

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 37 Freshwater Fish Regulations

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

BRIEF SUMMARY:

This proposed rule would make it unlawful to take or possess brown trout which are greater than 25 inches in total length, from the coastal waters of the State of Maine. The proposal mirrors the 25” maximum for brown trout as established by the Maine Department of Inland Fisheries and Wildlife. The intent of the proposed rule is to provide brown trout fishermen with a consistent maximum size across waterbodies.

Date, time and location of PUBLIC HEARING *(if any)*: September 10, 2018, 1:00pm, DMR Offices, 32 Blossom Lane, Augusta, conference room 118.

COMMENT DEADLINE: September 21, 2018

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

NAME: Amanda Ellis

MAILING ADDRESS: 21 State House Station, Augusta, Maine 04333-0021

E-MAIL: dmr.rulemaking@maine.gov

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TTY: 207-624-6500 (Deaf/Hard of Hearing)

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 37 - Freshwater Fish Regulations

37.01 Method of Taking

It shall be unlawful to fish for or take freshwater fish as defined in 12 M.R.S.A. §6001 (17-A) by any means other than hook and line.

- A. Exception: A person lawfully engaged in the aquaculture of any freshwater fish as defined in 12 M.R.S.A. § 6001 (17-A), shall be exempt from this section provided that that person holds a special license, if required, under 12 M.R.S.A. § 6074.

37.02 Prohibitions on the Taking or Possession of Landlocked Salmon, Brown Trout, and Rainbow Trout

- A. It shall be unlawful to take or possess landlocked salmon, brown trout, or rainbow trout, which are less than 14 inches in total length from the coastal waters of the State of Maine. It shall be unlawful to take or possess landlocked salmon, or brown trout which are greater than 25 inches total length, from the coastal waters of the State of Maine.
- B. Penobscot River: It shall be unlawful to take or possess landlocked salmon, brown trout, or rainbow trout from tidal waters upstream and North of the Penobscot Narrows Bridge and north of the Verona Island Bridge.
- C. A person lawfully engaged in the aquaculture of landlocked salmon, brown trout, or rainbow trout shall be exempt from Chapter 37.02(A) provided that person holds a lease or special license, if required, pursuant to 12 M.R.S. §§6072, 6072-A, 6073-A, 6073-D or 6074.

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 37 Freshwater Fish Regulations

STATUTORY AUTHORITY: 12 M.R.S. §6171

DATE AND PLACE OF PUBLIC HEARING(S): September 10, 2018, 1:00pm, DMR Offices, 32 Blossom Lane, Augusta, conference room 118.

COMMENT DEADLINE: September 21, 2018

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

The proposal mirrors the 25" maximum for brown trout as established by the Maine Department of Inland Fisheries and Wildlife. The intent of the proposed rule is to provide brown trout fishermen with a consistent maximum size across waterbodies.

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 proposed rule will create a maximum length for brown trout.

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]

The Department considered feedback from industry and conservation organizations. Marine Patrol was also consulted.

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)]