

# Notice of Agency Rule-making Proposal

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: **Chapter 34 Groundfish Regulations. Recreational Cod, Haddock and Pollock Federal Compliance and Technical Changes Proposed Rule-Making**

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

BRIEF SUMMARY: In accordance with the New England Fisheries Management Council (NEFMC) and for consistency with the National Marine Fisheries Service (NMFS) federal regulations effective May 25, 2017, the Department proposes changes for charter, party and recreational vessels operating in state waters regarding cod, haddock and pollock. A zero (0) possession limit is being proposed for cod. In 2016 recreational fishermen exceeded their sub-ACL of cod by 92%. Therefore, the NEFMC recommended zero (0) possession of cod on all charter, party and recreational vessels. Recreational possession limits for haddock are proposed to decrease from 15 to 12 fish along with a new closed season proposed for the fall, in addition to the existing spring closure. The closure period proposed in this rulemaking covers the entire time period for both options which are being considered in the federal proposal; the final closure period will ensure consistency with what is adopted federally. In 2016 recreational fishermen exceeded their 2016 sub-ACL of haddock by 15%. Therefore, the NEFMC recommended that recreational haddock possession be further restricted. For pollock, possession limit and the minimum size limit of 19" (48.3 cm) are proposed to be removed for consistency with adjacent state recreational fisheries & to provide additional fishing opportunities to the fleet, as the pollock resource is currently considered to be in a healthy state.

Date, time and location of PUBLIC HEARING (*if any*): **June 26, 2017** 4:00 PM, DMR Conference Room #118, Marquardt Building, 32 Blossom Lane, Augusta

COMMENT DEADLINE: **July 7, 2017**

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

AGENCY CONTACT PERSON: **Amanda Ellis (tel: 207-624-6573)**  
Mail Written Comments to: **Department of Marine Resources, attn Rulemaking**  
ADDRESS: **21 State House Station, Augusta, ME 04333-0021**  
WEB SITE: **<http://www.maine.gov/dmr/rulemaking/>**  
E-MAIL: **[dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)**  
FAX: **(207) 624-6024**  
TTY: **(207) 624-6500 (Deaf/Hard of Hearing)**

Hearing facilities: If you require accommodations due to disability, contact Amanda Beckwith at (207) 287-7578.

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. § 6749 §6173

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 34 - Groundfish Regulations

34.06 Recreational Groundfish Restrictions

A. Prohibited species.

Charter, Party and Recreational vessels and/or recreational fishermen are prohibited from retaining, killing or landing Windowpane flounder, Cod, and Ocean pout and/or Atlantic Wolffish.

B. Restrictions on Sale

It is unlawful to sell, barter, trade, or otherwise transfer for a commercial purpose, or to attempt to sell, barter, trade, or otherwise transfer for a commercial purpose, groundfish caught or landed by charter, party, or recreational fishing vessels.

C. Recreational Size Limits

1. Persons aboard charter, party and recreational fishing vessels are subject to the following minimum fish sizes:

Species	Minimum Fish Sizes (TL)	Size Inches (cm)
<del>Cod</del>		<del>24 (60.1 cm)</del>
American plaice (dab)		14 (35.6 cm)
Haddock		17 (43.2 cm)
Monkfish		17 (43.2 cm)
<del>Pollock</del>		<del>19 (48.3 cm)</del>
Redfish		9 (22.9 cm)
Summer Flounder		20 (50.8)
Winter Flounder (blackback)		12 (30.5 cm)
Witch Flounder (gray sole)		14 (35.6 cm)
Yellowtail Flounder		13 (33.0 cm)

2. Exceptions:

(a) Vessels may possess fillets less than the minimum size specified, if the fillets are taken from legal-sized fish and are not offered or intended for sale, trade or barter. This exception shall not apply to Atlantic Halibut.

~~(b) Notwithstanding the minimum size for Pollock a person may take or possess up to, but not more than, twelve (12) Pollock per day which are less than 19 inches total length.~~

D. Recreational Limits and Restrictions

1. Winter Flounder

Each person on board a charter, party or recreational fishing vessel may not possess more than 8 Winter Flounder.

2. Haddock

Each person on board a charter, party, or recreational fishing vessel may not possess more than ~~45~~ 12 Haddock per day and shall comply with the following restrictions:

- (a) For purposes of counting fish, fillets will be converted to whole fish at the place of landing by dividing the fillet number by two. If fish are filleted into a single (butterfly) fillet, such fillet shall be deemed to be from one whole fish.
- (b) Haddock 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.
- (c) Haddock must be stored so as to be readily available for inspection.
- (d) Haddock may not be possessed on board a charter, party or recreational fishing vessel from September 1 through October 31 inclusive, and March 1 through April 14 inclusive.

3. Summer Flounder

Recreational Effort Restrictions: Summer Flounder creel limit and season.

It shall be unlawful to take, catch, kill, or possess more than two (2) Summer Flounder per day.

~~4. Cod~~

~~Each person on board a charter, party or recreational fishing vessel may not possess more than 1 cod per day. Cod may not be possessed on board a charter, party or recreational fishing vessel from October 1 to July 31 inclusive.~~

# 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/>

CHAPTER NUMBER AND RULE: Chapter 34

STATUTORY AUTHORITY: 12 M.R.S. §6171

DATE AND PLACE OF PUBLIC HEARING: **June 26, 2017** 4:00 PM, DMR Conference Room #118, Marquardt Building, 32 Blossom Lane, Augusta

COMMENT DEADLINE: **July 7, 2017**

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

In accordance with the New England Fisheries Management Council (NEFMC) and for consistency with the National Marine Fisheries Service (NMFS) federal regulations effective May 25, 2017, the Department proposes changes for the charter, party and recreational vessels operating in state waters regarding cod, haddock and pollock.

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)]

A zero (0) possession limit is being proposed for cod. In 2016 recreational fishermen exceeded their 2016 sub-ACL of cod by 92%. Therefore, the NEFMC recommended zero possession of cod on all recreational trips by both private as well as party and charter vessels which was based on the best available scientific advice. Recreational possession limits for haddock decrease from 15 to 12 fish and a new closed season for haddock will be implemented in the fall in addition to the existing spring closure. In 2016 recreational fishermen exceeded their 2016 sub-ACL of haddock by 15%. Therefore, the NEFMC recommended that recreational haddock possession be further restricted. For pollock, the regulation proposes to remove possession limit and the minimum size limit of 19" (48.3 cm) to be consistent with other adjacent state recreational fisheries and to provide additional fishing opportunities to the fleet as the pollock resource is currently considered to be in a healthy state.

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 regulation proposes for party, charter and recreational fishing vessel a zero (0) possession limit for cod, reducing the possession limit for haddock from 15 to 12 fish as well as the implementation of a haddock possession restriction in the fall and to remove the minimum size and possession limits for pollock in state waters. It is proposed to ensure consistency with federal regulation [NOAA-NMFS-2017-0048](https://www.federalregister.gov/documents/2017/05/25/2017-10703/magnuson-stevens-fishery-conservation-and-management-act-provisions-fisheries-of-the-northeastern) which was proposed on May 25, 2017 (<https://www.federalregister.gov/documents/2017/05/25/2017-10703/magnuson-stevens-fishery-conservation-and-management-act-provisions-fisheries-of-the-northeastern> )

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

Enforcement of this rule will not require additional activity in this agency. Existing enforcement personnel will monitor compliance during their 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 §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)]

*Note: If necessary, additional pages may be used.*