

STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE

Notice of Agency Rulemaking Adoption

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND RULE TITLE: Chapter 52: Mackerel Recreational Bag Limit

ADOPTION FILING NUMBER: Leave Blank - Assigned by the Department of the Secretary of State]

CONCISE SUMMARY:

This rulemaking increases the mackerel possession limit from 20 fish to 25 fish, to align with recent changes adopted by the National Marine Fisheries Service (NMFS) under NOAA.

EFFECTIVE DATE: Leave Blank -- To Be Filled in by the Department of the Secretary of State]

AGENCY CONTACT PERSON:

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Agency Name: Department of Marine Resources

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DEPARTMENT OF MARINE RESOURCES
CHAPTER 52: ATLANTIC MACKEREL

TITLE INDEX

52.01 Definitions

52.02 Atlantic Mackerel Limits

Chapter 52-Atlantic Mackerel Regulations

52.01 Definitions

- A. "Atlantic mackerel" means the genus and species *Scomber scombrus*
- B. "Recreational fishing" means fishing that is not intended to, nor does it result in the barter, trade, or sale of fish.

52.02 Atlantic Mackerel Limits**1. Recreational Fishing Restrictions****A. Possession Limit**

Except as provided in 52.02 (1)(A)(1) it shall be unlawful for an individual engaged in recreational fishing to fish for, take, or possess more than ~~20~~ 25 Atlantic mackerel per person per calendar day.

Atlantic mackerel 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

Atlantic mackerel may be communally stored in dockside bait pens.

Mackerel purchased from a lawful dealer with proof of receipt do not count towards the ~~20~~ 25 fish mackerel possession limit.

Chunked, frozen mackerel do not count towards the ~~20~~ 25 fish mackerel possession limit.

(1) Exemptions

The limit to fish for, take, or possess no more than ~~20~~ 25 Atlantic mackerel shall not apply to persons who hold a commercial pelagic and anadromous fishing license (12 M.R.S §6502-A).

The possession limit shall not apply to persons who hold a commercial harvesting license under 12 M.R.S. Chapter 619 (Lobster and Crab Fishing Licenses), Chapter 621 (Finfish Licenses), or Chapter 625 (Wholesale and Retail Licenses).

Basis Statement

This rulemaking modifies the mackerel recreational possession limit to align with recent changes adopted by the National Marine Fisheries Service (NMFS) under NOAA. Mackerel is regulated by the Mid-Atlantic Fishery Management Council (MAFMC). The 2025 management track stock assessment indicated that the Atlantic mackerel stock was not overfished, allowing for a higher recreational bag limit. As a result, this rulemaking increases the mackerel possession limit from 20 fish to 25 fish, in alignment with the private angler bag limit established by MAFMC.

Summary of Comments

Notice of the proposed rulemaking appeared on May 6, 2026, posted to DMR's website and also printed in the five major daily newspapers as published by the Secretary of State; and electronic messages were sent to individuals who subscribe to DMR's rulemaking notices and sent to industry members who provided their email address to DMR. A hybrid public hearing was held on May 26, 2026, at 5:30 p.m. in-person at DMR's Augusta office and offered remotely via Microsoft Teams. No members of the public attended the public hearing. The comment period closed on June 5, 2026.

Written Comments Received via Email

The comments below are organized by the date they were received.

June 2, 2026 from Bob Humphrey on behalf of Sportsman's Alliance of Maine

re: : Notice of Agency Rulemaking Proposals Chapter 43 - Bluefish Recreational Bag Limit; Chapter 52 - Mackerel Recreational Bag Limit; Chapter 34.06 - Haddock Recreational Size Limit

On behalf of the Sportsman's Alliance of Maine's (SAM), I am writing to express our support for the following proposed regulation changes:

Chapter 43 - increase the bluefish possession limit from 3 fish to 5 fish;

Chapter 52 - increase the mackerel possession limit from 20 fish to 25 fish;

Chapter 34.06 - decrease the recreational haddock minimum size limit from 18 inches to 17 inches.

These modifications will align State regulations with recent changes adopted by the National Marine Fisheries Service (NMFS), the Mid-Atlantic Fishery Management Council (MAFMC) and the Atlantic States Marine Fisheries Commission (ASMFC). They are based on the best available science and will allow additional fishing opportunity while maintaining catch limits within management plan objectives.

Respectfully,
Bob Humphrey
Vice President, Sportsman's Alliance of Maine
Chair, SAM Fisheries Committee
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June 2, 2025 from Dan Nash

I like the change in bag limit for Mackerel from 20 to 25.

Dan Nash

June 2, 2025 from Frank Rossi

I'm 83 years old and spent much of my young life Mackerel fishing along the Portland waterfront. I lived just 3 blocks up near Lincoln Park, so, access to waterfront fishing was readily available. I looked forward to when the Mackerel would start running and the summer season would begin. Mackerel were always plentiful and the catch had no limit at that time. I would agree with increasing the catch limit. Schools are plentiful, so, I don't think we'll see depletion on or smaller schools during my lifetime.

June 2, 2026 from Michael Tarr

I propose adding the words "in the field" to the proposed rule to prevent Fish and Game from ticketing people for frozen mackerel stored for winter.

Current wording could be interpreted as restricting total possession to just 25 fish inclusive of freezer and daily catch. Since Mainers have a long tradition of putting food away for winter, this wording unfairly targets our most vulnerable population who rely on game caught to feed their families.

DMR's response:

The majority of comments supported the proposed language to increase the recreational possession limit to 25 Atlantic mackerel per person per calendar day. One commenter (Michael Tarr) proposed adding the words "in the field" to clarify that the rule is not inclusive of fish frozen and stored for personal use. The rule does not prohibit the public from storing whole frozen mackerel, provided that such storage is conducted in accordance with requirements established in Chapter 52.02 (1)(A).

STATE OF MAINE
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Rulemaking Fact Sheet

(see 5 M.R.S. § 8057-A(1))

Agency: Department of Marine Resources

Name, Address, Telephone Number, and Email Address of Agency Contact Person:

Name: Aurora Burgess

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Email: DMR.rulemaking@maine.gov

Chapter Number and Rule Title: Chapter 52: Mackerel Recreational Bag Limit

Type of Rule: Routine Technical

Statutory Authority: 12 M.R.S. §6171

Public Hearing(s): Tuesday, May 26, 2026, 5:30 p.m., DMR's Augusta Office and remotely via Microsoft Teams

Comment Deadline(s): Friday, June 5, 2026

Principal Reason(s) or Purpose for Proposing this Rule [see 5 M.R.S. § 8057-A(1)(A)]:

This rulemaking modifies the mackerel recreational possession limit to align with recent changes adopted by the National Marine Fisheries Service (NMFS) under NOAA. Mackerel is regulated by the Mid-Atlantic Fishery Management Council (MAFMC). The 2025 management track stock assessment indicated that the Atlantic mackerel stock was not overfished, allowing for a higher recreational bag limit. As a result, this rulemaking increases the mackerel possession limit from 20 fish to 25 fish, in alignment with the private angler bag limit established by MAFMC.

Is Material Incorporated by Reference into the Rule [see 5 M.R.S. § 8056(2-A)]? No

Analysis and Expected Operation of the Rule [see 5 M.R.S. § 8057-A(1)(B) & (D)]:

This rule allows recreational fishermen to operate within federal possession limits and is expected to allow additional fishing opportunity.

Brief Summary of Relevant Information Considered During Development of the Rule (including up to 3 primary sources relied upon)[see 5 M.R.S. §§ 8057-A(1)(E) & 8063-B]:

This rule considered the NOAA Fisheries final rule issued in the Federal Register (50 CRF Part 648 [Docket No. 260421-0107]) which set specifications for fishing years 2026-2027 Atlantic mackerel recreational fishery management measures. Additionally, this rule considered the MAFMC decisions which increased the recreational bag limits by mode. The MAFMC increased the private angler bag limit to 25 fish and the for-hire sector limit to 50 fish. In considering the increase and uncertainty in the terminal year of the stock assessment, DMR increased the state bag limit to 25 fish for all recreational modes. A uniform possession limit will limit uncertainty in Marine Recreational Intercept Program (MRIP) estimates, which currently have high percent standard errors (PSEs) when data is split by mode. MRIP warns that data with high PSEs must be treated with caution or not used in fishery data analysis, such as stock assessments.

Estimated Fiscal Impact of the Rule [see 5 M.R.S. § 8057-A(1)(C)]:

Enforcement of this amendment would not require additional activity in the agency. Existing enforcement personnel will monitor compliance during 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* 5 M.R.S. § 8057-A(2)(A)]:
N/A

Individuals, Major Interest Groups and Types of Businesses Affected and How They Will Be Affected [*see* 5 M.R.S. § 8057-A(2)(B)]:
N/A

Benefits of the Rule [*see* 5 M.R.S. § 8057-A(2)(C)]:
N/A

Note: If necessary, additional pages may be used.