



LANDINGS

News & Views from Maine's Lobstering Community

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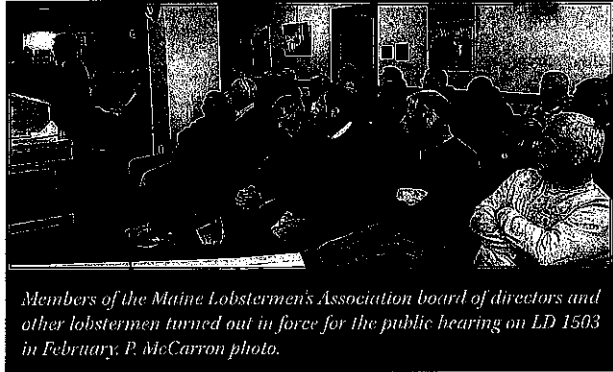
LOBSTER LICENSING BILL HOTLY DEBATED, AMENDED

By MLA staff

The Legislature's Marine Resources Committee unanimously passed an amended LD 1503 on February 24. The vote represented a compromise which includes improvements to the student program, limited entry program and waiting lists. The public hearing on LD 1503 was held on February 10. Approximately 150 people turned out, filling the public hearing room to capacity and spilling into two overflow rooms. Nearly 50 people made it to the podium to testify with 52% opposed, 20% neither for nor against and 28% in favor. Other than Maine Department of Marine Resources (DMR), no one who testified supported all of the bill's proposals.

LD 1503 was put forward after nearly five years of discussion among legislators and within the lobster industry, prompted in part by a 2012 report on lobster licensing produced by the Gulf of Maine Research Institute. The principal issue is the length of time Apprentices must wait to obtain a commercial lobster license. As of November 2015, 275 Apprentices were on waiting lists for the seven zones. Of those, 45% have waited five years or less; 51% have waited six to nine years; and 4% have waited ten years.

Rep. Walter Kumiega of Deer Isle, the bill's sponsor, told the Committee, "This bill is the product of many months of work and hours of meetings, and I would like to thank the Commissioner and his staff for all their work on this issue." He urged the Committee to drop the provision to create a Limited Class II Commercial lobster license and to keep the over-70 license. He was clear about the shortcomings of LD 1503. "My concern is that the bill as drafted does not address a fundamental inequity in our licensing system. We have two tracks to



Members of the Maine Lobstermen's Association board of directors and other lobstermen turned out in force for the public hearing on LD 1503 in February. P. McCarron photo.

obtain a license, the student program and the adult apprentice program... the difference in how this system treats people based on age doesn't seem right," he said. He continued, "I don't know what the solution is... my hope is we will be able to take from that [comment] an action that continues to protect the resource, improves the student program and addresses the inequity in the system."

DMR Commissioner Keliher testified in support of LD 1503. "[DMR] believes that the changes proposed in LD 1503 represent reasonable modifications to

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PREDICTING FUTURE OF LOBSTER STOCKS A TRICKY BUSINESS

By Melissa Waterman

Tracking larval lobsters as they drift with the currents is like counting the snowflakes that fall from the sky during a winter storm. There are a lot of them and they move around.

Scientists have developed numerous techniques to estimate the fecundity of lobster populations both here and in Canada. Those techniques vary from actually counting juvenile lobsters, known as young of the year, on the ocean floor to sophisticated computer models that draw on numerous environmental data sources.

Canada

Brady Keith Quinn is a Ph.D. student at the University of New Brunswick in Saint John. With colleagues at the Canadian Department of Fisheries and Oceans (DFO), he has developed a computer model that predicts the drift of lobster larvae and potential areas of settlement. "It's a combination of several computer models," Quinn explained. "A physical model used by DFO provides climate, current and bathymetric data. We combine that with equations describing fluid physics, temperatures and current and a model of when and where lobster larvae are released." The resulting computer model covers the entire geographic range of *Homarus americanus*, from Block Island to the northern tip of Newfoundland, wherever berried females have been found in the field.

The value of such a large-scale model is to provide an idea of lobster stock structure, suggest where larger or smaller populations may be found in the future, and thus aid management decision making.

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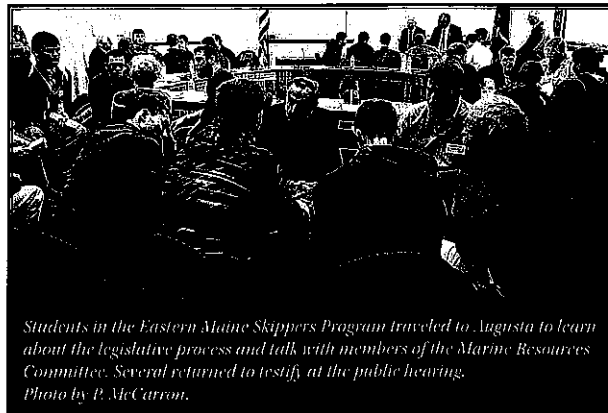
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Maine's lobster licensing system. These proposed changes attempt to take into account both the concerns of existing license holders and those on the waiting list. As with many issues where the Department is trying to strike a difficult balance, we fully appreciate that some industry members feel we have gone too far, and some individuals on the waiting list feel we have not gone far enough," he said. He reminded the Committee of the years of deliberations which led to LD 1503. He warned that, "[he did] not think it is defensible to further advantage only the students. To do so would almost certainly expose the entire system to legal challenge." With regard to lobstermen's concerns that LD 1503 rescinds authority from the lobster zone councils, he hoped "that we can have a productive conversation regarding how we could maintain the zones' option to use tags."



Students in the Eastern Maine Skippers Program traveled to Augusta to learn about the legislative process and talk with members of the Marine Resources Committee. Several returned to testify at the public hearing.
Photo by P. McCarron.

Lobster industry associations largely opposed the bill. The Maine Lobstermen's Association (MLA) and Southern Maine Lobstermen's Association (SMLA) testified in opposition; the Maine Lobstering Union (MLU) opposed the bill but offered an alternate strategy for DMR to resolve the issues; the Downeast Lobstermen's Association (DELA) and the Lobster Advisory Council spoke neither for nor against LD 1503 although each supported a few provisions but opposed the majority of the bill.

"We are extremely concerned that LD 1503 undermines the authority of Maine's lobster zone councils, does not address latency and does not guarantee any resolution for those who have completed the Apprentice Program and are waiting for a commercial lobster license," said Patrice McCarron, executive director of the MLA. "The success of Maine's fishery is due to its carefully structured

"Letting a few people off the lists will not ruin the fishery. In terms of licenses and tags statewide, it would be a drop in the bucket."

conservation practices, stewardship and co-management through the lobster zone councils. Our management system includes lobstermen and draws on their knowledge and insight about the resource and the socio-economic factors that keep it successful. The Maine lobster fishery has gotten many things right. We have a lot to lose if we get it wrong."

She noted that scientists have been unable to explain the success of the fishery. Given the changing ocean environment, shift in landings, growth of the offshore fishery and decline in lobster settlement, McCarron cautioned that Maine's lobster industry remains vulnerable so weakening the limited entry program at this time is ill-advised.

"There is much frustration within the lobster fishery over the effectiveness of the limited entry program," McCarron said. "The DMR has stated that effort is decreasing, yet lobstermen continually complain of crowded fishing territories and new effort."

SMLA president Laurin Brooks said, "We feel that changing the exit ratio from tags to licenses for all lobster zones will create a situation where there will be more gear in the water which will go against federal regulations designed to decrease the number of vertical lines in the water. This bill takes away all authority of these zones and does not guarantee that it will help people on the waiting list. We respectfully ask that you not consider this bill and allow the fishery zones to continue to successfully manage our industry."

DELA's executive director Sheila Dassatt testified neither for nor against LD 1503, stating, "We feel that this bill does have good merits but at the same time poses some concerns." She said that her members were concerned about creation of a Limited Commercial license, elimination of standards for purchasing trap tags per year and too much state control instead of authority by the zone councils.

The MLU also opposed the bill, but offered amendments to replace LD 1503. MLU attorney Kim Ervin Tucker told the committee that LD 1503 fails to address or resolve the "unreasonably long times for new entrants on waiting lists

for entry into the lobster fishery in closed zones and exit ratios in some closed zones that result in these unreasonable times on waiting lists." Tucker urged the Committee to drop the Limited Commercial Lobster License and keep the discounted over 70 license. "LD 1503 should be amended to direct DMR to take action to amend exit ratios if people are waiting for more than 36 months," she said. Tucker argued that DMR already has the authority to make adjustments to the limited entry program, but noted, "Since DMR seems resistant to undertaking rule changes to address this issue — a problem that has been created due to prior rules established by DMR — we support providing some limited statutory requirements that direct DMR to make the needed rule changes."

Six students from the Eastern Maine Skippers Program testified in favor of raising the age that students can obtain a license, from age 18 to age 23. Each raised concerns about the difficulty many students face in logging all of their Apprentice time before they turn 18 while juggling the demands of school and other interests. Of particular concern is the need to start the program before age 16 in order to meet the minimum two-year requirement.

Several Apprentices who are now on the waiting list testified about their frustration about having completed the Apprentice Program with seemingly no reasonable way to obtain a commercial lobster license. Their concerns were focused on the extremely long wait times and the inequity of students obtaining a license without any waiting.

Ethan DeBerry of Phippsburg has been on the Zone E waiting list since January 2009; he is ninth on the list. "Letting a few people off the lists will not ruin the fishery. In terms of licenses and tags statewide, it would be a drop in the bucket," he said. DeBerry advocated that the Committee address the inequities between students and Apprentices by establishing a maximum five-year wait on the list.

Victor Doyle of Mount Desert Island joined the Zone B waiting list in October, 2012, and is currently 49th on the list. From Doyle's perspective, "The results of DMR and zone-run meetings have shown no real improvements and caused a general loss of faith in this system among wait list members."

Seth Morrisette, an Apprentice from Boothbay, begged the Committee for a little help. He brought his three-year-old son Levi with him, telling Committee members that under the current entry system his son would get a license before he did. "Shouldn't I be the one to teach him how to fish?" he asked. Morrisette, who has been on the Zone D waiting list since July, 2014, and is number 56 on the list, currently works as a sternman. He had previously held a lobster license, but gave it up when he went away to school. "I was too young to realize what I wanted to do," he told the Committee.

The Marine Resources Committee reconvened on February 17 to further discuss the bill. Members expressed support for the lobster industry, the zone council system and the lobster fishery's importance to the state. Several members of the Committee seemed motivated to find a way to get people off the waiting lists. Rep. Jeff Pierce proposed adopting a maximum five-year wait for those on the list as a way to create equity between students and apprentices. Sen. Dave



Lobsterman and Chair fisher Miller addresses the committee.
Photo by P. McCarron.

Miramant suggested that there be only one waiting list for both students and apprentices. Rep. Blume recommended adding Apprentices and members of the public to the zone councils.

While conversation during the work session was limited to Committee members, the Commissioner was invited to present a list of alternative ideas compiled by the department based on feedback to LD 1503. These included creating a separate list for zone transfers; verifying the waiting lists; reducing the requirements for students (rather than raising the age and changing educational requirements); and allowing zones to use tags for exit ratio provided they use the maximum number of tags associated with license rather than number used when the license retired. DMR proposed that this be implemented retroactively over five years; the department opposed the idea of a maximum five year wait time.

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The Committee discussed areas of general consensus for continued consideration including: dropping the Class II Limited lobster licenses; keeping the over-70, half-price license; creating a separate list for zone transfers versus new entrants; verifying names on the waiting list (every three to five years); and keeping the island limited entry provisions to allow persons on a waiting list to fish from an island in the program, even if they did not apprentice in that zone. With regard to the waiting lists, the Committee continued to debate using a historic average of lobster tags as the basis of exit ratios versus establishing a maximum wait time. The Committee also left a few options on the table with regard to student licenses, including raising the age a student can obtain a commercial license to age 23 versus reducing the number of days and hours required for a student to obtain a commercial license.

The Marine Resources Committee unanimously passed an amended LD 1503 during the second work session held on February 24. Although the final language and details of the amended LD 1503 were not settled at time of publication, and the bill must still pass the full House and Senate, the changes made include improvements to the student program, limited entry program and waiting lists.

The amended bill would give students more time to complete the requirements of the Apprentice Program. In addition to the existing program, which allows students who complete the apprentice program before they turn 18 to obtain a commercial license, students who have started the program by age 18 and obtain a high school diploma or GED will be able to obtain a commercial license until age 20 without going on the waiting list. And if a student is enrolled in an accredited college program at least half time, he or she can continue in the student program until age 23 and obtain a commercial license without going on the waiting list.

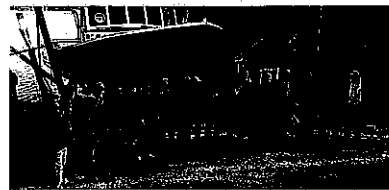
The zones would continue to have the option to use licenses or tags as the basis of the exit ratios. However, the historic high number of trap tags purchased, up to the limit for that zone, would be used as the number of tags retired for the exit ratio calculation. The zones would have the authority to implement this retroactively.

The bill would allow Apprentices on the waiting list to obtain an available license on an island in the Island Limited Entry program regardless of where they completed their apprentice program. The legislation would also change the requirement for an island to enter the program from 2/3 majority of lobstermen to a simple majority.

The names on the waiting list for each zone would be verified every three years. The DMR would send a letter to all those on the waiting list to confirm the person's interest in remaining on the list. Those on the waiting list would have a maximum of 90 days to respond or be removed from the list. An exemption will be drafted to ensure those serving in the military are able to remain on the list if they are unable to respond due to deployment. DMR will maintain a separate waiting list for transfers, and the department will adopt rules, in consultation with the lobster zones, to manage the transfer of effort between zones. Finally, the DMR will have until April 1 to complete the waiting list calculations each year.

MLA's director, Patrice McCarron, commented, "The MLA had a lot of concerns with some of the proposals considered as part of this bill, but the final package represents an excellent compromise on a very difficult issue. It is clear that the voices of commercial lobstermen were heard." Commissioner Keliher also gave positive feedback on the Committee's work noting, "The Committee did an excellent job finding the right balance on a highly-charged issue. Their work on LD 1503 helps students, preserves the limited entry system, and makes some important reforms to the waiting list."

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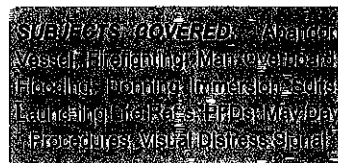


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