

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 25 Lobster Tail Weights

ADOPTED RULE NUMBER:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY:
This rulemaking provides minimum (2.7 oz) and maximum (14 oz) weights for legal lobster tails in the shell for sale in Maine. Previously, the only measurement provided was the legal length of tail meat that had been removed from the shell. Providing a weight for tails in the shell ensures that all retail and wholesale establishments are buying and selling only tails that are from lobsters that are of legal size in Maine.

EFFECTIVE DATE:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

AGENCY CONTACT PERSON: Amanda Ellis (207) 624-6573
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Please approve bottom portion of this form and assign appropriate MFASIS number.

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DEPARTMENT OF MARINE RESOURCES

Chapter 25 – Lobster and Crab Regulations

25.70 Legal ~~Size of Lobster Tails~~ ~~Meats~~

Except as provided by 12 MRS 6431-A (6-B), it shall be unlawful to buy, sell, give away, transport, ship or possess:

- A. ~~It shall be unlawful to buy, sell, give away, transport, ship or possess any~~ Any cooked lobster tail meat less than $3 \frac{7}{32}$ inches or more than $6 \frac{3}{16}$ inches in length when laid out straight and measured from the proximal end of the deep flexor muscle to the far end of the sixth abdominal segment.

- B. Any lobster tails in the shell that weigh less than 2.7 ounces or more than 14 ounces.

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE: Chapter 25.70

STATUTORY AUTHORITY: 12 MRS §6851-B

DATE AND PLACE OF PUBLIC HEARING:

May 16, 2018 2:00 PM DMR Offices, Marquardt Building, 32 Blossom Lane, Augusta, Maine

COMMENT DEADLINE: May 29, 2018

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

Maine businesses purchasing and selling whole lobster tails requested guidance from DMR regarding the range of weights for lobster tails that would ensure those tails were legal for sale within Maine.

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)]

This rule will ensure that all individuals who buy and sell lobster tails in the shell have the necessary information to determine if the lobster tails came from lobsters that would meet the Maine definition of legal size and therefore may legally be sold within the 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]

In developing this rule, the Department hosted multiple meetings of lobster dealers and processors to collect information regarding the range of weights of legal size lobster tails, and also sought input from Maine Marine Patrol.

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

No fiscal impact is anticipated.

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)]

Basis Statement

This rulemaking was initiated at the request of Maine businesses purchasing and selling whole lobster tails. These businesses requested guidance from DMR regarding the range of weights for lobster tails that would ensure those tails were legal for sale within Maine. This rulemaking provides minimum (2.7 oz) and maximum (14 oz) weights for legal lobster tails in the shell for sale in Maine. Previously, the only measurement provided was the legal length of tail meat that had been removed from the shell. Providing a weight for tails in the shell ensures that all retail and wholesale establishments are buying and selling only tails that are from lobsters that are of legal size in Maine.

Summary of Comments

Notice of this proposed rulemaking appeared on April 25, 2018 in the five major daily newspapers as published by the Secretary of State. On April 25, 2018, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. Public hearings were advertised in compliance with the procedures outlined in the Maine Administrative Procedures Act and were held as follows: May 16, 2018, 2:00 PM, DMR – Augusta, 32 Blossom Lane, Augusta. The comment period closed May 29, 2018.

Except for DMR staff, no members of the public, industry groups, or other interested parties attended the public hearing. The Department did not receive any comments regarding the proposed rule.