

**NOTICE OF AGENCY RULE-MAKING ADOPTION****AGENCY:** Department of Marine Resources**CHAPTER NUMBER AND TITLE:** Chapter 25.08 Lobster Trap Tag Attachment**ADOPTED RULE NUMBER:**

**CONCISE SUMMARY:** The Department proposed this change in rule pending approval of a conservation equivalency from the Atlantic States Marine Fisheries Commission (ASMFC). This rulemaking would remove the requirement that a trap tag be attached to the trap only by the means for which the tag was designed. Without that specification, fishermen could securely attach the tag by other means (for example, hog rings) which would enable them to change gear over and reuse tags already in their possession. Under the current system, they must cut the tag out and bring it to a DMR office to get replacement tags. By allowing fishermen to use the same valid tag, it will reduce a significant administrative burden on Marine Patrol and eliminate the need for fishermen to travel to a DMR office for this purpose, but will not compromise the effectiveness of the trap tag system for enforcement.

As authorized by §12 M.R.S. §§6171-A, 6192(4) and 5 M.R.S. §8054, the Commissioner of Marine Resources adopts this regulation.

**EFFECTIVE DATE:** March 9, 2015

**AGENCY CONTACT PERSON:** LT Jay Carroll, Maine Marine Patrol (tel. (207) 667-3373)  
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DEPARTMENT OF MARINE RESOURCES

Chapter 25 Lobster and Crab

25.08 Lobster Trap Tag System

A. Prohibitions

~~(1) No person shall fish with or have on board a vessel a lobster trap unless a valid lobster trap tag issued by the Commissioner is securely attached to the frame of the trap in a manner for which the tag was designed. The lobster trap tag shall be placed in the trap to be clearly visible for inspection by a Marine Patrol Officer.~~

No person shall fish with or have on board a vessel a lobster trap unless a valid lobster trap tag issued by the Commissioner is securely attached to the frame of the trap. The lobster trap tag shall be affixed to the bridge of the lobster trap so that the tag information is clearly visible for inspection by a Marine Patrol Officer.

# **Basis Statement**

## **Chapter 25.08 Lobster Trap Tag Attachment**

The Department proposed this change in rule pending approval of a conservation equivalency from the Atlantic States Marine Fisheries Commission (ASMFC). The rulemaking would remove the requirement that a trap tag be attached to the trap only by the means for which the tag was designed. Without that specification, fishermen could securely attach the tag by other means (for example, hog rings) which would enable them to change gear over and reuse tags already in their possession. Under the current system, they must cut the tag out and bring it to a DMR office to get replacement tags. By allowing fishermen to use the same valid tag, it will reduce a significant administrative burden on Marine Patrol and eliminate the need for fishermen to travel to a DMR office for this purpose, but will not compromise the effectiveness of the trap tag system for enforcement.

# Summary of Comments

Chapter 25.08 Lobster Trap Tag Attachment

**Sheldon Pope, Zone G lobsterman. Comment received via e-mail:**

"The proposed rule to make traps tags "transferrable" by attaching them by other means besides the standard molded clip included would be helpful to myself and a few other fisherman I know from Zone G. Good idea. Thanks."

# 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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CHAPTER NUMBER AND RULE: Chapter 25.08 Lobster Trap Tag Attachment

STATUTORY AUTHORITY: 12 M.R.S. §§6171-A, 6192(4) and 5 M.R.S. §8054

DATE AND PLACE OF PUBLIC HEARING: None

COMMENT DEADLINE: February 20, 2015

PRINCIPAL REASON OR PURPOSE FOR THIS RULE:

The Department proposed this change in rule pending approval of a conservation equivalency from the Atlantic States Marine Fisheries Commission (ASMFC). This rulemaking would remove the requirement that a trap tag be attached to the trap only by the means for which the tag was designed. Without that specification, fishermen could securely attach the tag by other means (for example, hog rings) which would enable them to change gear over and reuse tags already in their possession. Under the current system, they must cut the tag out and bring it to a DMR office to get replacement tags. By allowing fishermen to use the same valid tag, it will reduce a significant administrative burden on Marine Patrol and eliminate the need for fishermen to travel to a DMR office for this purpose, but will not compromise the effectiveness of the trap tag system for enforcement.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

This rule will give fishermen greater flexibility to change gear over without having to obtain replacement tags. Effective enforcement of the trap tag system will not be compromised by this change.

FISCAL IMPACT OF THE RULE:

Enforcement of this amendment will not require measurable additional activity in this agency. Existing enforcement personnel will monitor compliance during their patrols.

Rulemaking statement of impact on small business  
5 MRS §8052, sub-§5-A and §8053, sub-§3, ¶F, and  
Executive Order 20 FY 11/12, August 24, 2011 (replaces EO's 09, 13 & 14)

Agency: Department of Marine Resources

Chapter Number and Title of Rule: Chapter 25.08 Lobster Trap Tag System

1. An identification of the types and an estimate of the number of the small businesses subject to the proposed rule; and EO20 1.A. The impact of the proposed rule on job growth or creation:

The rulemaking would result in minimal impact to the lobster and crab commercial fishery industry as the proposed changes are minor in nature. There are approximately 5836 licensed commercial lobstermen and 1757 licensed recreational lobstermen in the state of Maine.

2. The projected reporting, record-keeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

The rulemaking does not include any new reporting, record-keeping and other administrative costs required for compliance. Enforcement of this rule will not require additional, measurable activity in this Department. Existing enforcement personnel will monitor compliance during their routine patrols.

3. A brief statement of the probable impact on affected small businesses; and EO20 1.D. The extent to which other laws and regulations already address the subject matter of the rule:

There will be minimal impact on small businesses due to this rule

4. A description of any less intrusive or less costly, reasonable alternative methods of achieving the purposes of the proposed rule; and EO20 1.E. The relevant Federal standards, if any and the specific need for Maine's rules to differ from them if such a need exists:

None can be envisioned.

5. Indicate where a copy of the statement of impact on small business pursuant to section 8052, subsection 5-A may be obtained:

Information is available upon request from the DMR Commissioner's Office, State House Station #21, Augusta, Maine 04333-0021, telephone (207) 624-6553.