

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 43 Bluefish Method of Taking

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

BRIEF SUMMARY:

This rule would remove the circle hook requirement for bluefish. In a concurrent proposed rulemaking, the Department is proposing to remove the circle hook requirement for striped bass. The requirement to use circle hooks for bluefish was implemented in 2013 in order to make it possible to enforce the circle hook requirement for striped bass. Because the requirement is being proposed for elimination for striped bass, the Department is proposing to also eliminate the requirement for bluefish.

Date, time and location of PUBLIC HEARING *(if any)*: 2:30 PM January 9, 2019, DMR Laboratory, West Boothbay Harbor, ME. (Snow date 2:30 PM January 10, 2019, DMR Laboratory, West Boothbay Harbor, ME)

COMMENT DEADLINE: January 21, 2019

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: 12 M.R.S. §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
010	13A	1120	10	4946				

DEPARTMENT OF MARINE RESOURCES

Chapter 43 - Bluefish

43.01 Bluefish Limits

1. Method of Taking

A. Daily and Possession Limits.

Except as provided in 43.01(A)(1) it shall be unlawful for any person to take, catch, kill, or possess more than 3 bluefish per day.

(1) Exemptions. The daily limit and possession limit shall not apply to persons licensed under 12 M.R.S. §6501 and §6421. The possession limit shall not apply to persons licensed under 12 M.R.S. §6851 and §6852.

B. It is unlawful to use multiple (more than two) barbed or barbless treble hooks on any artificial lure or flies while fishing for bluefish.

C. It is unlawful to use treble hook(s) when using bait.

~~The following becomes effective January 1, 2013:~~

~~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".~~

D. Any striped bass killed during the take of bluefish becomes part of the daily bag limit in accordance with Chapter 42.02.

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/>

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STATUTORY AUTHORITY: 12 M.R.S. §6171

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

This rule would remove the circle hook requirement for bluefish. In a concurrent proposed rulemaking, the Department is proposing to remove the circle hook requirement for striped bass. The requirement to use circle hooks for bluefish was implemented in 2013 in order to make it possible to enforce the circle hook requirement for striped bass. Because the requirement is being proposed for elimination for striped bass, the Department is proposing to also eliminate the requirement for bluefish.

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)]

Anglers fishing for striped bass would no longer need to adhere to the circle hook restriction and would be able to use traditional J style hooks when fishing for bluefish with bait.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

The Atlantic Striped Bass Management Board of the Atlantic States Marine Fisheries Commission reviewed the striped bass regulations across jurisdictions during the summer 2018 meeting. Maine was the only jurisdiction with a circle hook restriction and the other jurisdictions did not indicate plans to implement circle hook restrictions within their respective jurisdictions. Maine has also received input from recreational and charter boat anglers requesting that the restriction be rescinded in Maine's waters. Because this requirement is being proposed to be eliminated for striped bass, the Department is also proposing to eliminate this requirement for bluefish.

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.

Note: If necessary, additional pages may be used.