

Department of Marine Resources
NOTICE OF AGENCY RULE-MAKING ADOPTION

CHAPTER # & TITLE: Chapter 45.05(1)(A)(2), Shrimp Season, 2010– 2011, **EMERGENCY REGULATIONS**
CONCISE SUMMARY:

These emergency regulations begin the process of establishing the 2010 – 2011 Northern Shrimp season in compliance with the Atlantic States Marine Fisheries Commission Northern Shrimp Fishery Management Plan set November 3, 2010. The season shall take place from December 1, 2010 through April 15, 2011. The season for the harvest of shrimp by trawl and by trap shall be the same dates. A public hearing will be held in the affected area if requested of the Commissioner in writing by 5 persons. The hearing will be held within 30 days of the Commissioner receiving the written requests.

EFFECTIVE DATE:	<u>Wednesday, November 17, 2010</u>
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Basis Statement

This rule provides consistency with the Atlantic States Marine Fisheries Commission (ASMFC) Northern Shrimp Management Plan, based on the ASMFC's recommendations for the establishment of the 2010 - 2011 fishing season selected at its public hearing held November 3, 2010 in Portsmouth, New Hampshire. These regulations are based upon the best available stock assessment information as presented by the ASMFC Northern Shrimp Technical Committee, additional information presented by the Northern Shrimp Industry Advisory Panel, industry and public input. This rule establishes closed periods for conservation during the period from December 1st through April 15th for mobile gear and the harvest of Northern Shrimp by trap.

This emergency rulemaking is necessary for the timely implementation of closure periods in order to conserve the shrimp fishery from unusual damage or imminent depletion that would be caused by increased fishing effort. As authorized by 12 M.R.S. §§6171, 6171(3) and 6192(4) the Commissioner of Marine Resources adopts this emergency regulation.

Adopted emergency regulations: Chapter 45, Shrimp 45.05 Shrimp season

1. Shrimp Season ~~2009-2010~~2010-2011
 - A. Harvest and transport
 - (1) Closed season.

It shall be unlawful to fish for, or take by any method, or to land, ship, transport or possess any shrimp except during the period from December 1 through May 31 of any year.
 - (2) Fishing Season
 - (a) It is unlawful for any person or vessel fishing with nets or traps to fish for, take, land, transport or to have in possession any Northern Shrimp (*Pandalus borealis*) except between the following dates, inclusive:
136 day season: December 1, 2010 through April 15, 2011
~~180 day season: December 1, 2009 through May 5, 2010 at 11:59 pm~~
 - (b) Unbaited shrimp traps must be removed from the water no later than 5 days after the season is closed and no shrimp may be retained from traps hauled after the close of the season.
 - (c) On closed days, it is unlawful to fish for or land any shrimp during the entire 24 hour day; and it shall be prima facie evidence that any shrimp landed or possessed by harvesters during that period were taken during a closed day.
 - (d) It shall be unlawful to cull, grade, separate or shake shrimp, aboard any vessel, except by implements operated solely by hand. It is illegal to possess, aboard any vessel, any powered mechanical device used to cull, grade, separate or shake shrimp.
 - (3) Exception;

Any shrimp may be possessed, transported or sold during the closed periods or seasons by dealers provided the shrimp were legally obtained and the dealer is properly permitted or licensed to engage in that activity.