

# NOTICE OF AGENCY RULE-MAKING PROPOSAL

**AGENCY:** Department of Marine Resources

**CHAPTER NUMBER AND TITLE:** Chapter 25.08 Trap Tag Attachment. Proposed Rulemaking

**CONCISE SUMMARY:** The Department is proposing this change in rule pending approval of a conservation equivalency from the Atlantic States Marine Fisheries Commission (ASMFC). The proposed 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.

If the conservation equivalency is not approved by ASMFC, the Department will not advance the proposed rule to adoption, and will notify the industry.

**THIS RULE WILL \_\_\_ WILL NOT X HAVE A FISCAL IMPACT ON MUNICIPALITIES.**

**STATUTORY AUTHORITY:** 12 M.R.S. §6431-B

**PUBLIC HEARING:** None scheduled

**DEADLINE FOR COMMENTS:** February 20, 2015

*To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.*

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DEPARTMENT OF MARINE RESOURCES

Chapter 25 - Lobster and Crab Fishing

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.

# 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 25.08 Trap Tag Attachment. Proposed Rulemaking

STATUTORY AUTHORITY: 12 M.R.S. §6431-B

DATE AND PLACE OF PUBLIC HEARING: None scheduled

COMMENT DEADLINE: February 19, 2015

**PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:** The Department is proposing this change in rule pending approval of a conservation equivalency from the Atlantic States Marine Fisheries Commission (ASMFC). This proposed 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.

If the conservation equivalency is not approved by ASMFC, the Department will not advance the proposed rule to adoption, and will notify the industry.

**ANALYSIS AND EXPECTED OPERATION OF THE RULE:** The proposed 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:**

The proposed change in the rule will reduce administrative activity in this agency. Existing enforcement personnel will continue to monitor compliance during their routine patrols.