

**Notice of Agency Rule-making Proposal**

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 34.07 Atlantic Halibut Size Limit

PROPOSED RULE NUMBER *(leave blank; to be assigned by Secretary of State)*:

**BRIEF SUMMARY:**

The Department proposes to allow charter and party boat operators to fillet Atlantic halibut at sea. Possession for Atlantic halibut is limited to one fish per boat. The current rule does not allow fisherman or charter/party boat captains to fillet Atlantic halibut at sea. This rule is in place to ensure the fish can be measured and is greater than the minimum size limit of 41 inches total length or 32 inches from the pectoral fin if the head is removed. This proposed change would allow charter/party boat captains the ability to fillet Atlantic halibut at sea if the halibut carcass (rack) remains in their possession until all customers have landed on shore. This change will allow a single Atlantic halibut to be shared with several fishing customers instead of one customer retaining the entire fish. Marine patrol officers would still be able to measure Atlantic halibut carcasses (racks) to ensure fish of legal sizes were possessed.

Date, time and location of PUBLIC HEARING *(if any)*: 3:00 PM January 9, 2019, DMR Laboratory, West Boothbay Harbor, ME. (Snow date 3:00 PM January 10, 2019, DMR Laboratory, West Boothbay Harbor, ME)

COMMENT DEADLINE: January 21, 2019

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

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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 M.R.S. §6171

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

AGENCY WEBSITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: dmr.rulemaking@maine.gov

\* Check one of the following two boxes.

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.

**Please approve bottom portion of this form and assign appropriate AdvantageME number.**

APPROVED FOR PAYMENT \_\_\_\_\_ DATE: \_\_\_\_\_

*(authorized signature)*

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
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## DEPARTMENT OF MARINE RESOURCES

### Chapter 34 Groundfish

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

##### A. 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.

## Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; web address: <http://www.maine.gov/dmr/rulemaking/>

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STATUTORY AUTHORITY: 12 M.R.S. §6171

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

Charter and party boats often catch Atlantic halibut on excursions offshore while fishing for groundfish species such as haddock and cod. Possession for Atlantic halibut is limited to one fish per boat. Often, these charter boats have many customers and there is a desire and willingness to share the harvest of halibut among fishing participants. The current rule does not allow fisherman or charter/party boat captains to fillet Atlantic halibut on a vessel in transit. This rule is in place to ensure the fish can be measured and is greater than the minimum size limit of 41 inches or 32 inches to the pectoral fin if the head is removed. However, Department Marine Patrol officers have indicated that accurate measurements can be taken from a halibut carcass with the fillets removed. This proposed change would allow charter/party boat captains the ability to fillet Atlantic halibut at sea if the halibut carcass remains in possession on the vessel through transit until the fishing customers have departed the boat. This change will allow a single Atlantic halibut to be shared with several fishing customers instead of one customer retaining the entire fish. Marine patrol officers would still be able to enforce Atlantic halibut minimum size and possession limits.

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 rule will allow charter and party boat captains the ability to filet Atlantic halibut and share fillets with multiple customers. Enforcement of Atlantic halibut rules will not be hindered by this rule change.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

Department staff have received comments and requests from charter and party boat captains. Consultation occurred with Department Marine Patrol to ensure enforcement would not be hindered.

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.

*Note: If necessary, additional pages may be used.*