

Department of Marine Resources
NOTICE OF AGENCY RULE-MAKING PROPOSAL

RULE TITLE OR SUBJECT: Chapter 36.01(A)(8) Herring dealer – definition amended

CONCISE SUMMARY: In accordance with Chapter 36.01(A)(8) herring harvesters who sell bait “over the rail” directly to lobster fishermen have been required to hold a wholesale dealers permit ([12 M.R.S. §6851](#)) in addition to a commercial fishing license ([12 M.R.S. §6501](#)), both of which allow the herring harvester to sell the herring catch to individual’s for personal use. The proposed amendment would remove the duplicate wholesale dealers permit requirement of herring harvesters.

STATUTORY AUTHORITY: [12 M.R.S. §6526](#)

PUBLIC HEARING: Nov. 17*, 2009, 6:00pm, DMR Large Conf Rm, 194 McKown Pt Rd, W Boothbay Harbor
**Public hearings for multiple proposed rules will be held in chronological order November 17. The second hearing will be held immediately upon the conclusion of the previous hearing, etc. See separate rulemaking notices for the rules not listed in this notice.*

DEADLINE FOR COMMENTS: November 30, 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: Lt. Jon Cornish (207-633-9595)

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/>

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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:

Herring harvesters who sell bait “over the rail” directly to lobster fishermen would no longer be required to hold a wholesale dealers permit ([12 M.R.S. §6851](#)) to sell the herring catch to individual’s for personal use, i.e., herring for lobster bait. The commercial fishing license ([12 M.R.S. §6501](#)) would still be required.

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

Chapter 36 Herring Regulations

36.01 Herring Management Plan

A. Definitions

(8) Herring Dealer.

Any person who purchases herring directly from a herring harvester for other than their own use and then sells the herring as a wholesale or retail product, ~~and a herring harvester who sells herring to an individual(s) for personal use.~~

B. Permits and reporting

(3) Reporting of catch

Harvesters: See Chapter 8.20(H)

Dealers: See Chapter 8.10(F) Landings Program

Note: This is a technical correction of the referenced section.

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.