

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 8 Landings Program Halibut Reporting

TYPE OF RULE (*check one*): Routine Technical Major Substantive

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

BRIEF SUMMARY:

This proposed rulemaking updates the frequency of harvester reporting for Maine's halibut fishery, implementing weekly harvester reporting during the halibut season for Maine's territorial waters. Harvester reports must be submitted via an approved electronic mechanism no more than two days after the end of each reporting week. The data elements required in the harvester report remain unchanged.

Date, time and location of PUBLIC HEARING (*if any*): February 10, 2022, 5:00 p.m., in-person at the Marquardt Building, room 118, 32 Blossom Lane, Augusta; or remotely via Microsoft Teams. Remote access information is posted to DMR's website under "Meetings." An alternate public hearing may be held at 4:00 p.m. on February 11, 2022 at the same location/format. Notice of a cancellation would be posted to DMR's website.

COMMENT DEADLINE: February 21, 2022

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

NAME: Amanda Ellis

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E-MAIL: dmr.rulemaking@maine.gov

TELEPHONE: 207-624-6573

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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 MRS 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

* 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.

F. Atlantic halibut (*previously in Chapter 34.10(1)(B)(4)(b)(vi)*)

Persons who obtain an endorsement in the territorial waters of Maine will be required to submit weekly catch reports during the halibut season for landings from Maine's territorial waters. If no halibut landings occurred during the week, a negative catch report is required. The reporting week begins on Sunday at 0001 hrs (12:01 AM) local time and ends Saturday at 2400 hrs (12:00 midnight). Reports must be submitted by midnight Monday, two days after the end of each reporting week, including the week following the last day of the season. Harvesters shall submit weekly catch reports to DMR through an approved electronic reporting mechanism. maintain a log. The log catch report must include the following information:

1. Harvester name & landings number
2. Boat name and hull ID
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity
7. Number of sets
8. Set time (hours gear fished)
- 8-A. Total number of hooks fished
9. Depth (in fathoms)
10. Area fished
11. Sea time (including steaming time)
12. Species caught including bycatch and sub-legal halibut, quantity & unit of measurement
13. Total length of halibut retained or released
14. Research tag number of halibut released or recaptured
15. Landings number of dealer sold to or if not sold to a licensed dealer, disposition of catch
16. Port landed
17. Signature written or electronic

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 MRS 6173

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

The purpose of this proposed rulemaking is to update the harvester reporting requirements in Maine's halibut fishery, namely to implement weekly harvester reporting during the halibut season for Maine's territorial waters. Harvester reports must be submitted via an approved electronic mechanism no more than two days after the end of each reporting week. The elements required in the harvester report remain unchanged.

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)]

This proposed rule is expected to increase the frequency of reporting by halibut harvesters, aiding in the submission of timely harvester reports to DMR and improved landings monitoring by DMR policy staff.

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]:

Information considered during development of this rulemaking includes feedback offered from DMR Landings Program staff and current management measures associated with Maine's halibut fishery, including the season length.

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.

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.