

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE:

Chapter 34 Groundfish. Recreational Cod and Haddock Federal Compliance Regulations--EMERGENCY REGULATIONS

ADOPTED RULE NUMBER: 34.10

CONCISE SUMMARY:

In accordance with the New England Fisheries Management Council and for consistency with the National Marine Fisheries Service (NMFS) federal regulations effective May 1, 2015, the Department enacts this emergency rulemaking for all persons aboard charter, party and recreational fishing vessels operating in state waters regarding cod and haddock. For the recreational fishery, the cod fishery is closed and it is unlawful to take or possess cod in state waters. For recreational haddock fishing, the minimum size is reduced to 17 inches to reduce mortality.

Updated assessments for Gulf of Maine cod indicate the stock is in severe decline and haddock exceeded the catch limit in place for FY 2014. Because the FY 2014 recreational overage was substantial, significant changes in management measures were deemed necessary by NMFS to ensure the recreational fishery does not exceed its catch limit again in FY 2015. The necessary reduction represents a 78% reduction for Atlantic cod, and an 84% reduction for haddock from the actual estimated 2014 recreational catch. This rule must be adopted on an emergency basis to implement the management measures in time to ensure that recreational harvest limits are not exceeded in 2015, in order to protect cod and haddock from unusual damage or imminent harm caused by overfishing.

As authorized by 12 M.R.S.A. §6171(3), the Commissioner of Marine Resources adopts this emergency regulation due to the risk of unusual damage and imminent depletion of the cod and haddock resources.

EFFECTIVE DATE: May 9, 2015

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

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DEPARTMENT OF MARINE RESOURCES

DEPARTMENT OF MARINE RESOURCES

CHAPTER 34 - GROUND FISH

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DEPARTMENT OF MARINE RESOURCES

Chapter 34 - Groundfish Regulations

34.05 Groundfish Spawning Closure in Boothbay and Sheepscot Bay

1. Definitions

A. Groundfish. "Groundfish" means all demersal species including, but not limited to, all those species listed in Appendix A attached hereto.

B. Closure.

It shall be unlawful to fish for or take groundfish with any type of gear, or to possess groundfish so taken, from the following described area from May 1 through June 30 of any year:

In Boothbay, Sheepscot Bay, Linnekin Bay and Sheepscot River, in Lincoln and Sagadahoc Counties, starting at the Sloop Ledge navigational buoy C "1"; southerly to the navigational buoy at the Sisters N "4S"; then southerly to the navigational buoy N "2" at Tom Rock; then continuing on a line true south (180 degrees true) approximately 1.8 miles to a point (Loran Bearings 13077.6, 25914.4 and 44541.6) intersecting a line drawn from the Mile Ledge Bell Buoy R "20ML" to the Bantam Rock Bell R "2"; then continuing in an easterly direction (068 degrees true) along said line from the Mile Ledge Bell Buoy to the Bantam Rock Bell Buoy approximately 4.5 miles to the Bantam Rock Bell; then northerly along the western shore of Damariscove Island to and along the western shore of Fisherman Island to its northern tip; then northerly to the navigational buoy C "1"; then continuing northerly to the southern tip of Ocean Point on Linnekin Neck.

See Also Groundfish harvesting and gear restrictions found in Department of Marine Resources Regulations 55.35 and 55.40.

34.10 Maine Groundfish Management Plan

1. Groundfish Management Plan

A. Definitions

(1) Cod end.

"Cod end" means the terminal section of a trawl net in which captured fish may accumulate.

(2) Gillnet.

(a) "Sink Gillnet" means any gillnet ("stand-up" or "tie-down"), anchored or otherwise, that is designed to be capable of being, or is fished on or near the bottom in the lower third of the water column.

(b) "Bait Gillnet" means a gillnet that has less than 3.5 inches diamond or square stretch mesh throughout the entire net, is suspended in the water column and has a maximum length of 2,000 feet.

(3) Commercial catch.

"Commercial catch" means all multispecies taken with any type of gear except multispecies taken for personal use by hand-held hook and line gear.

- (4) Regulated species.
"Regulated species" means cod, witch flounder, American plaice, Atlantic halibut, yellowtail flounder, haddock, pollock, winter flounder, windowpane flounder, redfish, ocean pout and white hake for the purposes of this management plan.
- (5) Methods of mesh measurements.
- (a) Gillnets. Mesh size of gillnet gear shall be measured by lining up five consecutive knots perpendicular to the float line and, with a ruler or tape measure, measuring ten consecutive measures on the diamond, inside knot to inside knot. The mesh shall be the average of the measurements of ten consecutive measures.
- (b) All other nets. With the exception of gillnets, mesh size shall be measured by a wedged-shaped gauge having a taper of 2 cm (0.79 inches) in 8 cm (3.15 inches) and a thickness of 2.3 mm (0.09 inches), inserted into the meshes under a pressure or pull of 8 kg (17.64 lb).
- (i) Square-mesh measurement. Square mesh in the regulated portion of the net is measured by placing the net gauge along the diagonal line that connects the largest opening between opposite corners of the square. The square mesh size is the average of the measurements of 20 consecutive adjacent meshes from the terminus forward along the long axis of the net. The square mesh is measured at least five meshes away from the lacings of the net. Square mesh measurements are applied to the first 100 bars, counting from the terminus of the net, for vessels greater than 45 feet (13.7 m) in length overall, and applied to the first 50 bars, counting from the terminus of the net, for vessels 45 feet (13.7 m) or less in length overall.
- (ii) Diamond-mesh measurements. Diamond mesh in the regulated portion of the net is measured running parallel to the long axis of the net. The mesh size is the average of the measurements of any series of 20 consecutive meshes. The mesh is measured at least five meshes away from the lacings of the net. Diamond mesh measurements are applied to the first 50 meshes, counting from the terminus of the net, for vessels greater than 45 feet (13.7 m) in length overall and applied to the first 25 meshes for vessels 45 feet (13.7 m) or less in length overall.
- (6) Marine species
"Marine species" means all marine animals except lobster, shellfish, marine worms and elvers.
- (7) Recreational fishing.
"Recreational fishing" means fishing that is not intended to, nor does it result in the barter, trade, or sale of fish.
- (8) Total length.
"Total length" means from the tip of the snout to the tip of the tail.
- (9) Charter or party boat.
Charter or party boat means any vessel that carries passengers for hire to engage in recreational fishing.
- (10) Recreational fishing vessel.

“Recreational fishing vessel” means any vessel from which no fishing other than recreational fishing is conducted. Charter and party boats are not considered recreational fishing vessels.

B. Size, Possession and Gear Restrictions

(1) Commercial - size, possession and gear restrictions

(a) All commercial vessels are subject to the following minimum fish sizes:

Minimum Fish Sizes (TL)	
Species	Size Inches (cm)
Cod.....	19 (48.3 cm)
Haddock.....	16 (40.7 cm)
Pollock.....	19 (48.3 cm)
Witch Flounder (gray sole).....	13 (33.0 cm)
Yellowtail Flounder.....	12 (30.5 cm)
American plaice (dab).....	12 (30.5 cm)
Atlantic halibut.....	41 (104.1 cm)
Winter Flounder (blackback).....	12 (30.48 cm)
Redfish.....	7 (17.8 cm)
Summer Flounder.....	14 (35.6 cm)

(b) The minimum fish size applies to the whole fish or any part of a fish while possessed on board a vessel, except as provided in paragraph (c) of this section, and to whole fish only, after landing. Fish or parts of fish must have skin on while possessed on board a vessel and at the time of landing in order to meet minimum size requirements. “Skin on” means the entire portion of the skin normally attached to the portion of the fish or fish parts possessed.

(i) Winter flounder

It shall be unlawful for persons who do not possess a federal groundfish permit to fish for, take, possess or land more than 500 lbs (226.8 kg) of winter flounder per vessel, per day.

(c) Exceptions:

(i) Each person aboard a vessel may possess up to 25 lb. of fillets that measure less than the minimum size, if such fillets are from legal-sized fish and are not offered or intended for sale, trade, or barter. The exception, Chapter 34.10(1)(B)(1)(c)(i), shall not include Atlantic halibut.

(ii) Vessels fishing exclusively with pot gear may possess multispecies racks used, or to be used, as bait that measure less than the minimum fish size, if there is a receipt for the purchase of those racks on board the vessel.

(d) Limits – summary table

Cod:	200 lbs (90.7 kg), vessel trip limit	Ch. 34.10 (1)(C)(6)
Monkfish:	150 lbs (68 kg) of monkfish tails or 498 lbs (225.9 kg) of whole monkfish per vessel trip	Ch. 34.10(1)(4)(d)(ii)

Winter flounder:	500 lbs (226.8 kg), per vessel, per day	Ch. 34.10(1)(B)(1)(b)(i)
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- (e) Prohibited species
Commercial vessels are prohibited from taking or landing ocean pout, windowpane flounder and Atlantic wolffish.

(2) Recreational - size, possession and gear restrictions

- (a) Persons aboard charter, party and recreational fishing vessels are subject to the following minimum fish sizes:

Minimum Fish Sizes (TL)	
Species	Size Inches (cm)
Cod.....	21 (53.3 cm)
Haddock.....	21 <u>17</u> (53.3 cm)
Pollock.....	19 (48.3 cm)
Witch Flounder (gray sole).....	14 (35.6 cm)
Yellowtail Flounder.....	13 (33.0 cm)
American plaice (dab).....	14 (35.6 cm)
Atlantic halibut.....	41 (104.1 cm)
Winter Flounder (blackback).....	12 (30.5 cm)
Redfish.....	9 (22.9 cm)
Summer Flounder.....	20 (50.8 cm)

- (b) Exception

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, Chapter 34.10(1)(B)(2)(b), shall not include Atlantic halibut.

- (c) Possession restrictions

Each person on board a charter, party or recreational fishing vessel may not possess more than 8 winter flounder per day.

Each person on board a charter, party or recreational fishing vessel may not possess more than 3 haddock per day and shall comply with the following restrictions:

- (i) 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.
- (ii) 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 violation shall be deemed to have been committed by the owner or vessel operator.
- (iii) Haddock must be stored so as to be readily available for inspection.
- (iv) Haddock may not be possessed on board a charter, party or recreational fishing vessel from September 1 through November 30 inclusive and March 1 through April 30 inclusive.

~~Each person on board a charter, party or recreational fishing vessel may not possess more than 9 cod per day and shall comply with the following restrictions:~~

~~(i) 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.~~

~~(ii) Cod 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 violation shall be deemed to have been committed by the owner or vessel operator.~~

~~(iii) Cod must be stored so as to be readily available for inspection.~~

~~(iv) Cod may not be possessed on board a charter, party or recreational fishing vessel from September 1 through April 14, inclusive.~~

(d) 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.

(e) Prohibited species

Vessels are prohibited from taking or landing Atlantic wolffish and Atlantic cod.

(3) Pollock exemption.

Notwithstanding the minimum size for Pollock established in Chapter 34.10(1)(B)(1) and (2) 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.

(4) Commercial and Recreational Effort Restrictions

(a) Summer Flounder (*Paralichthys dentatus*).

(i) Commercial Effort Restrictions.

When the annual Maine quota for summer flounder is reached it shall be unlawful to fish for, take, or have in possession summer flounder, (*Paralichthys dentatus*), aboard any vessel within Maine waters. Persons shall be informed by public notice in a newspaper with statewide circulation when the annual quota for summer flounder has been reached. It is unlawful to land summer flounder in the State of Maine that is in excess of the annual quota established by the Atlantic States Marine Fisheries Commission and the Department of Marine Resources.

Vessel Trip Limit. It is unlawful to fish for, take, possess or land more than 1,000 pounds of summer flounder per vessel trip.

- (ii) 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.

(b) Atlantic halibut (*Hippoglossus hippoglossus*)

- (i) Season. East: The open season to fish for Atlantic halibut east of a line from Schoodic Point due South Magnetic in territorial waters shall begin at sunrise May 1st and end at sunset July 31st. West: The open season to fish for Atlantic halibut west of Schoodic Point due South Magnetic in territorial waters shall begin at sunrise April 1st and end at sunset June 30th.

Note: This season is effective through calendar year 2010.

Season. The open season to fish for Atlantic halibut in territorial waters shall begin at sunrise May 1st and end at sunset June 30th.

Note: This season becomes effective 1, 2011.

- (ii) Size Limit. It shall be illegal to land, sell or possess Atlantic halibut less than 41 inches in total length head-on or 32 inches head-off except for the purpose of tagging pursuant to Chapter 34.10(1)(B)(4)(b)(vi). The measurement for a 32 inch fish head-off would be made from the base of the pectoral fin where it joins the fish's body to the tip of the tail. Any head-off fish found to be less than 32 inches in pectoral length will be considered illegal to possess.

Atlantic halibut raised by means of aquaculture shall be exempted from this size limit. However, persons may not possess, buy or sell undersize Atlantic halibut raised by means of aquaculture unless each fish is clearly identified by a bill of sale indicating numbers of fish purchased, dates of purchase and point of origin of all fish purchased; or for Atlantic halibut currently being cultivated in an aquaculture facility, records of the origins of those cultured Atlantic halibut.

- (iii) Possession Limits. It shall be illegal to possess or land marine species other than Atlantic halibut while fishing for Atlantic halibut aboard commercial vessels. Other marine species caught while fishing for Atlantic halibut shall be immediately liberated. Commercial, party or charter vessels may land no more than 25 Atlantic halibut per year. Recreational, vessels may land no more than 5 Atlantic halibut per year. It shall be unlawful to transfer Atlantic halibut between vessels. No individual or vessel will be issued more than 25 landing tags per (calendar) year (see exception for Federal Multispecies Permit holders below).

All legal size Atlantic Halibut caught and intended to be retained by a Commercial Fishing license holder or recreational fisherman regardless of when or where taken either inside the Three Mile Limit or in Federal Waters, shall be immediately tagged with a landing tag approved by the Department of Marine Resources (DMR). Three types of landing tags will be issued: Maine State Commercial for individuals who do not possess a federal multispecies permit and are therefore restricted to territorial

waters; Commercial Federal for individuals who possess a Federal multispecies permit allowing access to Federal waters (these individuals may also access territorial waters if they hold the proper licenses); and Recreational for halibut caught by party/charter or recreational vessels in either Federal or territorial waters. No individual may possess more than one type of landing tag per year. In addition, it shall be illegal for more than one type of landing tag to be assigned to any one vessel. The full allotment of landing tags will be issued to individuals one time per year. Landing tags shall be attached in a manner for which the tag was designed tightly around or through the tail just before the tail fin. The tag must remain on the fish until the fish has reached its final destination as a legal-sized fish that is not offered or intended for sale, trade, or barter by a recreational fisherman or prior to retail sale by a Commercial Fishing license holder or Wholesale Seafood dealer. Any person in possession of Atlantic halibut without a DMR landings tag shall not be in violation of the possession limits of this Chapter if that person is in possession of a bill of lading showing the Atlantic halibut were lawfully obtained from an origin outside the State of Maine or identified in accordance with the exception for Atlantic halibut raised by means of aquaculture in Chapter 34.10(1)(B)(4)(ii). The absence of a bill of lading shall be prima facie evidence that the Atlantic halibut were landed in Maine i.e., not shipped into Maine.

- Commercial Fishing license holders must declare the vessel at the time of license issuance or renewal, to which that license holder's tags will be allocated pursuant to the endorsement. The owner of a declared vessel will be given priority in the issuance of tags. The license holder may only fish for halibut from the vessel that was declared at the time of license issuance or renewal and to which that license holders' tags were allocated.
 - Commercial Fishing license holders who also hold a Federal Multispecies Permit shall be exempted from the individual tag limit provided that no one federally permitted vessel is assigned more than 25 landing tags per year.
 - Recreational fishermen when requesting landing tags must declare the registration number of the vessel the tags will be assigned.
- All persons wishing to order landing tags shall contact the DMR Licensing Division to order tags at (207) 624-6550.

- (iv) Gear Type and Limits. It shall be illegal to fish for Atlantic halibut by any method other than using size 14/0, 15/0 or 16/0 circle hooks. No vessel may fish for Atlantic halibut using more than 450 circle hooks. Recreational fishermen or commercial fishing license holders without the halibut endorsement when fishing for personal use, using a tub-trawl, are limited to 100 hooks.

All persons fishing for Atlantic Halibut with an endorsement issued in accordance with Chapter 34.10(1)(B)(4)(b)(vi) must have marking buoys on each end of the trawl clearly labeled with their name and Maine Commercial Fishing license number. All persons recreationally tub trawling for Atlantic Halibut must mark the trawl buoys with their name and the words "Halibut Trawl" or other DMR specified marking.

- (v) License Requirements. Commercial fishermen must obtain an Atlantic halibut endorsement on their Department of Marine Resources (DMR)

Commercial Fishing License. Recreational fishermen are not required to obtain a commercial license and endorsement to fish for Atlantic halibut.

(vi) Endorsement, Reporting, Observers and Sampling.

To obtain an initial endorsement to fish for Atlantic halibut in Maine territorial waters, Commercial Fishing license-holders must contact the Department of Marine Resources (DMR) before March 1st, at (207) 633-9500, to schedule and complete a DMR approved Atlantic halibut training program. Upon satisfactory completion of the program the license-holder will qualify to obtain an endorsement annually. The endorsement must be applied to their license by DMR personnel and be subject to continued compliance with the log maintenance and reporting requirements below. Research tags will be provided by request, at no cost, to license holders who have obtained the halibut endorsement.

Reporting: See Chapter 8.20(F) Landings Program. Future endorsements will be dependent upon reporting compliance.

When fishing Atlantic halibut all commercial, recreational, party and charter boat vessels must accept observers aboard their vessels upon request from the DMR or National Marine Fisheries Service (NMFS). Atlantic halibut fishers may be requested to preserve stomach, gonad, otolith, scale or other biological samples for analyses by DMR and NMFS scientists. Any training necessary for compliance with such a request would be provided by DMR and/or NMFS personal.

(vii) Landings Tag Fee

The landing tag fee will be \$1 except that the department may increase the fee to cover increased tag, administration and mailing costs and that a portion of the tag fee may be used to fund Atlantic halibut research.

(c) Whiting/silver hake (*Merluccius bilinearis*) Commercial Effort Restrictions

(i) Maine Territorial Waters Gear Prohibition and Season

(a) No person may take, harvest or fish for whiting using any grate raised footrope trawl (GRFT) net in Maine's territorial waters.

(b) Season: It shall be unlawful for any person to take, harvest or fish for whiting in Maine's territorial waters by any method from December 1 through June 30, inclusive.

Exemption: A person participating in the northern shrimp fishery may retain whiting taken as bycatch less than or equal to the amount of shrimp on board, but not to exceed 3,500 pounds. These persons must:

(1) possess a commercial northern shrimp license issued in accordance with 12 M.R.S. §6804; and

(2) possess a Commercial Pelagic and Anadromous Fishing License in accordance with 12 M.R.S. §6502-A with a whiting endorsement pursuant to Chapter 34.10(1)(4)(c)(iv).

(ii) Gear Restrictions and Endorsement

It shall be unlawful to possess aboard a vessel any grate raised footrope trawl (GRFT) net, which has net mesh less than 6.5 inches and a mesh measurement in the cod end of not less than 2.5-inches, used to fish for or take whiting, unless the net and gear complies with the federal regulations (50 CFR §648.80(a)(16)) and the license holder has received a whiting endorsement from the Department (Chapter 34.10(1)(B)(4)(c)(iv)).

(iii) Possession Restrictions

The owner or operator of a vessel participating in the GRFT federal exempted whiting fishery with a whiting endorsement from DMR may not possess on board, or land any species of fish, other than a maximum of 7,500 lb (3,402 kg) of whiting; except for the following incidental species in accordance with (CFR §648.80(a)(16)(i)(A)): offshore hake, Red hake; butterfish; herring; mackerel; squid; and alewife.

(iv) Endorsement, Reporting, Observers and Sampling.

To obtain a whiting endorsement, GRFT federal exempted whiting fishery participants must contact the Department of Marine Resources (DMR) before using this gear. Contact the DMR at telephone (207) 633-9595 to schedule and receive a gear inspection. Upon satisfactory completion of the gear inspection the whiting endorsement will be affixed or applied to the license holder's Maine Commercial Pelagic and Anadromous Fishing License by DMR personnel. The endorsement shall be subject to continued compliance with the gear apparatus and reporting requirements below.

Reporting requirements: See Chapter 8.20(Q) Landings Program.

When fishing whiting all commercial vessels must accept observers aboard their vessels upon request from the DMR or NOAA Fisheries, National Marine Fisheries Service (NMFS).

(v) Revocation of whiting endorsement

The failure of the license holder to comply with the reporting or observer requirements of this rule shall be grounds for the immediate revocation of the whiting endorsement or, in the discretion of the Commissioner, for a refusal to renew the whiting endorsement. The Commissioner may revoke or deny renewal of the endorsement in accordance with the following procedures:

- (1) The Commissioner shall advise the license holder of the decision to revoke or to deny renewal of the whiting endorsement by certified mail, return receipt requested, and shall include in the notice a statement of the grounds for the decision.

- (2) The Commissioner shall advise the license holder of his/her right to request that an adjudicatory hearing be held before the Department in conformity with 5 M.R.S.A., Chapter 375 subchapter IV. The Commissioner shall advise the license holder that the hearing must be requested in writing and that the written request must be received by the Department no later than 10 days of receipt by the applicant of the notice, by certified mail, of immediate revocation or non-renewal of the whiting endorsement.
- (3) If an adjudicatory hearing is requested, the Commissioner shall schedule a hearing within 10 days of the Department's receipt of the written request for hearing, unless a longer period is mutually agreed to in writing.
- (4) Notice of the hearing date, time and location shall be given immediately to the license holder.

(d) Monkfish/anglerfish/goosefish (*Lophius americanus*) Commercial Effort Restrictions

(i) Minimum fish size

The minimum fish size is 17 inches (43.2 cm) total length or 11 inches (27.9) tail length. Monkfish tail length shall be measured from the anterior portion of the fourth cephalic dorsal spine to the end of the caudal fin. Any tissue anterior to the fourth dorsal spine must be ignored. If the fourth dorsal spine or tail is not intact, the minimum size shall be measured between the most anterior vertebra and the most posterior portion of the tail.

(ii) Vessel Trip limit

Persons who do not possess a federal permit for monkfish: in Maine territorial waters it is unlawful to fish for, take, possess or land more than 150 pounds (68 kg) of monkfish tails or 498 pounds of whole monkfish per vessel trip.

C. Maine Territorial Waters

Except for Atlantic halibut, which may only be fished for in the manner provided under Chapter 34.10(1)(B)(4)(b)(iv), it is unlawful to fish commercially in Maine's territorial waters for any species of groundfish, as defined in Chapter 34.05(1)(A), except in accordance with the following methods and restrictions:

(1) Otter and beam trawl.

The minimum mesh size for any otter or beam trawl net on a vessel, or used by a vessel fishing in Maine's territorial waters shall be no less than 6 inches diamond or 6.5 inches square mesh in the body and wings, and no less than 6.5 inches diamond or square mesh in the cod end.

(2) Small-mesh exemption area.

A vessel may fish for shrimp with nets, as prescribed in Chapter 45.10(A), within Maine's territorial waters from January 1st to March 31st, both days inclusive.

(3) Gill net.

Sink gillnet mesh shall be no less than 6.5 inches with a limit of 50 nets.

(4) Hooks.

The use of hooks on any commercial fishing vessel engaged in tub trawling or long lining shall be 12/0 or greater circle hooks and limited to 250 in number except as described in Chapter 34.10(1)(B)(4)(b)(iv) for halibut.

(5) Crucifiers.

The use of de-hookers or “crucifiers” with less than 6-inch spacing between the fairlead rollers is prohibited.

(6) Vessel Trip Limit.

It is unlawful to take, possess or land more than 200 pounds (90.7 kg) of cod taken from Maine’s territorial waters.

See Chapter 34.10(1)(B)(1)(d) for additional vessel limits.

(7) Intentionally blank

(8) Maine Groundfish Spawning Closure.

Except as provided in this section and for recreational fishermen fishing under the provisions of Chapter 34.10(1)(B)(2), it shall be unlawful during the months of April, May, and June to fish for, take, or have in possession groundfish as described in Chapter 34.10(1)(C)(8)(a) taken from Maine’s territorial seas, (3-mi.) as follows; All waters west of a line drawn 180° magnetic from West Quoddy Head, in Lubec, to the Canadian international border. This section does not apply to the recreational taking of groundfish from the shore, wharves or attached floats. Commercial ground fishing vessels must have all fishing gear securely stowed and covered when transiting this area during the closed period. The stowage requirements will not apply to vessels secured to or moving between docks or moorings within a harbor.

(a) GROUND FISH SPECIES

Common English Name	Scientific Name
Atlantic cod	<i>Gadus morhua</i>
Witch flounder (Gray sole)	<i>Glyptocephalus cynoglossus</i>
American plaice (Dab)	<i>Hippoglossoides platessoides</i>
Yellowtail flounder	<i>Pleuronectes ferrugineus</i>
Ocean pout	<i>Macrozoarces americanus</i>
Haddock	<i>Melanogrammus aeglefinus</i>
Silver hake	<i>Merluccius bilinearis</i>
Pollock (Saithe)	<i>Pollachius virens</i>
Winter flounder (Lemon sole)	<i>Pleuronectes americanus</i>
Windowpane flounder	<i>Scophthalmus aquosus</i>
Redfish	<i>Sebastes fasciatus</i>
Red hake	<i>Urophycis chuss</i>
White hake	<i>Urophycis tenuis</i>

34.05(1)(A)

APPENDIX A

GROUND FISH SPECIES

Common English Name	Scientific Name
Atlantic cod	<i>Gadus morhua</i>
Haddock	<i>Melanogrammus aeglefinus</i>
North Atlantic redfishes	<i>Sabastes spp.</i>
Silver hake	<i>Merluccius bilinearis</i>
Red hake	<i>Urophycis chuss</i>
Pollock (Saithe)	<i>Pollachius virens</i>
Redfish	<i>Sabastes marinus</i>

American plaice (Dab)	<i>Hippoglossoides platessoides</i>
Witch flounder (Gray sole)	<i>Glyptocephalus cynoglossus</i>
Yellowtail flounder	<i>Limanda ferruginea</i>
Greenland halibut	<i>Reinhardtius hippoglossoides</i>
Atlantic halibut	<i>Hippoglossus hippoglossus</i>
Winter flounder (Lemon sole)	<i>Pseudopleuronectes americanus</i>
Summer flounder	<i>Paralichthys dentatus</i>
Windowpane flounder	<i>Scophthalmus aquosus</i>
American angler (Goosefish)	<i>Lophius americanus</i>
Atlantic searobins	<i>Prionotus spp.</i>
Atlantic tomcod	<i>Microgadus tomcod</i>
Cunner	<i>Tautoglabrus adspersus</i>
Cusk (Tusk)	<i>Brosme brosme</i>
Ocean pout	<i>acrozoarces americanus</i>
Sandeels (Sand lances)	<i>Ammodytes spp.</i>
Sculpins	<i>Myoxocephalus spp.</i>
White hake	<i>Urophycis tenuis</i>
Wolffishes (catfishes)	<i>Anarhichas spp.</i>
Atlantic wolfish	<i>Anarhichas lupus</i>

DEPARTMENT OF MARINE RESOURCES

CHAPTER 34 - GROUND FISH

INDEX

EFFECTIVE DATE:

August 22, 1979

AMENDED:

May 2, 1982 – Section 05

May 5, 1982 – Section 05 & Appendix

June 30, 1982 – Section 10

April 26, 1983 – Section 10(C)(1)

April 20, 1984 – Section 05

November 8, 1986 – Section 10(B)

May 3, 1987 – Section 10

December 21, 1987 – Section 10

September 12, 1988 – Section 10

March 21, 1989 – Section 10

September 19, 1989 – Section 10(A) & (B)

December 13, 1989 – Section 15, EMERGENCY, Expires 3/13/90

June 18, 1990 – Section 15

December 26, 1994 – Section 10(B)

April 23, 1995 – Section 10, 15 (REPEALED)

July 1, 1995 – Section 10(A)

August 31, 1997 – Section 10(A) & (B)

August 25, 1998 – renumbering throughout; addition of 34.10(1)(C)(3)

December 12, 1998 – Section 10(1)(B)(3) added

February 26, 2001 – Section 10

February 26, 2001 – Section 20, EMERGENCY, Expires 5/27/01

May 23, 2001 – Section 10(1)(B)(2)(a) and (1)(B)(4)

March 25, 2002 – Section 10(1)(B)(4)(b)

May 22, 2002 – Section 10, EMERGENCY, Expires 8/20/02

July 22, 2002 – Section 10

October 21, 2002 – Section 10(1)(B)(4)(a)(i) and (ii); 10(1)(C)(4) added

September 16, 2003 – Section 10(1)(B)(2)(a) and (c), and 10(1)(C)(3)(e)

September 16, 2003 – Section 10(1)(B)(4)(c)

December 17, 2003 – Sections 10(1)(B)(4)(b) and (c)

September 20, 2004 – Section 10(1)(B)&(C)

May 5, 2005 – Section (10)(1)(B)(4)(a)(i) EMERGENCY, Expires 8/03/05

June 20, 2005 – Section 10(1)(B)(2)(c)

June 20, 2005 – Section 10(1)(B)(4)(a)(i)

October 24, 2005 – Section 10(1)(B)(4)(d)

July 24, 2006 – Section 10(1)(B)(2)(a) and (c)

June 25, 2007 - Section 34.10(1)(A)(5)

June 25, 2007 - Sections 34.01, 34.10(1)(B)(4)(c)(i)(b)

September 24, 2007 – Section 34.10(1)(B)(4)(b)

November 6, 2007 – Section 34.10(1)(B)(1)(a) - sunsets February 7, 2008

April 30, 2008 – Section 34.10(1)(B)(4)(vii) (major substantive)

May 26, 2008 – Section 34.10(1)(B)(4)(b)(ii)&(iii)

May 26, 2008 – Section 34.10(1)(B)(2)&(4)

September 23, 2008 – Section 34.10(1)(B)(4)(c)(i)(b)

July 20, 2009 – Section 34.10(1)(B)(2)(a)&(c)(iv)

February 22, 2010 – Section 34.10(1)(B)(1)(b)(i); and (d); 10(1)(B)(2)(c); 10(1)(C)(6)

April 6, 2010 – Section 34.10(1)(B) and

January 1, 2011 – Section 34.10(1)(B)(4)(b)(i) Note: This season becomes effective Jan. 1, 2011

October 26, 2010 – Section 34.10(1)(B)(4)(c)

December 20, 2010 – Section 34.10(1)(B)(1)(e) and (2)(f); (C)(7)

August 22, 2011 – Section 34.10(1)(B)(2)(e) repealed, (f) renumbered to (e)

April 27, 2012-Sections 34.10 (1)(B)(2)(a)&(c) EMERGENCY, Expires July 26, 2012

July 23, 2012- Section 34.10 (1)(B)(2)(a)&(c)

April 16, 2013-Section 34.10(1)(B)(1)(b)(i);10(1)(B)(1)(d); and 10(2)(c)

May 16, 2013-Section 34.10 (1)(B)(1)(a) & (1)(B)(2)(a);EMERGENCY Expires August 14, 2013

July 25, 2013- Section 34.10 (1)(B)(1)(a) & (1)(B)(2)(a)

May 8, 2014-Section 34.10(1)(A)(6) added; 34.10(1)(B)(1)(e), 34.10(1)(B)(2) EMERGENCY Expires August 5, 2014

May 9, 2015-Section 34.10(1)(B)(2)(a); and 34.10(1)(B)(2)(c); EMERGENCY Expires August 6, 2016

Basis Statement

Chapter 34: Groundfish, Recreational Cod and Haddock Federal Compliance Regulations-- Emergency regulations

In accordance with the New England Fisheries Management Council and for consistency with the National Marine Fisheries Service (NMFS) federal regulations effective May 1, 2015, the Department enacts this emergency rulemaking for all persons aboard charter, party and recreational fishing vessels operating in state waters regarding cod and haddock. For the recreational fishery, the cod fishery is closed and it is unlawful to take or possess cod in state waters. For recreational haddock fishing, the minimum size is reduced to 17 inches to reduce mortality.

Updated assessments for Gulf of Maine cod indicate the stock is in severe decline and haddock exceeded the catch limit in place for FY 2014. Because the FY 2014 recreational overage was substantial, significant changes in management measures were deemed necessary by NMFS to ensure the recreational fishery does not exceed its catch limit again in FY 2015. The necessary reduction to ensure recreational harvest will not exceed the 2015 catch limits represents a 78% reduction for Atlantic cod, and an 84% reduction for haddock from the actual estimated 2014 recreational catch. This rule must be adopted on an emergency basis to implement the management measures in time to ensure that recreational harvest limits are not exceeded in 2015, in order to protect cod and haddock from unusual damage or imminent harm caused by overfishing.

As authorized by 12 M.R.S.A. §6171(3), the Commissioner of Marine Resources adopts this emergency regulation due to the risk of unusual damage and imminent depletion of the cod and haddock resources.

Rule-Making Fact Sheet

(5 M.R.S.A., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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<http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE:

Chapter 34 Groundfish. Recreational Cod and Haddock Federal Compliance Regulations--EMERGENCY REGULATIONS

STATUTORY AUTHORITY: 12 M.R.S. §6171(3) and 12 M.R.S. §6192

DATE AND PLACE OF PUBLIC HEARING: None, Emergency rulemaking

COMMENT DEADLINE: None, Emergency rulemaking

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

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All DMR Regulations are available at the following web address:
<http://www.maine.gov/dmr/lawsandregs/regs/index.htm>

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

The proposed regulations would apply to persons in the recreational fishing sector who fish cod and haddock in Maine's territorial waters and the federal Gulf of Maine Regulated Mesh Area.

FISCAL IMPACT OF THE RULE:

Enforcement of the proposed regulation would not require measurable additional activity in this Agency. Existing enforcement personnel would monitor compliance during their routine patrols.