

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 8 Landings Program

ADOPTED RULE NUMBER:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY:
This rule updates reporting requirements for halibut, shrimp, and scallop harvesters to remove outdated references to Loran stations and bearings as options for reporting harvesting locations. It requires halibut harvesters to report landings numbers rather than license numbers, and would add a new component to the halibut harvester reporting requirements to include total number of hooks fished.

EFFECTIVE DATE:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

AGENCY CONTACT PERSON: Amanda Ellis (207) 624-6573
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Please approve bottom portion of this form and assign appropriate MFASIS number.

APPROVED FOR PAYMENT _____					DATE: _____
FUND	AGENCY	S-UNIT	APP	OBJT	AMOUNT
010	13A	1120	10	4946	regulations

Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta

DEPARTMENT OF MARINE RESOURCES

Chapter 8 – Landings Program

8.20 Harvester Reporting

F. Atlantic halibut (previously in Chapter 34.10(1)(B)(4)(b)(vi))

Persons who obtain an Atlantic halibut endorsement will be required to maintain a log. The log must include the following information:

1. Harvester name & ~~license~~ landings number
2. Boat name and hull ID
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type & quantity
7. Number of sets
8. Set time (hours gear fished)
- ~~8-A. Total number of hooks fished~~
9. Depth (in fathoms)
10. Area fished (Latitude/Longitude in dd/mm/ss, or Loran bearings, or ~~NMFS statistical area and distance from shore~~)
11. Sea time (including steaming time)
12. Species caught including bycatch and sub-legal halibut, quantity & unit of measurement
13. Total length of halibut retained or released
14. Research tag number of halibut released or recaptured
15. ~~License~~ Landings number of dealer sold to or if not sold to a licensed dealer, disposition of catch.
16. Port landed
17. Signature written or electronic

G. Intentionally blank

H. Intentionally blank

I. Shrimp (previously Chapter 45.24)

All Maine licensed shrimp harvesters must report daily fishing information for shrimp that are landed in Maine, to the Department, according to written instructions on forms provided by the Department. Fishing vessel trip reports must include the following information:

1. vessel name;
2. vessel state registration number (or United States Coast Guard Documentation Number);
3. vessel permit number;
4. date/time sailed;
5. trip type;
6. number of crew;
7. gear fished;
8. mesh size;
9. quantity and size of gear;
10. chart area fished;

11. average depth;
12. latitude/longitude ~~(or loran station and bearings)~~;
13. total hauls per area fished;
14. average tow/soak time;
15. pounds by species of all species landed or discarded;
16. dealer permit number;
17. dealer name;
18. date sold;
19. port and state landed;
20. date/time landed;
21. vessel operator's name;
22. signature;
23. shrimp license number; and
24. any other information or instructions deemed necessary.

O. Scallop Harvest

Any person that holds a scallop (hand fishing) license, scallop boat license, or noncommercial scallop license issued under 12 M.R.S §6701, §6702 or §6703 must report trip level fishing activity on forms supplied by the Department. The following data elements must be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:

1. Harvester name (as it appears on the harvesting license) and license number
2. Boat name and hull ID
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/dives
8. Set time (average time fished per set/tow or average dive time)
9. Average depth
10. Latitude/longitude ~~(or loran bearings)~~
11. Sea time (including travel)
12. Pounds of species landed
13. License 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

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/>

CHAPTER NUMBER AND RULE: Chapter 8 Landings Program

STATUTORY AUTHORITY: 12 M.R.S. §6173

DATE AND PLACE OF PUBLIC HEARING(S): 1:00 PM January 9, 2019, DMR Laboratory, West Boothbay Harbor, ME. (Snow date 1:00 PM January 10, 2019, DMR Laboratory, West Boothbay Harbor, ME)

COMMENT DEADLINE: January 21, 2019

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

This rule would update reporting requirements for halibut, shrimp, and scallop harvesters to remove outdated references to Loran stations and bearings as options for reporting harvesting locations. It would require halibut harvesters to report landings numbers rather than license numbers, and would add a new component to the halibut harvester reporting requirements to include total number of hooks fished.

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)]

Harvesters would report the information required.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

Input from the Landings Program staff.

ESTIMATED FISCAL IMPACT OF THE RULE: [*see* §8057-A(1)(C)]

Enforcement of these proposed amendments will not require additional activity in this agency.

Basis Statement:

This rule updates reporting requirements for halibut, shrimp, and scallop harvesters to remove outdated references to Loran stations and bearings as options for reporting harvesting locations. It requires halibut harvesters to report landings numbers rather than license numbers, and would add a new component to the halibut harvester reporting requirements to include total number of hooks fished.

Summary of Comments:

Notice of this proposed rulemaking appeared on December 19, 2018 in the five major daily newspapers as published by the Secretary of State. On December 19, 2018, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. The public hearing was advertised in compliance with the procedures outlined in the Maine Administrative Procedures Act and was held as follows: January 9, 2019, 1:00 PM, DMR Laboratory, West Boothbay Harbor, ME. The comment period closed January 21, 2019.

No members of the public attended the hearing. The Department was represented by Deirdre Gilbert, and Amanda Ellis. The Department did not receive any written comments concerning this proposed rule. The Department will adopt the rule as originally proposed.