

NOTICE OF AGENCY EMERGENCY RULE-MAKING**AGENCY:** Department of Marine Resources**CHAPTER NUMBER AND TITLE:** Chapter 8.20 Harvester Reporting**CONCISE SUMMARY:**

Public Law 2020 Chapter 640 created a new license for the harvest of menhaden. Prior to the creation of the menhaden license, menhaden were harvested under the commercial pelagic and anadromous license. This rulemaking updates reporting requirements for menhaden to reflect that the individuals who are required to report menhaden harvest are those that hold the menhaden license under 12 M.R.S. §6502-C. Reporting elements remain the same as in prior seasons. The Commissioner has determined that it is necessary to take emergency action to amend the menhaden harvester reporting section as it relates to reporting requirements specific to fishery operations to ensure accurate and timely monitoring of the menhaden quota and to prevent the imminent depletion of the menhaden resource. The Commissioner hereby adopts this emergency regulation as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE: June 1, 2021

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| AGENCY NAME: | Department of Marine Resources |
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8.20 Harvester Reporting

M. Menhaden Harvester ~~Permit~~

Any person that holds a ~~Commercial Pelagic and Anadromous Fishing License issued under 12 M.R.S. §6502-A and a Menhaden Harvester Permit under that license~~ commercial menhaden fishing license under 12 M.R.S. §6502-C must submit daily catch reports during the state and episodic fisheries; and, weekly catch reports during the small scale fishery. Catches from fixed gear must be included in these reports. Any person that holds more than one ~~Commercial Pelagic and Anadromous Fishing License with the Menhaden Harvester Permit~~ commercial menhaden fishing license must report for each license they hold. Any person that holds a noncommercial menhaden fishing license under 12 M.R.S. §6502-C must submit daily catch reports weekly. Reports are required even if the menhaden caught during the week have not been landed. The report shall include the following data elements:

1. Harvester name (as it appears on the harvesting license) and landings number
2. Boat name and state vessel registration number or Coast Guard number (if a boat was used)
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity
7. Number of sets/tows
8. Set time (the average time your gear fished)
9. Average depth
10. Latitude and longitude
11. Sea time (including travel)
12. Pounds by species of all species caught (including discards)
13. Landings number of dealer sold to, or if not sold to a licensed dealer, disposition of catch and whether catch was carried
14. Port landed
15. Signature written or electronic

~~Menhaden reports are not required from menhaden carrier vessels.~~

Basis Statement

Public Law 2020 Chapter 640 created a new license for the harvest of menhaden. Prior to the creation of the menhaden license, menhaden were harvested under the commercial pelagic and anadromous license. This rulemaking updates reporting requirements for menhaden to reflect that the individuals who are required to report menhaden harvest are those that hold the menhaden license under 12 M.R.S. §6502-C. Reporting elements remain the same as in prior seasons. The Commissioner has determined that it is necessary to take emergency action to amend the menhaden harvester reporting section as it relates to reporting requirements specific to fishery operations to ensure accurate and timely monitoring of the menhaden quota and to prevent the imminent depletion of the menhaden resource. The Commissioner hereby adopts this emergency regulation as authorized by 12 M.R.S. §6171(3)(A).

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: 13-188- Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE: Chapter 8.20 Harvest Reporting

STATUTORY AUTHORITY: 12 M.R.S. § 6171(3)(A)

DATE AND PLACE OF PUBLIC HEARING(S): NA

COMMENT DEADLINE: NA

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

Public Law 2020 Chapter 640 created a new license for the harvest of menhaden. Prior to the creation of the menhaden license, menhaden were harvested under the commercial pelagic and anadromous license. This rulemaking updates reporting requirements for menhaden to reflect that the individuals who are required to report menhaden harvest are those that hold the menhaden license under 12 M.R.S. §6502-C. Reporting elements remain the same as in prior seasons. The Commissioner has determined that it is necessary to take emergency action to amend the menhaden harvester reporting section as it relates to reporting requirements specific to fishery operations to ensure accurate and timely monitoring of the menhaden quota and to prevent the imminent depletion of the menhaden resource.

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 proposed rule updates the licensing structure for menhaden and mirrors reporting requirements specified in Chapter 41 Atlantic Menhaden.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

Information to support these changes were offered through feedback from DMR Landings Program staff and current regulations of Chapter 41.

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.

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)]

Note: If necessary, additional pages may be used