

DEPARTMENT OF MARINE RESOURCES

CHAPTER 41

MENHADEN

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DEPARTMENT OF MARINE RESOURCES

CHAPTER 41

41.05 Territorial Waters Trawl Prohibition

It shall be unlawful to fish for or take Atlantic menhaden by vessels rigged with a mid-water, otter or beam trawl net in Maine's territorial waters.

41.30 Menhaden Program

1. Areas

- A. Bald Head Cliff to Cape Arundel
Shoreward and westerly of a straight line starting at the easternmost point of Bald Head Cliff, Ogunquit to the southernmost point of Cape Arundel, Kennebunkport.
- B. Biddeford Pool to Cape Elizabeth
Shoreward and westerly of the territorial sea line, as identified on National Oceanic and Atmospheric Administration nautical chart 13286, starting at the easternmost point of Biddeford Pool, Biddeford following the territorial sea line to where the line intersects the southernmost point of land in Cape Elizabeth.
- C. All Maine territorial waters outside the areas defined in Chapter 41.30(A) & (B)
Shoreward of the territorial sea line, as identified on National Oceanic and Atmospheric Administration nautical charts, except for those areas defined in Chapter 41.30(A) & (B).

2. Definitions

- A. "Daily catch limit or Daily limit" For purposes of this section (Chapter 41.30) means a maximum of 120,000 lbs of menhaden possessed or loaded aboard from areas A and B between 00:01 AM to 11:59 PM. There is no daily catch limit or daily limit in Area C for harvester vessels.
- B. "Carrier vessel 120,000 lbs capacity" For purposes of measuring 120,000 lbs or capacity in a vessel hold the volumetric measure (in hogshead) of 120,000 lbs of menhaden is equivalent to ~98 hogshead. One hogshead equals 17.5 lb bushels. For consistency with 12 M.R.S. §6543 and §6544(3), multiplying 70 pounds (lb) per bushel by 17.5 bushels per hogshead equals 1225 lb. Therefore 120,000 lb divided by 1225 lb (or 17.5 hogshead) equals ~98 hogshead, which is within the 5 hogshead tolerance used in §6544(3).

3. Area Limitations

The areas in Chapter 41.30(1)(A, B & C) are restricted to the take, possession and transport of the Atlantic menhaden in accordance with the following regulations:

A. Limitations in Areas A & B

(1) Harvester and Carrier Vessel Daily Catch Limit - It shall be unlawful for harvester vessels and carrier vessels to catch and possess greater than 120,000 lbs of menhaden per day.

B. Limitations in Area C

(1) Carrier Vessel Daily Limit - It shall be unlawful for carrier vessels to possess greater than 120,000 pounds (lbs) of menhaden per day.

For purposes of this section (Chapter 55.90) "daily catch" means a maximum of 120,000 lbs of menhaden possessed or loaded aboard from these areas between 00:01 AM to 11:59 PM.

C. Limitations in all Areas A, B & C

- (1) It shall be unlawful for any harvester vessel that exceeds 50 feet in length overall to fish for, take or possess menhaden within these restricted areas.
- (2) It shall be unlawful for any carrier vessel to land more than 120,000 lbs of menhaden per day (00:01 AM to 11:59 PM) harvested from Maine Territorial waters, which includes Areas A, B & C.
- (3) A carrier vessel may transport and land menhaden once per day at a limit of 120,000 lbs capacity.

Exception: Any carrier vessel less than 70 feet length overall (LOA) is exempted from the number of landings per day limitation in Chapter 41.30(3)(C)(3).

- (4) It shall be unlawful for any carrier vessel greater than 90 feet LOA to transport menhaden harvested from Areas A, B & C. Any carrier vessel greater than 70 feet but not to exceed 90 feet LOA must be measured, plainly marked at a maximum 120,000 lbs capacity or equivalent volume; or marked at the maximum vessel capacity if under 120,000 lbs, and sealed* by the State Sealer of Weights and Measures.

*Sealed means receipt of the applicable Fish Carrier Calibration Report and sticker, seal or appropriate marking affixed by the State Sealer of Weights and Measures or their designee. This documentation must be obtained prior to transporting menhaden taken from these areas.

4. Suspension of rules

The Commissioner has the authority to suspend all regulations in Chapter 41.30 in the event of a potential fish kill upon consultation with industry and Marine Patrol. Notice of rule suspension and duration shall be provided via the internet on the Department's web site and by email to industry members or telephone.

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EFFECTIVE DATE:

May 2, 1982 – Section 41.01 with December 31, 1983 sunset provision

AMENDED

July 20, 2009 – Section 05

September 20, 2010 – Section 30

July 23, 2012 - Section 30

June 6, 2013 – Section 30 EMERGENCY (expires September 4, 2013)

July 25, 2013 – Section 30