

Department of Marine Resources NOTICE OF AGENCY PROPOSED RULE-MAKING

RULE TITLE: Chapter 25.93(E)(4) Lower Limit of Tags ~~Lower Limit of Licenses~~

CONCISE SUMMARY: Effective September 20, 2007, the law pertaining to limited-entry zones changed the rules on the exit ratio from based upon the number of licenses retired to the number of trap tags retired by license holders in the previous year. Therefore the regulations pertaining to the “lower limit of licenses” is proposed to be updated to be based upon the “lower limit of tags” for compliance and consistency with the statutory change.

STATUTORY AUTHORITY: [12 M.R.S. §6448](#)

PUBLIC HEARINGS:

July 19, 2010, 6:00 pm*, Ellsworth City Hall (Auditorium), One City Hall Plaza, Ellsworth

July 20, 2010, 6:00 pm*, Municipal Bldg, Chamber B, 258 Route 1, Scarborough

July 22, 2010, 6:00 pm*, State Ferry Terminal, Conf. Rm., 517A Main Street, Rockland

(*The four proposed amendments in Chapter 25 Lobster regulations will be followed by the proposed rule for Chapter 36 Herring, landing definition; see separate rulemaking notices.) 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.

DEADLINE FOR COMMENTS: **August 2, 2010**

AGENCY CONTACT PERSON: **David Etnier (207-624-6550)**

Mail Written Comments to:

Department of Marine Resources, attn L. Churchill

ADDRESS:

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E-MAIL: 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.

Additional information:

The first lobster management zone to approach having reduced their number of licenses by more than 30% of the number of licenses held in that zone as of December 31, 1997 is Zone F. However, the effort reduction does not yet approach a 30% reduction based upon the number of tags. It is felt that the use of tags in the ratio is a more accurate reflection of actual fishing effort than just the number of licenses. This matter has been discussed at meeting of each of the 7 Lobster Zone Management Councils. As a result of these discussions the Lobster Advisory Council voted (8-2-1) at their meeting May 20, 2010 to request the proposed amendments.

Proposed rulemaking – see underlined or ~~deleted~~ text below: Chapter 25 - Lobster and Crab Fishing

25.93 Management Framework for Limiting Lobster Fishing Effort on a Local or Regional Basis - Operational Rules

E. Limited Entry Guideline for Lobster Management Zones

(4) ~~Lower Limit of Licenses~~

~~In no event shall the number of Class I, II and III lobster and crab fishing licenses in a limited-entry zone be reduced by more than 30% of the number of such licenses in that zone as of December 31, 1997. If this lower limit is reached, the exit ratio shall thereafter be one new license awarded for every one license not renewed.~~

(4) Lower Limit of Tags

If the number of Class I, II and III lobster and crab trap tags in a limited-entry zone is reduced by 30% or more than the number of such tags in that zone as of December 31, 1997, then the following shall occur:

(a) Prior to making any change in the exit ratio the Commissioner shall meet with the affected lobster management policy council to discuss the present status of the lobster fishery within that zone.

(b) The commissioner shall make a final determination regarding any change that may occur to the exit ratio based on consideration of the history and trends of both licenses and tags within the zone, the effects that limited-entry has had within the zone and the effects any change in the exit ratio would have on both the present lobster fishery within the zone, as well as the future of the lobster fishery within the zone. In no instance shall the commissioner amend the exit ratio to be more restrictive than 1:1.