 emergency rule filed by the Department.

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)]