

DEPARTMENT OF MARINE RESOURCES

Chapter 50 Spiny Dogfish and Coastal Sharks

50.01 Definitions

1. "Coastal Sharks" means for the purpose of these regulations ~~any the following~~ species of shark caught in Maine's territorial waters: sand tiger, bigeye, whale, basking, white, dusky, bignose, Galapagos, night, reef, narrowtooth, Caribbean sharpnose, smalltail, silky, Atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill, sandbar and bigeye sixgill sharks.
2. "Finning" means the act of taking a spiny dogfish, porbeagle or other coastal shark, removing the fins, and returning the remainder of the spiny dogfish, porbeagle or other coastal shark to the sea.
3. "Spiny dogfish" means the genus and species *Squalus acanthias*.
4. "Porbeagle shark" means the genus and species *Lamna nasus*.

50.02 Harvest, Possession and Landing Restrictions

A. Spiny Dogfish

When the annual Atlantic States Marine Fisheries Commission quota for spiny dogfish is reached it shall be unlawful to fish for, take, have in possession or land spiny dogfish, ~~(*Squalus acanthias*)~~, taken from Maine territorial waters. Persons shall be informed by public notice in a newspaper with statewide circulation when the annual quota for spiny dogfish taken from Maine territorial waters has been reached. This is in accordance with the annual quota established by the Atlantic States Marine Fisheries Commission.

(1) Exception

- (a) This rule shall not apply to vessels or individuals who harvest or possess dogfish for research or biomedical use, provided such vessels or individuals have a permit from the Commissioner of Marine Resources.
- (b) Any person may fish for, take, possess, or transport one dogfish per day provided that the dogfish is for personal use only.

~~B.~~(2) Spiny Dogfish Trip Limit

It is unlawful to harvest, land or possess more than 3,000 pounds of spiny dogfish from May 1 to October 31 (period one) and from November 1 to April 30 (period two) during those dates when Maine territorial waters are not closed to the taking of dogfish in accordance with Chapter 50.02(A).

B. Porbeagle shark

(1) The commercial harvest of porbeagle sharks is prohibited in Maine's territorial waters.

(2) When the quota for porbeagle shark is reached in federal waters it shall be unlawful to fish for, take, have in possession or land porbeagle shark in Maine. Persons shall be informed by public notice in a newspaper with statewide circulation when the annual quota for porbeagle shark taken from federal waters has been reached. This is in accordance with the Interstate Fisheries Management Plan for Atlantic Coastal Sharks established by the Atlantic States Marine Fisheries Commission.

C. Coastal Sharks

The take of Coastal Sharks, as defined in Chapter 50.01(1), is prohibited in Maine's territorial waters.

50.03 Spiny Dogfish Endorsement for Harvesters and Dealers, Reporting Requirements and Quota

A. Harvester and Dealer Endorsement

- (1) Commercial fishing license-holders must obtain a dogfish harvesting endorsement in order to participate in this fishery.

(2) Wholesale license-holders must obtain a dogfish buying endorsement before April 15th in order to participate in this fishery.

B. Reporting: See Chapter 8. Future endorsements will be dependent upon reporting compliance.

C. Quota: Fishing for spiny dogfish is subject to the annual quota specified by the ASMFC and NMFS Spiny Dogfish specifications. The annual quota is established annually by May 1st for the fishing year.

50.04 Shark, Dealers

A. Dealer permit requirement

Maine Wholesale license-holders who purchase Coastal sharks or porbeagle shark must obtain a federal dealer permit.

50.10 Finning Prohibited

Finning is prohibited in Maine territorial waters. Vessels that land spiny dogfish, porbeagle or coastal sharks must have the head, fins and tails attached naturally to the carcass through landing ~~Vessels that land spiny dogfish or other coastal shark must land fins in proportion to carcasses, with a maximum 5% fin to carcass ratio, by weight. Fins may be removed at sea, but the corresponding carcass, including the head and tail, must be retained. All fins and carcasses must be landed at the same time and in the same location.~~ The porbeagle, coastal shark or dogfish may be bled.

Basis Statement

Chapter 50 Spiny Dogfish and Coastal Sharks

In accordance with the de minimus status granted Maine by the Atlantic States Marine Fisheries Commission, Atlantic Coastal Shark Board, additional regulations on porbeagle and coastal sharks are proposed. Maine dealers purchasing porbeagle and coastal sharks are required to obtain a federal permit; porbeagle and coastal shark species are defined; the fishery for porbeagle shark will be closed when the National Marine Fisheries Service annual quota has been harvested; porbeagle shark harvest will be prohibited in territorial waters; and the head, fins and tails would be required to remain attached to the carcass of all shark species through landing.

Based on the comment(s) received it was necessary to clarify the regulation in Chapter 50.02(B)(2) pertaining to the possession, harvest and landing restrictions for porbeagle sharks. The reference to an annual ASMFC "quota" has been removed; and the reference to the applicable interstate fisheries management plan for coastal sharks was added instead of referring to an ASMFC "quota". It should also be noted that the "quota" allocation or specifications for porbeagle/coastal sharks is not analogous to the FMP for Spiny Dogfish.

Summary of Comments

Chapter 50 Spiny Dogfish and Coastal Sharks

A public hearing was held in West Boothbay Harbor on January 14, 2010. One comment / question was provided at the hearing, no written comments were received.

Hearing Attendees – West Boothbay Harbor:

Barry Gibson, East Boothbay

Steve Rosen, Vinalhaven

Bob Baines, S. Thomaston

Jeff Ritter, East Boothbay

DMR: Kohl Kanwit, Trisha DeGraff, L. Churchill

Barry Gibson, East Boothbay

My question is in Chapter 50.02(B)(2) Porbeagle shark, “When the annual Atlantic States Marine Fisheries Commission quota for porbeagle shark is reached in federal waters...” I was unaware that ASMFC had a quota of porbeagle sharks in federal waters. I think this needs further clarification. [LC: We have the same rule for spiny dogfish, this is being handled the same way.] But it doesn’t say “the federal/ASMFC quota” this sounds like it is a separate quota. I’d like some clarification. ...I was unaware that ASMFC had joint jurisdiction over porbeagle shark and they may. [LC: The question to ask is how does ASMFC have jurisdiction with an ASMFC quota in federal waters?] Correct.

[The 3,000 pound spiny dogfish limit is an existing regulation? Answer: Yes.]

Response:

Regarding jurisdiction, taken in part from the [Fishery Management Report No. 46 of the Atlantic States Marine Fisheries Commission, Interstate Fishery Management Plan \(FMP\) for Atlantic Coastal Sharks, August 2008](#), the ASMFC has a quota specification in the FMP, which explains their “quota” allocation. Whereas Maine is a de minimus state Maine is obligated to comply with this plan and it essentially trumps the federal rules.

Quota Specification (4.3.4)

The Spiny Dogfish & Coastal Sharks Board will not actively set quotas for any species contained in the SCS, Non-Sandbar LCS, or Pelagic species groups but will close the fishery for any species in these groups when NOAA Fisheries closes the fishery in federal waters.

When NOAA Fisheries closes the fishery for any species, the commercial landing, harvest, and possession of that species will be prohibited in state waters until NOAA Fisheries reopens the fishery. Upon receiving notification of a federal quota, the FMP Coordinator for Coastal Sharks will notify ASMFC states about which species can no longer be harvested. The state waters fishery will reopen only when NOAA Fisheries reopens the fishery for that species or species group in federal waters.

To clarify the regulation in Chapter 50.02(B)(2) the reference to an annual ASMFC “quota” has been removed; “territorial water” added to be clearer that this applies to state waters; and the reference to the applicable interstate fisheries management plan for coastal sharks instead of referring to an ASMFC “quota” added. It should also be noted that the “quota” allocation or specifications for porbeagle/coastal sharks is not analogous to the FMP for Spiny Dogfish.