

Notice of Agency Rule-making Proposal

AGENCY: 13-188-Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 55.99 Fishing in the Saco River

TYPE OF RULE (*check one*): Routine Technical Major Substantive

PROPOSED RULE NUMBER (*leave blank; to be assigned by Secretary of State*):

BRIEF SUMMARY: On June 10, 2023, DMR adopted an emergency rule to expand an existing area on the Saco River closed to fishing. DMR is proposing to adopt this same rule as regular rule-making. Consistent with the emergency rule, this proposal would modify Maine's Gear Restriction Regulation, Chapter 55.99 to close the waters of the Saco River upstream of the Route 9/Main Street bridge between Factory Island, Saco and Mechanics Park, Biddeford, to the head of tide. This is necessary to prevent high levels of catch and release mortality observed this season and which negatively impacts the striped bass resource.

Date, time and location of PUBLIC HEARING (*if any*): July 12, 2023, 5:00 p.m., DMR Offices, Room 118 Marquardt Building (32 Blossom Lane, Augusta ME), with an option to participate remotely via Microsoft Teams. For information on how to join the hearing, please visit: www.maine.gov/dmr. Instructions will be posted on DMR's homepage under meetings and events.

COMMENT DEADLINE: July 24, 2023

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, e-mail*):

NAME: Deirdre Gilbert

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TELEPHONE: 207-624-6553

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Hearing facilities: If you require accommodations due to disability, please contact Meredith Mendelson at 207-624-6553.

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): Same

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): None

STATUTORY AUTHORITY FOR THIS RULE: 12 MRS 6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): Same

AGENCY WEBSITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: dmr.rulemaking@maine.gov

DEPARTMENT OF MARINE RESOURCES

CHAPTER 55 GEAR RESTRICTIONS

55.99 Fishing in the Saco River above the ~~footbridge~~ Route 9/Main Street bridge between Saco and Biddeford

It shall be unlawful to fish ~~on~~ the waters of the Saco River ~~from the upstream side of the footbridge~~ Route 9/Main Street bridge between Factory Island, Saco and Mechanics Park, Biddeford, ~~upstream~~ to the head of tide, commonly known as the "Cataract Dam".

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6553; web address: <http://www.maine.gov/dmr/rulemaking/>

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PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]

This proposal expands an existing closure to fishing in order to prevent catch and release mortality in an area where it is not possible to properly release fish.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___ YES ___ X NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

By expanding the area closed to fishing, it is anticipated that catch and release mortality on striped bass will be reduced, benefiting the striped bass resource and improving the likelihood of rebuilding.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]:

This proposal considered action taken at the May 2, 2023 Atlantic Striped Bass Board meeting, including technical analysis on updated probabilities of rebuilding, motions made at the meeting, input from anglers regarding observed mortalities, and input from Maine Marine Patrol.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

Enforcement of these proposed amendments will not require additional activity in this agency. Existing enforcement personnel will monitor compliance during their routine patrols.