

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 25 Lobster Tail Weights. Proposed Rule-making.

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

BRIEF SUMMARY: This proposed rulemaking would provide minimum (2.7 oz) and maximum (14 oz) weights for legal lobster tails in the shell for sale in Maine. Currently, the only measurement provided is the legal length of tail meat that has been removed from the shell. Providing a weight for tails in the shell will ensure that all retail and wholesale establishments are buying and selling only tails that are from lobsters that are of legal size in Maine.

Date, time and location of PUBLIC HEARING (*if any*): May 16, 2018, 2:00 PM DMR Offices, Marquardt Building, 32 Blossom Lane, Augusta, Maine

COMMENT DEADLINE: May 29, 2018

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

NAME: Amanda Ellis

MAILING ADDRESS: 21 State House Station, Augusta, Maine 04333-0021

E-MAIL: dmr.rulemaking@maine.gov

TELEPHONE: 207-624-6573

FAX: 207-624-6024

TTY: 207-624-6500 (Deaf/Hard of Hearing)

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 MRS § 6851-B

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.

X 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.

DEPARTMENT OF MARINE RESOURCES

Chapter 25 – Lobster and Crab Regulations

25.70 Legal ~~Size of Lobster Tails~~ ~~Meats~~

Except as provided by 12 MRS 6431-A (6-B), it shall be unlawful to buy, sell, give away, transport, ship or possess:

- A. ~~It shall be unlawful to buy, sell, give away, transport, ship or possess any~~ Any cooked lobster tail meat less than $3 \frac{7}{32}$ inches or more than $6 \frac{3}{16}$ inches in length when laid out straight and measured from the proximal end of the deep flexor muscle to the far end of the sixth abdominal segment.
- B. Any lobster tails in the shell that weigh less than 2.7 ounces or more than 14 ounces.

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

CHAPTER NUMBER AND RULE: Chapter 25.70

STATUTORY AUTHORITY: 12 MRS §6851-B

DATE AND PLACE OF PUBLIC HEARING:

May 16, 2018 2:00 PM DMR Offices, Marquardt Building, 32 Blossom Lane, Augusta, Maine

COMMENT DEADLINE: May 29, 2018

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

Maine businesses purchasing and selling whole lobster tails requested guidance from DMR regarding the range of weights for lobster tails that would ensure those tails were legal for sale within Maine.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___ YES ___ NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

This rule will ensure that all individuals who buy and sell lobster tails in the shell have the necessary information to determine if the lobster tails came from lobsters that would meet the Maine definition of legal size and therefore may legally be sold within the State.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]

In developing this rule, the Department hosted multiple meetings of lobster dealers and processors to collect information regarding the range of weights of legal size lobster tails, and also sought input from Maine Marine Patrol.

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

No fiscal impact is anticipated.

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)]