

Chapter 42 Striped bass

Individual summarized comments:

Barry Gibson

We had meeting in Bath and I haven't heard any more then I was told that this wasn't going to be an issue for 2011 and all of a sudden I get this thing. I have a couple of questions: 1) is this on a fast track; scoping meetings, nebulous at the meeting in Bath; not a consensus to do a lot; there was a lot of concern, [?] saying we shouldn't mandate circle hooks; we should do educational outreach; other people thought the catch in Maine of striped bass is so small that any...admitted by Terry Stockwell [?] that even if we stop fishing completely here in Maine it wasn't going to have a measurable effect on the striped bass mortality. 2) So there was a lot of question I thought in the room as to why we were even going this direction. We also tried to find out what spurred this, who was behind it, where there a lot of people. On one of the information sheets it says many people felt that striped bass release mortalities could be lowered through circle hooks or to that effect. I'm unclear as to how this thing grew legs so quickly and what are we trying to accomplish here with a harvest of striped bass that I think is less than 1%. We already have the most restrictive bag limit, the most restricted size limit, and other regulations including no gaffs and immediately release and huge closures etc. Now we're continuing to move forward with more restrictions. Could you explain where this all is coming from and what the State feels it is going to ultimately get out of this.

Pat Keliher

I wouldn't call it being on the fast track. The first meeting was in Bath last February followed up a day or two later with a meeting in Scarborough; probably twice the attendance at Scarborough than Bath meeting. These were informal scoping meetings. We went over the stock assessment, did the same in Scarborough. Listened to a lot of concerns as it related to increased mortality with striped bass. Very concerned about the downward trend of both catch and participation and catch was probably driving the lack of participation with in the state. So we were getting a lot of comments in that vein prior to holding those meetings. We received a letter from several, I mean 4 individuals asking for much greater restrictions on the Kennebec. Those conversations were not shared by everybody; I would say they were the minority of folks who just wanted to be ultra conservative to try to protect what might be left of the native stripe bass resource on the Kennebec. There were additional conversations with Coastal Conservation Association where they shared their concerns. Those were the kind of conversations, what I'm trying to spell out is the conversations that lead up to DMR advertising and holding the informal scoping meetings for striped bass. What you see here in the proposed regulations are the results of those scoping meetings. The two major comments that came out of those February meetings were "to initiate a biological effort to conserve striped bass by limiting harvest by anglers in Maine" and then two, "to initiate gear restrictions to limit the effects of catch and release fishing conducted by Maine striped bass anglers." Those were the major components that we drew out from the scoping meetings that resulted in the draft regulations that you see, which is the hook regulations to deal with the increased mortality potentially caused by J hooks while bait fishing as well as multiple hooks on plugs. The multiple hook, the plug issue is the same issue that was brought up, when did we put the striped bass regs in the Kennebec [1994?] yes, single hooks, early 90's. So that is where we came out here. Again, I wouldn't call this being on the fast track, we've been talking about it for quite some time. If we were going to move forward with any for this coming fishing season then we wanted to have it this time of year so we could get through the regulatory process.

Barry Gibson

I don't know if that is a fast track with the timeframe for you guys. All I know is I was told and I think Terry Stockwell that this wasn't going to be addressed for this coming season.

Pat Keliher: The one thing we're not addressing is the bag limit and length restrictions that are currently in place. I'm not sure if that was what he was talking about; I can't recall without going back to look at notes for the meeting we had in Scarborough but I took away from the Bath meeting and definitely took away from the Scarborough meeting that there was some interest in looking at circle hook regulations. Then out of the Scarborough meeting the majority of the people if not unanimous supported limiting the use of treble hooks feeling that they did cause additional injury to the fish.

Barry Gibson: I don't have so much trouble fishing with the treble hooks.

Several issues here; I think one is the comment I made earlier that the fact that we catch 4% of a percent of [Pat. Keliher: It's almost 2%] of the striped bass harvest I'm not sure of the actual benefit. I think this is a feel good thing. I think a lot of people would feel they would like to do something to address the release mortality but I'm not sure this is going to have; well someone from DMR stated that this will have no measureable affect on coast wide stocks of striped bass. What it really does in my opinion is add another layer of restriction to public access to the striped bass resource over an above everything else that is already on the books. I'm not sure this is something that is a burning need [for]. I think we talked about that at Bath, I think you were there. Some people said maybe we ought to do this just so we can go and show other states that we're the leader in conservation. That's nice and good but I'm not sure that actually does anything. Then I look at this as potential for a lot of people to get tickets and fines and stuff for not using arguments over what is a circle hook, what is it; a circle hook is bent. At the Bath meeting I talked with two marine Patrol officers who said the last thing they want to do is go out and try to figure out whether people are using circle hooks or J hooks. They told me that this wasn't anything they wanted to deal with.

A couple other comments: There are some gear types using natural baits that circle hooks will not work for, with, one is tube lures the tube and worm rig which is becoming more and more popular all the time; that will not work with a circle hook because the circle hook is designed for the fish to swallow the bait then come back out through the esophagus, throat, mouth and then catch in the jaw hinge. Striped bass do not consume, swallow tube lures, they snap at it and they are not going to get hooked with circle hooks. That seem's so me to be unreasonable for the folks using, I don't use tube and I talked with a few of them before this meeting, and they said they would have to give it up because I would be ineffective.

The other thing as a guide and for the record, I've just had my 40th consecutive year, many of our regular customers are pretty good fishermen. One thing they enjoy most, the fishing here isn't all that good, we know that it's pretty tough, but one thing they do enjoy when they do go out with us is the thrill of hooking the fish themselves. Over the years we've gotten pretty good at coaching them as to how to hook the fish and when and whatever and now we're equipped with the tools on board to get, we do get an occasional throat hooked fish or gut hooked fish, we had the tools available to quickly remove them and release the fish safely. I had talked of several of my customers about this if in fact you go with circle hooks where the rod is fished in the holder basically with the drag on when the rod bends over they picked it up and they reel in the fish, they said we're not interested. I think this is going to be, and George and Pete and Bill may want to speak to this, I think this takes the element of sport fishing and takes it away and as I said if we can't, and they don't mind missing the fish. If the fish runs as they hit it and they miss it then it's my fault and we have a laugh about it, it's all part of the thing. They are not there just to hook the fish and have the fish hook itself and reel it in. That's a problem with our more experienced anglers. The people from Akron, Ohio that come once in a life time it doesn't matter; I would say if you do implement this I would ask that you have an exemption for licensed guides because these people have the expertise, the tools and have a vested interest in doing the least amount of problem to the fish in order to release it. If I'm forced to use circle hooks it is a dead stick type fishery and I'm sunk, I'm going to lose business. This is an easy thing to enforce. They guy has to have a license, he has to be a current guide, have a tidewater guide's license; maybe this release of the striped bass would be part of the tide water requirement or something. I would request licensed guides be exempt... I don't want to lose 15-25 charters a year from regular people because that say we're just going to Massachusetts or NH because we get to fish there the way want and that is what they've told me.

George Warren

I make my full living off the water. I hear it now as we fish in this area they can go to NH and everybody that comes to Maine has to come through MA. They catch more fish than we do; they are allowed to keep the 28's and up, which we catch a lot of in this state. It's a very small slot limit to fill. Restricting us more is really just going to hurt our business. Putting us out of business and stopping people from coming to Maine to do this type of thing might not be the right answer on something you really can't, or anybody that is fishing with a J hook and a warden comes up and the line is gone. It will be almost impossible for a warden to do something like that and if it is impossible for them to do it, it is going to be very hard for them to patrol. I just hear it time and again on our limits we have now that this makes it really hard for us to come home for a dinner for 5 and my big charters, my private charter groups are the ones that they do not want to fish with a rod and rod holder. I run anywhere from 120-180 trips per year and if you take 20% of that out and I don't know if you watch the weather but this fall we beat our brains out just to keep going fishing. To have someone just sitting back and no holding on a rod when it's blowing 25, boats rocking around and they just got to sit there and do nothing, makes for a real tough situation especially the fall trips when we have some good anglers that come to this area because the fishing is phenomenal here in September.

Pete Ripley

I find the whole thing very ironic. When we tried to get the Kennebec opened up we suggested circle hooks and were told by the State that there was no way to enforce it and that it couldn't be done. There is no evidence really that circle hooks will make that much of a difference like Barry said on the mortality or in effect on the stock of the entire east coast. We are at the end of the swim. I think it would affect business a lot. My son just got his license. He wants to get back in to it and it is going to get harder and harder. I think another regulation and more taxes and a fine is just another tax. I think you are going to be keeping the pliers handy and if they see a warden coming you will be sniping the line.

? anybody that knows the law that is what they are going to do. Sad but true.

Then you've got a hook that is not going to be retrieved with a piece of bait, monofilament. That seems like it will do more damage.

Bill Spencer

I think over all like these gentlemen have been saying this is incrementalism and one thing after the other and every time you through something else like this out there you're just cutting down on one or two more charters, etc. You've got the registry and the closure in the Kennebec, and every time you add I don't think the State realizes and what happens to the people that are paying the taxes and people that are taking people out fishing the over all income to the State of Maine just goes down ever time you do something like this. I truly don't believe you can't legislate intelligence. If somebody has a circle hook and they want to let the fish run for 30 seconds he's going to be gut hooked anyway. J-hook or circle hook. It doesn't matter. I fish circle hooks; I think it's a great idea but I think it is a bad law.

Jeff Bellmore

I've been fishing stripers for 50 years, been a guide for 30 years. I think this is just preposterous. For one thing circle hook, J hook, it's the fisherman not the hook. Some types of way a person fishes with bait a circle does a fantastic job. But if you're fishing live bait with a circle hook and you haven't got somebody that's good on the end of a rod and they yank that rod too soon every time, clients get real upset. They want to set the hook. Hooked in the side of the jaw is not a real issue. And the enforcement is just ridiculous. The other thing I'd like to say is you're talking about lures that lure companies spend millions of dollars on research to say whether it needs treble hooks or two or it needs treble hooks or three or it needs a single hook of one or two or three; and when you modify that lure by changing how many hooks are on it you're change the weight on it then you're trying to add subtract multiply to get that lure to fish the way it should again. I don't see how DMR can regulate and say we're not going to use these any more when the tackle companies, they want to sell gear, it's about selling gear not about catching fish because you're catching the fisherman not the fish. But overall I've modified lures several times, I fish on the Kennebec and other places where you have to change lures and hooks to make it work to be within the law and they don't work the same. You might as well not use them. The regulations on the few fish that we have in the limited season that we have you're just adding more burden and bureaucracy on to us guys that are trying to take the people that come to Maine that like to go fishing while they are here. And just making it overwhelming, it's just beyond me to think it is that way. I catch

until when the fish were good we had thousands of fish every year to the boat. One percent maybe was gut hooked with J hooks maybe. The client has the rod in his hand and he's hitting them. Either the fish is hooked or he's gone and as Barry said earlier we all laugh about it, he missed it. We move on. You're really just putting more regulations on us than any other state on the east coast has got to do with this for no reason. We're at the end of the line. We ought to have a break at catching a fish if it is here with out more regulations. Thank-you.

Rep. McKane

Please clarify the paragraph about the discard mortality and by-catch mortality. Could you explain the difference between the discard mortality and by-catch mortality? The discard mortality is 8% of the total number caught and released each year?

Pat Keliher: Yes, 8% is what the ASMFC uses for management purposes for the catch and release fishery.

Rep. McKane: Is that the same as the by-catch mortality?

Pat Keliher: It's one and the same for striped bass.

Rep. McKane: [Reading from the rulemaking notice] "Bycatch mortality alone ranges from thousands to hundreds of thousands (320,000 in 2004)." It seems like an awful high number if that is really 8%. That's 8% of the total released that means 4 million[?] fish were caught and released in 2004. Does it?

Pat Keliher: Without having all the numbers in front of me I'd have to go back and look it up. That does seem high. As far as

LC: Read from the stock assessment document.

Pat Keliher: that is talking about the entire east coast population.

Rep. McKane: Then [it reads] "In 2008 discard mortality for striped bass in Maine was 37,079 individuals." Is that exactly 8%

Pat Keliher: I'd have to go back and look at our MRFFS data that shows effort and catch. When you know that participation; you look at the catch and you use 8% to figure out what 8% of that is. So if you went out and, what ASMFC would say is if you went out recreational fishing and caught 100 fish 8 of those fish are going to die.

Rep. McKane: 8% of the fish of the fish that are released.

Pat Keliher: yes, obviously if you kept that fish it would be dead anyway. So if you look at several studies that have been completed now by other states that show a much lower mortality using circle hooks versus using J hooks. All of the things that have been said by Jeff and Barry and Pete and others about the use of how they are fished is completely accurate but there is a lot of data on hand now that shows the mortality of using J hooks with bait versus a circle hook with bait you would see a lower mortality with that circle hook.

Rep. McKane: Where the rule is based on this high mortality rate I'm just questioning these numbers. 320,000 in 2004 and [Inaudible] in 2008...

Pat Keliher: I'll have to verify the catch for that period. We do catch and release a bucket load of striped bass every year. So I can't say if that number is exactly right or not. It seems high if you extrapolate it by 8% for the total.

Rep. McKane: If it were 37,000 discard mortality in 2008 that means...400,000 caught in the state. Or almost a half million caught, in Maine. [Inaudible]

Pat Keliher: You mean 400,000, not 4 million... [too many talking]

?If you got an honest answer from every one who fishes more than 5 days a year in the salt water and they told you the truth that figure wouldn't be half that.

Barry Gibson

To Pat Keliher, as I recall the closure of the Kennebec River in May and June to bait fishing was based on concerns about released mortality of fish that were suspected that came into the Kennebec native population, whatever it was. Now, if circle hooks are implemented we now have a gear type that shows a lower mortality rate than flies and plugs and lures. So it must follow that you will be opening up the Kennebec and the Sheepscot Kennebec area too fishing with bait and circle hooks in May and June. Is that a correct assumption?

Pat Keliher

It is something we can consider. The problem is we have little to no data on what the population of native striped bass is in the Kennebec River.

Barry Gibson: You have less on the Penobscot and you didn't close that river.

Pat Keliher: That's because it is not a historic spawning habitat.

Pete Ripley

Also at the hearing at DMR over 10 years ago they were justifying that, by the expert the state brought, that the pregnant females don't eat. That was it right there; none of us in all the years we've been chartering have ever caught, I caught one and that was in Linekin Bay which wasn't closed, that has any roe in it at all. They don't eat until after they [spawn]. So it is pointless anyway. But if you have this gear going into place then it really does follow suit that the river gets opened up.

Barry Gibson

At the same hearing the person from the DMR did say that they had never seen or captured a gravid female in the Kennebec Sheepscot system.

Pat Keliher

This year is the first year that we found males with milt by staff from the Department who caught those fish while targeting sturgeon in the upper part of the Kennebec. But again, I know you guys have because I know I have when I was guide caught striped bass, males

later in the season that had milt in them so those could be just like the fish you may have caught in Linekin Bay could have been a fish that decided not to spawn that year, I don't know how big it was but they will start spawning every other year.

Bill Spencer

Talking about the artificial lures and how they have been tank tested and when you start altering them they don't swim right and they don't produce right. Another point towards artificial's is to a certain degree the more hooks they have on them the harder they are to swallow. Often times you have 3 hooks on a rig they can't get them in their mouth. So now you want to go down to two so what you're saying is you want to make it easier for the striper to swallow the whole rig. Again it might make sense in Augusta but it doesn't make sense in the salt water. It's backwards in what actually happens.

Doug Jowett

Question on the plug hooks. If you took one of the 3 hooks on a fly and cut the hook part of the hook off and left the remaining part of what was the treble hook without having the hook on it, would that be legal? [inaudible] ...maintains the fish ability of that plus?

Pat Keliher: Yes, it's no longer a treble hook if you're cutting the curve of the hook off; and that's how the Department has always looked at that especially with the Kennebec reg in place. Patrol lets you know, hat's how they look at it. The point, the hooks were manipulated by cutting them. [? That way you still have the weight.] That's right.

Any comments on high grading or no sale [42.01(1)(D)]?

Jeff Bellmore

There certainly shouldn't be. I'm against high grading. If the fish is legal and you're going to keep it, you're going keep it, you're going to kill the fish, end of the story. Support this proposed rule, very valid.

Barry Gibson

About releasing a fish immediately, released alive into the water, immediately released, does that mean you can't hold it up to take a photo of it?

Pat Keliher: No. We're not going to say people can't take pictures of their fish and release it back. Obviously if they were taking pictures and passing it around the boat it gets a little beyond the intent. Take a picture quickly and overboard [it goes].

Pat Keliher: Back on Striped bass: The only thing no one commented on was the no sale provision for striped bass in Maine, Chapter 42.02.

Jeff Belmore

Isn't that the law now?

Pat Keliher: No. There was a bag limit. It never said no sale, it was a possession limit. We had several instances where Striped bass were brought in to restaurants and sold. They never had more than their bag limit but they could sell. So this clarifies that. I think everybody was under the impression that it was strictly a game fish in the State of Maine with a no sale provision but when we went back and looked at the law we realized that was not the case.

George Warren

Will there be something written in the law book [?] cleaning stripers now? A striper in Maine has to be [landed] in the round. In Boothbay Harbor there's an old rule that says you cannot clean fish in the harbor limits. We all park around million dollar yachts and the last thing they want to see is the seagulls. Can we clean our fish, bring our racks to the dock, I fine with that but we are not supposed [to] do that.

Pat Keliher: But the intent was to keep the fish, the length in tact. I don't think the intent was ever to not be able to gut.

George Warren: We're still cleaning fish at a dock around a million dollar boat [that is not allowed].

Pat Keliher: That's a marina or local issue, zoning rule.

Barry Gibson: But that puts someone like George in a predicament, he runs two trips per day; he has to come in a clean his fish, some how and get turned around. Do they bring them in whole? I do...

George Warren: I called and they finally said I could do that as long as [inaudible].

Pat Keliher: We can discuss after; these are separate issues from what is proposed.

Barry Gibson: Right now you have to land a fish whole, right, to check the length on it?

Pat Keliher: Exactly.

Barry Gibson: What George is saying is can he fillet it and bring the rack in; if the fillets correspond to the length?

Pat Keliher: That would be a question for Patrol but I think Patrol would say how do I know those fillets came off those fish?

George Warren: if I had 12 fillets and 6 fish.

Pat Keliher: We can't do anything with it under this proposal. Let's discuss after.

Forrest Faulkingham

Representing the Maine Association of Charterboat Captains (MACC)

42.01B - Treble Hook Limitations: We are opposed as written, we request modification. Removing hooks from lures causes many of them to swim incorrectly. We would like the option of replacing treble hooks with single hooks. This will allow lures like Bomber, Rebel, Yozuri and others with three or more hooks to swim correctly.

42.01C - Circle Hooks: Neither for nor against but we request modification. A sizable number of our members are not supportive of mandating circle hooks for bait fishing. Experienced anglers, guides, captains and crew members who correctly use J hooks do so with

a very low catch and release mortality. Conversely, many of our captains who use non-offset circle hooks have found them to rarely gut hook fish and have seen increased landing rates over J hooks. Particularly opposed to this restriction are skippers who troll with tube and worm rigs. Gut hooking virtually never happens with these rigs. We request that this proposed circle hook regulation only pertain to still fishing and drift fishing. Trolling with bait should not require the use of circle hooks. [Trolling by definition as stated in the IF&W law book: "To fish by trailing a line rigged to catch fish behind or in front of a watercraft being propelled by mechanical, wind sail or manual power."]

42.01D - Immediate Kill of Catch: We support. [We support the immediate killing of legal catch as a way to address high grading. This is a proven approach in freshwater fishing.]
Plus 42.02: F. Faulkingham: We [MACC] support that [no sale].

Dana Eastman

I own a tackle shop in Portland. I like all of the proposed changes on the striped bass lures and I do like it on the circle hooks. I do need to think, is it tube and worm or lure or bait is the real question on what Forrest was talking about. But the question I really have is are they going to give tackle shops, because I know several tackle shops that have asked are they going to give us time to get rid of our J hook [inventory] or are they just going to say as of 2010 you have to throw all your J hooks away. I went to a show last week and not knowing about this and ordered \$4,000 worth of hooks. So are they going to give us time? Could they give us a year to get rid of hook inventory that is in stock? Like when they did the lead, they gave us 2 years to get rid of the lead. Or put a law that says you can't buy them anymore but sell out what we've got. That's my real concern/question. The rest I support. I do think tube and worm does need to be defined as one thing or the other. Lure or bait.

Pat Keliher: Once you put bait on it, it is bait. D. Eastman: OK, fair enough.

Steve Heinz

I'm associated with Maine Recreational Anglers and would just like to thank the Department for making the first changes to the regulations in some 20 years. It is something that should be examined yearly, especially under current fishing conditions. Would like to say, what I thought I heard at the public meetings held last year, was a clear consensus that people were willing to give up the trophy larger fish as opposed to giving up a slot fish. I would like to ask Pat what happened to that is it dead or alive?

Pat Keliher: That is outside this hearing process but as far it was a consensus, in Scarborough it was not a consensus, at Bath there was a lot of conversation internally. There was no biological justification for the change. There is not enough harvest of those big fish. So at current time the Department determined there was no need to move forward with that change. It doesn't mean it is off the table. We're still concerned about the increased mortality. There is a lot of stuff going on. Spawning stock biomass for Maine is consistent but the trends for just about every other indices continues to show decline. Now that we're outside that last addendum process we will probably be reviewing overall mortality again internally.

Don Kliener, Executive Director Maine Professional Guides Association

Questions to further inform our opinion. Is there a scientific basis for these changes? Are they driven by research done by the Department?

Pat Keliher: Not by the Department itself. But through ASMFC and through other state agencies as far as circle hooks there is indication that circle hooks are much lower in mortality. I can get you those studies, online.

There is no necessarily scientific basis for treble hooks. It is just when, or kind of dealing with the obvious with a lot of treble hooks and gang hooks you get a lot of hooking outside that can be detrimental obviously to the health of any fish. If they swallow deep it is much harder to unhook. So that is the intent of going forward with these.

Don Kliener: But that is anecdotal, we all think that, not scientifically based?

Pat Keliher: Correct

Don Kliener: I want to know how much of this proposal is based on science and how much is a bunch of fishermen standing around in a room as that make some nervous.

Pat Keliher: The circle hook, barbless hooks is definitely driven by science. When we start talking about multiple use of treble hooks there is no science that I know of, in fact we've heard testimony that it could actually be the opposite. When you have more treble hooks it is less likely for the fish to swallow it.

Andrew Mazzitelli

Charter boats in southern Maine

How many fish do you think you're going to save?

Pat Keliher: It is hard to say. There is a range in mortality when you move from a J hook to a circle hook. ASMFC uses 8% mortality for hook and release mortality, or 8% or the fish caught die. Studies have shown as low as 1% mortalities with the use of circle hooks.
A. Mazzitelli: I agree with you on that but I disagree as most of the fish I see are giant fish. They are not going back. Those 40 inches are dead. A customer isn't going to through them back... this isn't going to save them. New Hampshire or Massachusetts isn't going to save them. So we're implementing this now to save a resource for somebody else down the next state to take? That is all you are doing. I like the conservation idea, I agree with it but the other states are not going to do it. So all you're going to do is hurt yourself. You will hurt state licenses, the tackle people that have all these hooks, you're going to lose a lot of money here. Because everyone is going to go to southern part of Maine, get a NH license, and get a 2 for 1 on their bass for that. The 28 – 40 is an easy kill. It is easy down there. They are not going to sit here with circle hooks and conserve on this side when they actually want to catch a fish and keep it. All you're going to do is raise the mortality rate so you won't see anything come across the Maine border. I see it down there. I had 4 biologists with me this summer from NH fish and Game. The mortality rate I showed them my J hooks. There's very little but the customer right in front of them, kill them. It is dead fish no matter what. It isn't going to make the border on the other side. You're

conserving a resource for another state that is going to take it sown the road. Unless all states jump on to the same band wagon you're not saving the resource.

Section A is great; D is great; Sections B and C are no good. You're trying to tell people how to fish on a boat. You won't get any money as a charter boat captain. You tell the guy you have to use a circle hook and you pull that hook out of a giant fish or you miss it, he won't come back and pay me again. Not for big fish. They want that trophy. I ask them if they are going to catch and release and 90% of clients will kill the fish. They are out there to have a fish for their dinner. We are not conserving. I would love to see all the states, like the 36 inch law we would conserve but we're not going to conserve in one state when that fish goes down the road after you release it and it gets plugged in NH and Ma or NY. You're hurting my business, the tackle business, everybody. I don't mind paying for a license, my clients don't mind paying for a license, but they want to keep that bass. Either go down to one fish to a certain size or a certain season, that might conserve them a little better. Circle hooks aren't going to save them. The next guy will take them.

Doug Jowett

On treble hooks, you don't have to remove the whole hook, all have you to do is remove the [?] hook [in audible]. Ask Pat to repeat.

Pat Keliher: There was a question last night whether you could modify a hook. The Kennebec rules for example you can only have one set of treble hooks for the Kennebec. If you have multiple rigs of treble hooks what people will do is cut below at the turn of the bend of hook along the shank. Just cut those off. That keeps the weight and the treble hooks or the plug will continue to swim properly. It may change the swim a bit but it is not going to totally alter and make the plus useless. That would be a legal way of ensuring you don't have multiple treble hooks on by just cutting and modifying the hook.

Don Kliener

Are your enforcement folks ok with this regulation and having to enforce it?

Pat Keliher: all these regulations before we put anything out to draft go to Marine Patrol. The way it is written now they support.

? How will they enforce it? They could be fishing for another species.

Pat Keliher: When we get to bluefish you will see it is for Bluefish also. If you fish for striped bass or Bluefish this is why we covered it with Bluefish a well. Back up; last February we held two scoping meetings, in Bath and Scarborough. There was overwhelming support from the people who attended Scarborough and a fair amount of support at the Bath meeting as well for circle hooks. We couldn't go forward with a circle hook regulation as proposed without including at least Bluefish to make it enforceable. Enforcement still understands that somebody could say I'm fishing for codfish. It will have to be a case by case situation and Marine Patrol will have to use their best judgment based on the situation. It is not a perfect regulation, we recognize that.

A. Mazzitelli: How is the common man going to look at this when you are dictating this down his throat? You're telling him this is the way you're going to catch them?

Pat Keliher: We're not the only ones who have done this. If you look at many fisheries especially in the in g the Gulf there are plenty of circle hook rules on the books now. It is a way of conserving and reducing mortality. It is not an easy regulation to craft and deal with and we recognize that. There was a lot of public support for moving forward with it and that is what we are doing here tonight. This is not a done deal and why we are taking public comment.

? Wasn't NH talking about circle hooks at one point too?

Pat Keliher: They've talked about it in the past but there hasn't been any movement on it. [Just recommended only.]

Written comments:

Captain Doug Jowett

I approve of the proposed rules as noted below for the November 15 & 16, 2010 Public Hearings.

1. Chapter 85 Saltwater Fishing Registry
2. Chapter 42 Striped Bass
3. Chapter 43 Bluefish
4. Chapter 34.10 Groundfish, Amendment 16 compliance updates

Capt. David Pecci

The Maine Association of Charterboat Captains

Fisheries Committee Chair

The Maine Association of Charterboat Captains (MACC) represents more than 65% of the Maine for-hire fleet. A recent membership survey reveals that the drastic reduction of striped bass in Maine waters over the past three years has had an increasingly negative economic impact. Anglers are choosing to fish in other places, or not fish at all. There has been a 25-35% reduction in tourism-based angling clientele. Captains who cater to destination anglers (anglers who travel to Maine specifically to fish) find their businesses have fallen off 50% or more. Many captains have been reduced to part-time operations and some have been forced to take on supplemental employment to survive.

The general fishing public's catch and release mortality will most likely drop due to these new regulations. However, Maine DMR will see negligible benefits from MACC members and their clientele. We are protecting our marine resources without these additional restrictions.

Specific Comments Approved by the MACC Board of Directors:

42.01B - Treble Hook Limitations: [Opposed as written - request modification] – Removing hooks from lures causes many of them to swim incorrectly. We would like the option of replacing treble hooks with single hooks. This will allow lures like Bomber, Rebel, Yozuri and others with three or more hooks to swim correctly.

42.01C - Circle Hooks: [Neither for nor against - request modification] - A sizable number of our members are not supportive of mandating circle hooks for bait fishing. Experienced anglers, guides, captains and crew members who correctly use J hooks do so with a very low catch and release mortality. Conversely, many of our captains who use non-offset circle hooks have found them to rarely gut hook fish and have seen increased landing rates over J hooks. Particularly opposed to this restriction are skippers who troll with tube and worm rigs.

Gut hooking virtually never happens with these rigs. We request that this proposed circle hook regulation only pertain to still fishing and drift fishing. Trolling with bait should not require the use of circle hooks. Trolling by definition as stated in the IF&W law book: "To fish by trailing a line rigged to catch fish behind or in front of a watercraft being propelled by mechanical, wind sail or manual power."

42.01D - Immediate Kill of Catch: [Supportive] - We support the immediate killing of legal catch as a way to address high grading. This is a proven approach in freshwater fishing.

Brad Burns, Falmouth

I support all of the proposed regulatory changes to striped bass fishing in Maine, especially the requirement to use circle hooks for bait and the prohibition on the sale of wild striped bass in Maine.

Brian Potvin, Wyman

I just wanted to drop you a note expressing my strong support for the new regulations you are considering for striped bass in Maine.

The declines in these fish stocks is alarming and I fear we are at risk of another crash. I think these iconic fish need someone looking out for their needs. I appreciate anything you can do to influence conservation efforts on their behalf.

Capt. Harvey Wheeler, Cumberland Foreside

As a long time striper guide, I have witnessed MANY deeply hooked stripers in the surf, either dead or dying. I strongly favor the mandated use of circle hooks when using bait. I would even support going one step further and completely ban the use of treble hooks under any and all circumstances.

CCA-Maine Board of Directors

We agree in general with the DMR proposals in this chapter. Specifically, we think mandating the use of circle hooks with bait could help reduce deep-hooking mortality in striped bass and bluefish in Maine waters, but we understand that enforcement of the circle hook/bait proposals will be difficult to enforce and might either be dropped or delayed in order for DMR to first launch an educational campaign.

In either case, we want to make sure that the use of baited treble hooks for stripers and bluefish is banned as soon as possible to reduce deep-hooking mortality, and we ask DMR to add specific language to that effect in its rule-making proposals.

Chris Pecar, Phippsburg, ME and Idalia, CO

I support the proposed rule changes. I have a home in Phippsburg I fish for striped bass every day for at least 1 month each summer along the coast. My catch rate has significantly gone down each summer since 2003. Any changes that will reduce mortality within the species I will support as there seems to be a recruitment problem in the younger year classes.

Craig Gilliam, Brunswick

I fully support The State of Maine is proposed regulatory changes for striped bass fishing in state waters, specifically the restrictions on selling wild striped bass - no matter where they are caught in Maine.

Dan Beetz, York Harbor

I have fished for bass for almost fifty years and have a few thoughts to share. I have had mixed results with hurting fish while using circle hooks, especially fishing with eels. At least half the time, bass were hooked deeply with circle hooks and my ARC dehooker was useless because of the hook's shape. After an entire season, my friends and I decided that smaller J hooks, sized 2/0 to 4/0, worked much better and were simple to remove. We also found that many smaller bass were killed by bridge fishermen who haul the fish 20' up and let them flop on a paved road before releasing. The slot size is a mixed blessing as everyone seems to be after a 26" fish and all the others are tossed back damaged. Why not be consistent with other states along the coast? Also, I think that the bass, in the last two years, simply found ample forage south of here and didn't migrate to the midcoast. Fishing out of York Harbor was pretty good, better in NH and at Plum Island where I also fish. I don't think that DMR should impose restrictions they don't have the manpower to enforce. People, in the Tea Party era, really resent even a saltwater license since they get nothing in return. Why release fish that may be caught and even sold south of here? I don't kill bass, but a lot of people are in to catch and fry and they shouldn't be alienated. We need everyone.

David Barrell, Quechee, VT

I support the new regs as proposed!

Dennis Beauchene, Cape Neddick

I am in favor of the proposed regulations for striped bass fishing in ME.

E. Carle Hildreth, III, Portland

I'm a native Maine resident, hunter, recreational fisherman and sportcharter fisherman. I support the proposed rulemaking on striped bass underlined in: "Chapter 42 - Striped Bass

42.01 Statewide Striped Bass Size Restrictions, Harvest Method." Hopefully these changes will go through and assist in stopping the recent decline of the striped bass fishery here in Maine.

Eric Brown

As a fly fisherman who has seen the population of striped bass decline drastically over the past three years, I would favor any steps which would preserve the species for future generations of sportsman. Any steps such as the ones you are proposing would help to achieve this goal.

We all realize that tourism is one of the major contributors to the economy of the state. Outdoor sports such as skiing, fishing etc. are major contributors to tourism. Thus any steps to preserve the ecology of Maine will also add significantly to the economic health of the state.

Fred Cichocki, PhD

42.01.1C. Would suggest that circle hooks be mandated for flies as well as bait. Any competent flytier can either use commercial circle hooks, or effectively modify most standard hooks into circle hooks according to the proposed definition thereof.

42.01.2 & 42.02. Would also suggest that in the future the size restrictions on taking and possession be changed to prohibit all intentional killing of ("trophy") bass over 40 inches. This would be in accordance with maintaining an old-growth age structure in striped bass subpopulations, a currently favored approach in ecosystem-based fisheries management generally, and would probably go a long way toward rebuilding a truly healthy fishery.

42.02. In agreement with proposed restrictions on personal use vs. prohibited commercial take/sale of wild striped bass whether caught in Maine or not.

George P. Little, Topsham and South Bristol.

I have read the new proposals outlined in Ted Williams' article in Fly Rod& Reel. I am an avid fly fisherman for stripers in Maine waters, and am seriously alarmed at the crash of the population. We must do all we can to further protect what remains of such a wonderful fish in our waters. Please add my enthusiastic support for the new proposals.

George Watson, Cape Elizabeth

As a lifelong recreational fisherman for striped bass here in Maine and also in Massachusetts, I applaud the proposed rules limiting numbers of treble hooks on artificial lures and flies and mandating the use of circle hooks for bait fishermen. I also am in favor of clarifying the rules regarding high grading. Thanks for doing this for the fishery.

Gordon Thompson, Kittery Point

I am a recreational striped bass fisherman practicing catch and release only by means of fly fishing. I understand that the state of the striped bass fishery is not the issue here but I would like to offer that I see the same fishing results over the past five years that I fished through in the early 1980s.

That being said, I strongly support the State of Maine requiring the use of circle hooks for bait fishing. The reduction in release mortality is significant. I also support the limiting of treble hooks on artificial lures. Any reduction in mortality is vital in reversing the downward trend in striper stocks. The prohibition of selling wild striped bass in Maine regardless of their origin is a very good idea.

I believe Maine has born the brunt of overfishing, both recreational and commercial, to the south. Maine needs to take a leadership position in revitalizing the striped bass fishery. These rule making changes are an important step in that direction.

Greg Renna, Portland

As an avid fisherman I wanted to express my strong support for rules that require the use of circle hooks when live or chunk bait fishing for stripped bass or bluefish. Fish mortality is an unfortunate part of every fishery. Circle hooks are just one way to reduce the mortality rates without further restricting fishing access. Using treble and j-hooks is no more effective and circle hooks significantly increase mortality especially when combined with improper fish handling practices. Make no mistake the striper population is in decline. Action is the only way to preserve this valuable resource. Please take my opinion into consideration when voting on the proposed rule changes.

John R. Ehrenfeld, Lexington, MA and Brunswick, ME

I strongly support your proposed regulation. My wife and I have property on Mere Point in Brunswick where we spend the entire summer. I have been fly fishing the waters around upper Casco Bay for more than 20 years. The presence of stripers in these waters this past summer was the lowest in a number of years. Your proposal would do much to maintain and enrich the stock of stripers.

Larry Grimard, Jefferson

The basis for the requirement of circle hooks (42.01 .C) when using bait is not accurate, and is misleading. This rule needs be disapproved.

a. 42.01.C. The following statement appears in the Additional information section for the

rule: *There was a considerable amount of discussion in the scoping sessions concerning the catch and release mortality of striped bass in Maine. Many attributed this mortality to fishing for striped bass with bait and the use of J-hooks while bait fishing.*

The use of the term 'many' is deceptive in that it can be interpreted any way one sees fit. How many is many? Is it a majority of those present? Does it mean 'a lot'? What is meant by 'considerable'? People that I talked to that were in attendance at the scoping sessions indicated that there were maybe 20 attendees. One estimate by DMR of annual striper anglers is 125,000. DMR representatives have indicated that 4 or 5 people at the scoping sessions were in favor of using circle hooks. Given the uncertainty of the numbers supporting the use of circle hooks, this basis statement is, at best unclear bordering on deceptive.

b. These words also appear: *ASMFC calculates discard mortality as 8% of the total number of striped bass caught and released each year.*

Calculates means estimates and no one can estimate the mortality with any accuracy because of the many variables such as how was the fish handled after the landing? One could also argue that the survival rate was 92%....and that is "many".

c. It is worth of note that one comment made at the scoping sessions suggested an educational/outreach program regarding the use of circle hooks. DMR has, unfortunately chosen to mandate rather than educate. This in spite of the fact that the statute contains the following language:

10. Collaboration on outreach efforts. The commissioner shall work with fishing and hunting groups and interested parties in the commissioner's efforts to notify and educate the public about the registry.

d. The added burden to Marine Patrol of enforcement of the circle hook rule has to be self-evident to even the least informed of the angling community. It is incomprehensible that DMR would propose such a rule given the already stressed resources of the Marine Patrol. One can only imagine the response to this proposed rule by the Marine Patrol division which response is missing from consideration.

2. 42.01.D Any striped bass legally taken from the territorial waters shall be immediately released alive into the water from which it was taken, or killed at once. Any striped bass killed becomes, part of the daily bag limit in accordance with Chapter 42.02.

Any handling of a landed, quite possibly exhausted, and stressed fish is prohibited by the word immediately. Any guide that unhooks a freshly caught striper and hands it to a customer for a series of photographs is in noncompliance with 42.01.D. Any photos therefore that appear on a guide's website become prima facie evidence of non compliance. Is that what DMR intended?

Larry Steinbrecher, San Diego (occasional Maine striped bass fisherman)

I urge Maine to pass the proposed changes involving striped bass. This is too fragile of a resource to risk further devastation.

N. Macauley Lord, Brunswick

I support the following proposed rulemaking: RULE TITLE: Chapter 42 Striped Bass

The proposed rulemaking on striped bass fishing would restrict the use to no more than two barbed or barbless treble hooks on artificial lure or flies, require circle hooks when using bait, add rules to eliminate high grading, clarify that the sale of wild striped bass in Maine is prohibited and that these rules apply when fishing in Maine territorial waters.

Michael Jaffe, Los Angeles, CA and Pemaquid, ME

My family and I have lived in Maine for two months during each summer since about 1980. We are active members of Stripers Forever and I used to fish for stripers everyday until 4 years ago when they effectively disappeared from the waters of the St. John's Bay, Pemaquid, and the Damariscotta. We wholeheartedly support your rule changes and take particular pride in Maine's steadfast prohibition of the sale of wild striped bass no matter where they come from. Good for you! MJ

Don Kleiner, Executive Director, Maine Professional Guides Association, Wilton

Comments of the Maine Professional Guides Association on Chapter 42 Striped Bass and Chapter 43 Bluefish Rule Proposals

By any measure the striper and bluefish fisheries on the Maine coast have collapsed in the last three years. Our members have seen significant income losses resulting from the decline in these species in Maine waters each summer. Some have abandoned the fishery completely and developed new business lines in other recreational pursuits.

Maine already has some of the most restrictive striper regulations on the east coast. The proposed regulations do little to restore the striper and or bluefish fisheries but rather seek to limit recreational access to the fishery. Maine catches less than two percent of the recreational striper harvest on the Atlantic Coast any conservation measures implemented must be viewed through a lens of effectiveness at protecting populations and clearly even if successful these regulations will have little impact.

As a conservation measure the effectiveness of the removal of an additional treble hook from a lure is of dubious value and has no scientific basis. Circle hooks do have scientific support but even the ASMFC recommended that an extensive education program be undertaken before any regulatory measure is implemented. We maintain that to this point educational efforts have been minimal if they exist at all in Maine.

Increasing the complexity of regulations makes an already difficult business environment more difficult for guides and tackle dealers while doing little to increase the striper population. An added impact may be to further reduce participation in recreational saltwater fishing as rules become ever more complex and difficult to understand.

These regulations will also prove difficult to enforce and implementation of the new saltwater license and striper endorsement will be problematic enough for Marine Patrol in the next few seasons.

We would encourage the council to reject the proposed changes to the existing rules and direct the Department to work with our members and tackle shops on a concerted effort to implement the education suggested by the ASMFC in 2003.

The Maine Professional Guides Association is composed of Registered Maine Guides who strive to enhance the standards of the guiding industry. They are professional guides dedicated to promoting a quality, ethical and legal outdoor experience for all. The Maine Professional Guides Association is an 800 member organization.

Oliver Dominick, Phippsburg

While Main DMR is evaluating rule-making proposals relating to saltwater fishing in Maine, I want to contribute my strong support to require the use of circle hooks when bait is used for fishing for striped bass and bluefish in Maine waters. The mortality of these species as a result of being hooked deeply, which frequently happens with bait, can be very significantly reduced using circle hooks instead of the traditional J hooks. Research on this matter is conclusive.

To add clarity and effectiveness to this approach, it should be illegal to use bait on treble hooks when fishing for striped bass or bluefish. This combination is simply lethal and the idea that a released fish might survive deep-hooking with such a rig is simply absurd.

Please support this proposed rule for the protection and enhancement of the very valuable and vulnerable fishery that Maine has for these species.

Ray Loszewskim, Windham

I hereby voice my support for the proposed Chapter 42 rulemaking on striped bass fishing as described online at: <http://www.maine.gov/dmr/rulemaking/>. I understand that this proposal "would restrict the use to no more than two barbed or barbless treble hooks on artificial lure or flies, require circle hooks when using bait, add rules to eliminate high grading, clarify that the sale of wild striped bass in Maine is prohibited and that these rules apply when fishing in Maine territorial waters".

Since I like slot limits, the use of circle hooks and feel that all trebles should be barbless, I applaud the efforts being taken by the Maine Department of Marine Resources to help restore the declining striped bass population. Hopefully, other states along the eastern seaboard will follow your lead.

Rolfe Gerhardt, South Thomaston

I just learned of the proposed changes in striped bass regulations, and I am completely in favor of the proposals. I can't speak for others, but I am sure that my friends who also fly fish in the mid-coast area would also agree.

Russell Smith, Phippsburg

I have pursued striped bass and bluefish with rod and reel for 60 years - 45 years as a N.J. resident and 15 as a resident of Maine. Throughout the span of years I have been and continue to this day to oppose the use of treble hooks with bait. I endorse the use of circle hooks for bait fishing. Further I endorse crushing the barb of either style of hook.

Frank Walls, NY Chapter President Stripercoast Surfcasters

As a Striped Bass angler who fishes from Maine down to Maryland I support the proposal for Chapter 42.

I would prefer it be limited to two barbless treble hooks. The barbs on trebles are the worst thing for the fish when practicing catch and release fishing. I do however prefer the immediate killing of any fish landed to reduce the culling of fish and the suffering of the fish laying high and dry on the beach.

I do think more states should push for game fish status and the slot limits that Maine has incurred. The more states that do this the better it will be for the fishery as a whole.

Stripercoast Surfcasters Club members each wrote to following:

Frank La Natta, Long Island N.Y., (SSC)

Jacob Freeman, New Bedford, MA (SSC)

James Zadubara, Hartford, CT (SSC)

Jeff Bodnar, Cresco, PA (SSC)

Joseph Loreti, TOWN, STATE (SSC)

John Meadows, Whitinsville, MA (SSC)

Khary Richardson, Brooklyn, NY (SSC)

Peter Douma, Wyckoff, NJ (SSC)

Sonny Simpson, Yardville, NJ (SSC)

Tyson Eng, TOWN, STATE (SSC)

Mark R. Pirani, Worcester, MA (SSC)

To whom it may concern,

I am writing today as a member of Stripercoast Surfcasters Club to voice my support for the proposed Chapter 42 rulemaking on striped bass fishing which would restrict the use to no more than two barbed or barbless treble hooks on artificial lure or flies, require circle hooks when using bait, add rules to eliminate high grading, clarify that the sale of wild striped bass in Maine is prohibited and that these rules apply when fishing in Maine territorial waters.

Given the facts of the recent consecutive years of poor recruitment, the outbreak of mycobacteriosis that is threatening at least 50% of the adult population coastwide, and many other hardships facing striped bass on the eastern seaboard, these are very needed steps in the right direction toward a healthy fishery.

Maine has in the past been a choice destination for recreational striped bass fishermen, but with a 93% decrease in catches since 2004 (according to Marine Recreational Fisheries Statistics Survey data), it is no longer the destination it once was. We would love nothing more than to see this great fishery restored, and have added incentive to bring our friends (and our money) to the state of Maine.

Steven Kundrot, Belmont, MA and Harrison, ME

Just a quick note from a concerned fisherman indicating strong support for the new rules that are being suggested. I am pleased that Maine is taking action and setting a good example for other states.

Captain Todd Stewart, Trina Lyn Fishing Charters, Saco

As owner of Trina Lyn Fishing Charters in Saco Maine, I want to submit my strong opposition to requiring circle hooks while using bait. Plus:

As a charter captain for almost 20 years, I STRONGLY OPPOSE any and all changes to the Striped Bass and Bluefish regulation. Maine fishermen have been forced to bare the brunt of the commercial fishing trade as well as recreational anglers to our South being allowed much less stringent regulation. Why do we need to bend over and restrict our striped Bass fishing even further when the regulation to our South is so much less restrictive?

Tony Owens, MD, Cape Elizabeth

I am writing to encourage support for the use of circle hooks with bait and prohibition of the sale of wild striped bass in Maine.

William A. Young, President N.Y. Coalition for Recreational Fishing

The purpose of this e mail is to voice my support for the proposed chapter 42 rule making on Striped Bass Fishing.