

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 42 Striped Bass

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

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

BRIEF SUMMARY: This regulation proposes expanding the special hook and release season/area and the waters seasonally closed to the use of bait regulations on striped bass from May 1 to June 30 to the Saco and Presumpscot rivers. This is intended to reduce mortality of Atlantic striped bass in Maine territorial waters in recognition of the current overfished status of the stock. The proposed rule also provides an exemption for for-hire operators and crew to fillet legal striped bass dockside provided specific criteria are met.

Date, time and location of PUBLIC HEARING (*if any*):

March 3, 2025 at 5:00 pm in DMR's Conference Room 118, Marquardt Building, 32 Blossom Lane, Augusta ME, and remotely via Microsoft Teams. Remote access information is posted to <https://www.maine.gov/dmr/home> under "meetings".

March 5, 2025 at 5:00 pm at the Yarmouth Town Hall Community Room, 200 Main St Yarmouth ME
If either hearing must be cancelled due to inclement weather, an alternate hearing will be held on March 6 at 5:00 pm in DMR's Conference Room 118, Marquardt Building, 32 Blossom lane, Augusta ME, and remotely via Microsoft Teams. Remote access information is posted to <https://www.maine.gov/dmr/home> under "meetings".

COMMENT DEADLINE: March 17, 2025

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

NAME: Deirdre Gilbert

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TELEPHONE: 207-624-6553

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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 MRS §6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): Same

AGENCY WEBSITE: www.maine.gov/dmr

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.

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 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”. Striped bass incidentally caught on any unapproved hook type must be returned to the water immediately without unnecessary injury.

For the purposes of this section, bait is defined as any marine or freshwater organism live or dead, whole or parts thereof, and earthworms, including but not limited to, night crawlers (*Lumbricus terrestris*).

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. Willow leaf spinner rigs will also be exempt from the circle hook restriction as long as they are fished with no more than two barbless hooks. A willow leaf spinner rig is comprised of leaf-shaped attractor blades which are longer than they are wide. Use of treble hooks is not allowed with any of these exempted 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.

2. Size Restrictions

It is unlawful to take or possess striped bass which are less than 28 inches long or greater than 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-

Exception: Operators and crew onboard for-hire vessels may fillet legal sized striped bass for their customers dockside provided that:

- A. A striped bass carcass may not be mutilated to the extent that the total length or species of fish cannot be determined.
- B. No more than two fillets taken from legal striped bass are in the possession of each customer of that trip, representing the equivalent of one fish per angler.
- C. Any striped bass fillet shall have the skin still attached for the purpose of identification of the fillet as striped bass.

- D. All striped bass carcasses must be retained and available for inspection until all passengers from that trip have left the vessel and dock area.
- E. All striped bass carcasses from any previous trip shall be disposed of before any person begins to fish on a subsequent trip.
- F. Filleting by operators and crew onboard for-hire vessels is not permitted at-sea.

42.02 Striped Bass - Limits, Personal Use

It is unlawful for any person to fish for, take or possess striped bass in or from territorial waters, except for personal use. The sale of wild striped bass caught for personal use or by commercial fisheries in other States or jurisdictions is prohibited in the State of Maine.

It is unlawful for any person to take or possess more than one (1) striped bass each day.

Exception for Hybrid Striped Bass:

This section shall not apply to the possession and sale of hybrid striped bass under the following conditions:

1. **Hybrids** (*Morone saxatilis x Morone chrysops*). Whole aquaculture-raised striped bass shall have a tag or label affixed to each fish container holding fish.
2. **Fillets**. Fillets from aquaculture-raised hybrid striped bass shall have the skin attached.
3. **Tags and Labels**. All tags and labels affixed to containers of whole aquaculture-raised hybrid striped bass and fillets from aquaculture-raised hybrid striped bass shall be clearly marked "Hybrid Striped Bass" and provide the following information:
 - A. State of origin
 - B. Name and address of shipping and receiving dealers
 - C. Permit number of shipping and receiving dealers
 - D. Date shipped
 - E. Net weight of container
4. **Nomenclature**. It is unlawful for any person to market, promote, advertise, or sell whole hybrid striped bass or hybrid striped bass fillets as "striped bass." Only the term "hybrid striped bass" shall be used when marketing, promoting, advertising, or selling at retail hybrid striped bass and hybrid striped bass fillets.

42.03 Striped Bass - Closed Area and Closed Season

For purposes of this section, "bait" is defined as any live or dead marine organism, or part thereof.

1. ~~A.~~ Except as provided in 42.03~~(B)(2)(A)~~, from the 1st day of December to June 30, inclusive, it is unlawful for any person to take ~~and~~ or retain any striped bass from the tidal waters of the Kennebec River inside and upstream of a line drawn from the outer extremity of Cape Small to the outer extremity of Salter Island, thence to the outer extremity of Cape Newagen and including Merrymeeting Bay and tributaries, the tidal waters of the Sheepscot River, Androscoggin River, Sasanoa River, and all other tidal tributaries of the Kennebec River. From July 1 through November 30, statewide regulations apply to this area.

2. ~~B.~~ **Special Hook and Release Season/Area.**

A. From May 1 to June 30, it shall be lawful to fish for striped bass in the waters described in 42.03~~(A)(1)~~ with a hook and line and single hooked artificial lures. Any striped bass caught during this special season/area fishery shall be immediately released and returned alive, without further injury, to the waters from which they were taken.

B. From May 1 to June 30, it shall be unlawful to retain striped bass taken from the tidal waters of the Saco River upstream of a line drawn from the east end of the Camp Ellis pier to a red painted post on the west end of Freddy Beach; and the Presumpscot River upstream of the US Route 1 bridge between Martin Point in Portland and Mackworth Point in Falmouth. Any striped bass caught during this special season/area fishery shall be immediately released and returned alive, without further injury, to the waters from which they were taken. In addition, within this special season/area fishery, it shall be unlawful to fish for striped bass, except by a single hook and line or single hooked artificial lure.

3. ~~C.~~ **Waters Seasonally Closed to the Use of Bait.**

From May 1 to June 30, inclusive, it is unlawful to possess or use bait while hook and line fishing for any finfish species in waters described in 42.03~~(A)(1) and (2)(B)~~. During this closed season (May 1 to June 30), possession of hook and line fishing gear and bait on waters described in 42.03~~(A)(1) and (2)(B)~~ is prima facie evidence of violating this regulation. The taking of smelts is exempt from this prohibition. For purposes of this section, "bait" is defined as any live or dead marine organism, or part thereof.

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: Chapter 42 Striped Bass

STATUTORY AUTHORITY: 12 MRS §6171

DATE AND PLACE OF PUBLIC HEARING(S):

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

This regulation intends to reduce mortality of Atlantic striped bass in Maine territorial waters in recognition of the current overfished status of striped bass. The rule also adds an exemption to allow for-hire operators to fillet legal striped bass dockside provided specific criteria are met.

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 proposed rule seeks to conserve the Atlantic striped bass resource for utilization in the future by imposing limitations during the months of May and June in the Saco and Presumpscot rivers, including prohibiting the use of bait during those months, allowing only a single hook, and prohibiting the retention of any striped bass during that time. An exemption for filleting striped bass by for-hire operations is anticipated to have a positive impact on these small businesses.

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]: The Department considered the 2024 Striped Bass Stock Assessment, Atlantic States Marine Fisheries Commission Addendum II to Amendment 7 of the Striped Bass Fishery Management Plan, and feedback from the public (July 2024 and December 2024 public meetings), Department staff, and Maine Marine Patrol.

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.