

Notice of Agency Rule-making Proposal

MAPA-3 revised 2-2016

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 40 Smelt Regulations. Proposed Rule-making.

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

BRIEF SUMMARY:

This proposed rulemaking would amend the smelt regulations for Zone One (1), which is the area from the New Hampshire border to Owl's Head Light. In this Zone, it would permit the taking of smelting only by hook and line through the ice. Currently, fishing is prohibited after March 15, whether there is ice or not. This proposed change would allow fishing for smelt as long as the ice is present. The existing four quart limit would remain in place.

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

February 14, 2017 5:15 PM DMR Offices, Marquardt Building, 32 Blossom Lane, Augusta, Maine

COMMENT DEADLINE: February 24, 2017

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

NAME: Deirdre Gilbert (207-624-6576)

AGENCY: Department of Marine Resources

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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/>

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DEPARTMENT OF MARINE RESOURCES

Chapter 40 - Smelt Regulations

40.12 Taking of smelts from the coastal waters of Maine

C. Smelt Management Zone Restrictions

1. Zone One (1)-New Hampshire border to Owl's Head Light

a. It shall be unlawful to fish for, take or possess smelts in Zone One (1) ~~from March 15 to June 30~~, except by hook and line through the ice, while ice is present.

b. ~~When fishing for smelts in Zone One (1) during the period of July 1 to March 14, it shall be unlawful to fish for or take smelts from the coastal waters of Zone One (1) by any means other than by hook and line. Beginning December 1, 2015, during the period of July 1 to March 14, it~~ It shall be unlawful to fish for, take, or possess more than 4 quarts of smelts per day, both days inclusive in Zone One.

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 (207-624-6576) , Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021

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CHAPTER NUMBER AND RULE: Chapter 40.12

STATUTORY AUTHORITY: §12 MRS §6171

DATE AND PLACE OF PUBLIC HEARING:

February 14, 2017 5:15 PM DMR Offices, Marquardt Building, 32 Blossom Lane, Augusta, Maine

COMMENT DEADLINE: February 24, 2017

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

This proposed rulemaking would amend the smelt regulations for Zone One (1), which is the area from the New Hampshire border to Owl's Head Light. In this Zone, it would permit the taking of smelting only by hook and line through the ice. Currently, fishing is prohibited after March 15, whether there is ice or not. This proposed change would allow fishing for smelt as long as the ice is present. The existing four quart limit would remain in place.

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)]

The rule will allow individuals to continue to fish for smelt beyond March 15, as long as they are fishing through the ice with hook and line.

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]

In developing this rule, the Department considered input from operators of smelt camps, who want their businesses to continue during those winters when there is still ice beyond March 15.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

No fiscal impact is anticipated.

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)]