

## Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 34 Groundfish

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 regulation seeks to align expected halibut catch in Maine's territorial waters with the state waters sub-component established in the New England Fishery Management Council's Framework 69 to the Northeast Multispecies Fishery Management Plan. This regulation proposes to prohibit fishing for Atlantic halibut in Maine's territorial waters on Wednesdays and Thursdays. It also proposes reducing the number of allowable hooks for commercial vessels from 250 to 200 hooks, and clarifies that individuals fishing for halibut recreationally are limited to 100 hooks both per person and per vessel. Finally, this regulation adds a prohibition on the use of gaffs to land Atlantic halibut.

### Date, time and location of PUBLIC HEARING (*if any*):

March 3, 2025 at 4:00 pm in DMR's Conference Room 118, Marquardt Building, 32 Blossom Lane, Augusta ME, and remotely via Microsoft Teams. Remote access information is posted to <https://www.maine.gov/dmr/home> under "meetings".

March 5, 2025 at 4:00 pm at the Yarmouth Town Hall Community Room, 200 Main St Yarmouth ME  
If either hearing must be cancelled due to inclement weather, an alternate hearing will be held on March 6 at 4:00 pm in DMR's Conference Room 118, Marquardt Building, 32 Blossom lane, Augusta ME, and remotely via Microsoft Teams. Remote access information is posted to <https://www.maine.gov/dmr/home> under "meetings".

COMMENT DEADLINE: March 17, 2025

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

NAME: Deirdre Gilbert

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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 §6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): Same

AGENCY WEBSITE: <https://www.maine.gov/dmr>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: [dmr.rulemaking@maine.gov](mailto:dmr.rulemaking@maine.gov)

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\* *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*

### 34.07 Atlantic Halibut (*Hippoglossus hippoglossus*)

#### A. Season for Maine's Territorial Waters

1. The open season to fish for Atlantic Halibut in Maine's territorial waters shall begin at sunrise May 18th and end at sunset June 13th.
2. Within Maine's territorial waters, it shall be unlawful to fish for or land Atlantic halibut on Wednesdays and Thursdays. Federal Northeast multispecies permit holders may land Atlantic halibut on Wednesdays and Thursdays provided those halibut are caught in federal waters and are immediately tagged with federal commercial tags.

#### B. License Requirements

1. Commercial halibut fishermen must obtain a Commercial Halibut License. Commercial Halibut License holders must declare the vessel at the time of license issuance or renewal, to which that license holder's tags will be allocated. 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.
2. Recreational fishermen are not required to obtain a Commercial Halibut License to fish for Atlantic Halibut but must declare a vessel for which their recreational landings tags will be assigned.

#### C. Size Limit

1. It shall be illegal to land, sell, or possess any Atlantic Halibut which measures less than 41 inches in total length or for a fish with the head removed, 32 inches in pectoral length. Except for removing the fish's head, Atlantic Halibut must remain intact until reaching the point of sale at a dealer facility or at the consumer's property.

**Exception:** Federally permitted Charter or Party Boats taking passengers for hire may fillet legal size halibut at sea under the following conditions:

- a. Fillets must come from a legal sized Atlantic Halibut;
  - b. Fillets must remain whole with skin left on;
  - c. Atlantic Halibut carcasses must be tagged and retained until the boat has been landed;
  - d. Fillets must match with the Atlantic Halibut carcass.
2. Atlantic Halibut caught at sea which measure less than the minimum legal size, may be tagged with DMR issued research tags and then immediately released.

3. Atlantic Halibut raised by means of aquaculture shall be exempted from the size limit if accompanied by proper documentation identifying the origin of the fish and verification that the fish are an aquaculture product.

**D. Prohibitions**

1. It shall be illegal to possess or land marine species other than Atlantic Halibut while fishing for Atlantic Halibut aboard commercial vessels in Maine's territorial waters. Other marine species caught while fishing for Atlantic Halibut shall be immediately liberated.
2. It shall be unlawful to transfer Atlantic Halibut between vessels.
3. It shall be illegal to fish for Atlantic Halibut in Maine's territorial waters by any method other than using size 14/0, 15/0 or 16/0 circle hooks.
4. No vessel may fish for Atlantic Halibut using more than ~~250~~ 200 circle hooks.
5. Recreational fishermen or commercial fishermen without a Commercial Halibut License may halibut fish, for personal use, using a tub-trawl and are limited to 100 circle hooks in total per vessel. In addition, recreational fishermen or commercial fishermen without a Commercial Halibut license are limited to no more than 100 hooks per person.
6. 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.
7. It shall be illegal to possess a Halibut tag on a vessel that the tag is not registered to.
8. For vessels which have been assigned State commercial landings tags for Atlantic Halibut, it shall be illegal to possess Atlantic Halibut when operating seaward of Maine's territorial waters.
9. It is unlawful to use a gaff to land any Atlantic Halibut.

**E. Halibut Gear Marking Requirements**

1. All persons fishing for Atlantic Halibut with Commercial Halibut License in accordance with Chapter 34.07 B-1 must have marking buoys on each end of the trawl clearly labeled with their name and Commercial Halibut License number.
2. 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.

**F. Total Allowable Catch**

1. Commercial, party, or charter vessels may land no more than 25 Atlantic Halibut per year.

2. Recreational vessels may land no more than 5 Atlantic Halibut per year.

**G. Tagging Requirements**

1. All legal size Atlantic Halibut caught in Maine's coastal waters and intended to be retained by a Commercial Halibut License holder or recreational fisherman shall be immediately tagged with a landing tag approved by the Department of Marine Resources (DMR). 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.
2. Landings tags 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 Halibut License holder or Wholesale Seafood Dealer. It is illegal to possess Atlantic Halibut which are not properly tagged. Any person in possession of Atlantic Halibut without a DMR landings tag shall not be in violation 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 34.07 C-3. 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.
3. No individual or vessel will be issued more than 25 landing tags per (calendar) year except that Commercial Halibut 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.
4. Three types of landing tags may be issued:
  - (a) State Commercial tags will be issued to Commercial Halibut License holders without a Federal permit fishing in Maine's territorial waters.
  - (b) Federal Commercial tags will be issued to Commercial Halibut License holders who possess a Federal multispecies permit authorizing access to Federal waters.
  - (c) Recreational tags will be issued to party/charter or recreational vessels which fish in either Federal or territorial waters.

**H. Observers**

When fishing for 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).

I. **Sampling**

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 personnel.

J. **Reporting:** See Chapter 8.20(F) Landings Program.

## Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021  
Telephone: (207) 624-6553; web address: <https://www.maine.gov/dmr/rules-enforcement/regulations-rules>

CHAPTER NUMBER AND RULE: Chapter 34 Groundfish

STATUTORY AUTHORITY: 12 MRS §6171

DATE AND PLACE OF PUBLIC HEARING(S):

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

This regulation intends to reduce catch of Atlantic halibut in Maine's territorial waters to within the new state waters sub-component specified by the New England Fishery Management Council, which was reduced from 16mt in FY2024 to 9.1mt for FY2025.

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 reduce the catch of Atlantic halibut in Maine state waters through a reduction in the number of fishing days during the halibut season and a reduction in the number of hooks that may be used.

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 New England Fishery Management Council's Framework 69 and feedback from the public (industry meeting held January 13<sup>th</sup>, 2025), Department staff, and Maine Marine Patrol.

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.