

**Department of Marine Resources**  
**NOTICE OF AGENCY RULE-MAKING PROPOSAL**

**RULE TITLE OR SUBJECT:** Chapter 25.08(A)(4) Double Tagging in Zone B & Zone C

**CONCISE SUMMARY:**

The Commissioner proposes a double lobster trap tagging provision that uses removable tags by lobster license holders who have declared Zone B, who fish in Zone C, when fishing traps in Zone C, and by lobster license holders who have declared Zone C, who fish in Zone B, when fishing traps in Zone B, in order to increase the Marine Patrol's ability to enforce the current 49/51% trap component of the Lobster Zone Limited Entry rules of Zone C and Zone B. This proposed tagging requirement would be effective June 1, 2010 and only applies to Zone B and Zone C license holders.

**STATUTORY AUTHORITY:** 12 M.R.S. §6446(3)

**PUBLIC HEARING:** December 7, 2009, 6PM, Ellsworth City Hall (Auditorium), One City Hall Plaza, Ellsworth

**DEADLINE FOR COMMENTS:** December 17, 2009

*To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.*

**AGENCY CONTACT PERSON:** Col. Joe Fessenden (207-624-6550)

**Mail Written Comments to:** Department of Marine Resources, attn L. Churchill

**ADDRESS:** PO Box 8, West Boothbay Harbor, Maine 04575-0008

**WEB SITE:** <http://www.maine.gov/dmr/rulemaking/>

**E-MAIL:** [laurice.churchill@maine.gov](mailto:laurice.churchill@maine.gov) **TEL:** (207) 633-9584 **FAX:** (207) 633-9579 **TTY:** (207) 633-9500 (Deaf/Hard of Hearing) Hearing facilities: If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

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**Additional information:**

*Fishers in Lobster Management Zone B have voiced concerns that the limited-entry law, particularly the requirement that a person who holds a Class I, Class II or Class III lobster and crab fishing license may not fish a majority of that person's lobster traps in a limited-entry zone unless that person's license identifies that zone as the declared lobster zone (12 M.R.S. §6448(3), effective in 1999) and regulations (Chapter 25.93, effective February 19, 2002) needs to be more enforceable.*

*All Zone B lobster license holders who have declared Zone B, who fish in Zone C, would be required to obtain a second removable tag issued at the tag cost from the Department to place on traps when the traps are fished in Zone C. All Zone C lobster license holders who have declared Zone C, who fish in Zone B, would be required to obtain a second removable tag issued at the tag cost from the Department to place on traps when the traps are fished in Zone B.*

**Proposed rulemaking – see underlined or ~~deleted~~ text below:**

25.08 Lobster Trap Tag System

A. Prohibitions

(4) Double Tagging in Zone B and Zone C

Beginning June 1, 2010, all licensees who have declared Zone B fishing traps in Zone C waters west of the western line described in Chapter 25.94(2)(b) must affix a second removable tag to all lobster traps when fished in that zone.

Beginning June 1, 2010, all licensees who have declared Zone C fishing traps in Zone B waters east of the eastern line described in Chapter 25.94(2)(c) must affix a second removable tag to all lobster traps when fished in that zone.

A person who holds a Class I, Class II or Class III lobster and crab fishing license may not fish more than 49% of that person's lobster traps in a limited entry zone unless that person's license identifies that zone as the declared lobster zone.

The tags must be obtained from the Department, which will provide tags to the licensees at cost.

The absence of a second removable tag on traps fished in Zone C, by licensees who have declared Zone B, and in Zone B, by licensees who have declared Zone C, shall be prima facie evidence of a violation of this regulation.

***If you are unable to attend the hearing persons are encouraged to submit written comments from the receipt or posting of this notice through close of business on the deadline listed.***