

## Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 42.01 Changes to Striped Bass Slot Limit

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 18, 2023, DMR adopted an emergency rule to come into compliance with the Atlantic Striped Bass Fishery Management Plan at the Atlantic States Marine Fisheries Commission (ASMFC). DMR is proposing to adopt the emergency rule as part of its regular rules. Consistent with the existing emergency rule, this proposal would implement a 31-inch maximum size limit in the striped bass recreational fishery. As a result, it would be unlawful to take or possess striped bass unless they are between 28-inches and 31-inches, inclusive. This proposed action would ensure continued compliance with the ASMFC fishery management plan.

Date, time and location of PUBLIC HEARING (*if any*): July 12, 2023, 4:00 p.m., DMR Offices, Room 118 Marquardt Building (32 Blossom Lane, Augusta ME), with an option to participate remotely via Microsoft Teams. For information on how to join the hearing, please visit: [www.maine.gov/dmr](http://www.maine.gov/dmr). Instructions will be posted on DMR's homepage under meetings and events.

COMMENT DEADLINE: July 24, 2023

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

NAME: Deirdre Gilbert

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

E-MAIL: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)

TELEPHONE: 207-624-6553

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](mailto:dmr.rulemaking@maine.gov)

DEPARTMENT OF MARINE RESOURCES

CHAPTER 42: STRIPED BASS

**42.01 Statewide Striped Bass Size Restrictions, Harvest Methods**

**2. Size Restrictions**

It is unlawful to take or possess striped bass which are less than 28 inches long, or ~~equal to or greater than 35~~ 31 inches long, in total length. It is unlawful to possess striped bass unless the fish are whole with head on, and are between 28 inches and 31 inches, inclusive. ~~equal to or greater than 28 inches and less than 35 inches long.~~

## Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6553; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 42.01 Changes to Striped Bass Slot Limit

STATUTORY AUTHORITY: 12 MRS 6171

DATE AND PLACE OF PUBLIC HEARING(S): July 12, 2023, 4:00 p.m., DMR Offices, Room 118 Marquardt Building (32 Blossom Lane, Augusta ME), with an option to participate remotely via Microsoft Teams. For information on how to join the hearing, please visit: [www.maine.gov/dmr](http://www.maine.gov/dmr). Instructions will be posted on DMR's homepage under meetings and events.

COMMENT DEADLINE: July 24, 2023

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

This proposal is intended to manage the striped bass fishery in compliance with the fishery management plan at the Atlantic States Marine Fisheries Commission.

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 proposal would decrease the maximum size limit for striped bass, reducing the sizes of striped bass which can be harvested. This is anticipated to reduce recreational harvest of striped bass in Maine and support rebuilding of the stock.

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 proposal considered action taken at the May 2, 2023 Atlantic Striped Bass Board meeting, including technical analysis on updated probabilities of rebuilding, motions made at the meeting, and discussion had by the Board.

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.