

MAINE STATE LEGISLATURE

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R E P O R T

of the

SPECIAL SEA AND SHORE FISHERIES INTERIM STUDY COMMITTEE

Senator Richard N. Berry, Chairman

Submitted to the

One Hundred and Sixth Legislature

February 8, 1973

INTRODUCTION

The Special Sea and Shore Fisheries Interim Study Committee was created by joint order of the 105th Legislature and given the duty of studying the problems of Maine's coastal fisheries. For the purpose of expediency, the Committee restricted itself to the lobster segment of the fishing industry. The members of the Committee were:

A. Legislators

Appointed by the President of the Senate:

Richard N. Berry, Chairman (R - Cape Elizabeth)
David L. Graham (D - Freeport)
Albert W. Hoffses (R - Camden)

Appointed by the Speaker of the House:

Karl F. Kelley (R - Machias)*
Ransom P. Kelley (R - West Southport)
Edward B. Lewis (R - Pemaquid Beach)
Edwin F. Maddox (R - Vinalhaven)
Kenneth A. Mills (D - Eastport)
George Vincent, Jr. (D - Portland)
Donald J. Webber (D - Belfast)

B. Public members

Appointed by the Governor with advice and consent of Council:

Cyrus Hamlin, (of Kennebunk - Martine Architect &
Systems Engineer)
Marge Cook, (of Tenants Harbor - wife of Lobster fisherman)

*Deceased Nov. 1, 1972

Ronald W. Green, (of Owl's Head - Fish Processing
Plant Manager
Edward A. Myers, (of Walpole, Marine Research
Administrator)
Charles Olsen, (of Cape Elizabeth - Lobster Fisherman)

Pursuant to its mandate, your committee conducted public hearings along the coast of Maine at Kennebunk, Cape Elizabeth, Boothbay Harbor, Rockland, Machias, Ellsworth, and Vinalhaven. At these hearings testimony was solicited from fishermen, wholesalers, retailers and consumers.

RECOMMENDATIONS

A. Regional Lobster Fisheries Management

It was apparent to the Committee that the persons in attendance at the public hearings felt strongly that the State's lobster fisheries would benefit from some sort of regional management program. One such program has already been organized by the lobstermen in York County. Different areas of the coast have different lobster fishing customs, different marketing problems, greater or less problems with overfishing and lobster availability, and different facilities. It appears to the Committee that any change in the present method of managing Maine's lobster fisheries must take these differences into account if the new method is to be responsive, workable, and have the support of the lobstermen.

As a first step in implementing some form of regional lobster fisheries management, the Committee recommends the enactment of legislation which will permit the Commissioner of Sea and Shore Fisheries to define, by regulation, and after notice and hearing, the major lobster fishing

zones of the State and to make initial staggered-term appointments to the several Zone Management Committees ("ZMC"), consisting of seven licensed lobster fishermen, and two licensed lobster dealers who may not represent a common business interest. The Commissioner shall also designate a member of his Department to act as a liaison officer for each ZMC.

The function of the ZMC will be to determine appropriate management practices to improve the lobster fisheries in their respective zones. In order to implement their determinations, the Committee suggests that ZMCs be delegated the power to promulgate regulations, after notice and hearing, governing lobster fishing practices within their zones. Such regulations should not be less restrictive than existing law or regulations, and any party aggrieved would have the right to appeal to the Commissioner. The Committee views the ZMC concept as potentially helpful to the State's lobster fisheries not only because it will provide a number of different "laboratories" in which to test the effectiveness of various fisheries management techniques, but also because by permitting this degree of control to be exercised locally rather than from Augusta, the fishermen would take an active interest in the development of the fisheries in their respective zones.

After the expiration of the initial appointments to a ZMC, the licensees would elect their own representatives for terms of two years each, with no person to serve more than four consecutive years.

B. Other Recommendations

In addition to implementing the zone management concept, there are several other problem areas which the Committee feels deserve attention:

1. Undersize lobsters; size limits. Ordinary commercial lobster traps should be designed to permit the easy escape of undersized lobsters. Further, a new class of permits should be created to permit catching of immature specimens for research and developmental programs. The privileges conferred by such a permit should be subject to strict controls in order to forestall abuse.

The Committee is of the opinion that in view of the decrease in lobster landings, serious consideration should be given to increasing the legal minimum length of lobsters. Further, the Committee has received credible testimony to indicate that no useful commercial or biological purpose is presently served by the 5 inch upper size limit of lobsters, and recommends that this limitation be repealed.

2. Area, License and trap limitations. In order to curb overfishing of the lobster population, the Committee recommends as follows: First, if the zone management concept, previously discussed, is enacted into law, each licensee should be required to designate on his license application the zone in which he intends to fish, and he should be limited to that zone.

Second, effective January 1, 1974 and for a two-year interval, no new lobster fishing license should be issued. Some provision should be made for administrative review by the Commissioner of individual cases where nonissuance of such a license would constitute a bona fide hardship. Such a moratorium, if imposed, should be periodically reviewed by each legislature for effectiveness and a decision made concerning the wisdom of its continuance.

Third, the Committee suggests implementing a gradually reduced maximum trap limitation per license, as follows:

<u>Maximum Traps per License</u>	<u>Effective Date</u>
600	December 31, 1973
450	December 31, 1974
300	December 31, 1975

3. Increased fees; dedication of revenue. Fees for lobster fishing licenses should be increased to \$25 for a license to fish not more than 50 traps and \$100 when the number of traps to be fished is over 50. The license fees should be dedicated to the non-lapsing Lobster Fund, and the purpose of that Fund expanded to include research, protection and management of the lobster fisheries.

4. New penalties. If a maximum trap limitation is enacted, adequate penalties should be enacted to deter over-fishing. The Committee recommends a minimum fine of \$200 with the added penalty of \$20 per trap in excess of the maximum permitted, not to exceed \$1,000; or imprisonment not to exceed 90 days. Further, the Committee recommends that the Commissioner be required to suspend for one year the license of any person convicted of violation of the trap limit regulation.

5. Trap inspection program. Enactment of legislation, which requires that traps be designed to allow the escape of short lobsters, or which limits the number of traps, will require enforcement. Much of this enforcement, the Committee believes, can be handled efficiently and inexpensively by a system of annual inspection of traps. The grant of a lobster fishing license should be deemed an implied consent on the part of the licensee to such inspection. The application for license should include a certification by the applicant of the number of traps which he intends to fish, and a statement of the date and place where he will make his traps available for the required inspection. The Commissioner is empowered to consult with the industry and design the program prior to December 31, 1973.

6. Offshore fishing limitations. The control of the extent of fishing has historically rested with the states and has been restricted to within the 3-mile limit. However, if Maine's fishermen are going to be regulated in the extent to which they may harvest lobsters, some method must be found to insure that the sacrifices of the fishermen of this State do not result in unjust enrichment of fishermen from other jurisdictions fishing in Maine waters, or of Maine fishermen fishing beyond 3 miles. In view of previous claims, based on colonial charters, to mineral rights in the seabed beyond 3 miles, research regarding the legality of similar claims to

marine resources is in order and the exercise of jurisdiction should be undertaken. Presently a bilateral agreement between the United States and Canada forbids Canadian citizens from fishing for lobsters within 12 miles of the respective coastlines.

CONCLUSION

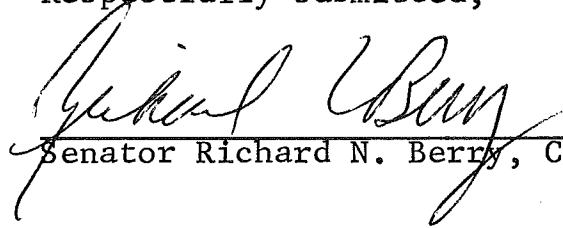
The testimony presented at the seven hearings was enlightening and valuable to the Committee. Most of this testimony was presented by individual fishermen and others who took time from their daily work, often at financial sacrifice to themselves, to be present. This interest and attitude toward Maine's lobster fisheries is heartening.

Based on this testimony, the Committee believes that if the State's lobster catch is to continue as a renewable marine resource, improved management methods, including some reasonable limitations on the amount of fishing allowed, must begin. Maine fishermen themselves appear willing to accept some sort of fishing limitations if the result will be an increase in the lobster population, and if the State's traditional fishing grounds are not invaded by outsiders while local fishermen voluntarily accept regulation. The problems here are complex and the solutions are not easy.

This report is the report of the whole Committee; however, all members do not fully support each and every item by itself but believe that taken as a whole the report best reflects the thinking of the Committee. The Committee believes

that its recommendations herein, if implemented by legislation, will improve the economic health of our lobster fisheries and the people of Maine who have chosen to earn their living from the sea this way.

Respectfully submitted,



Senator Richard N. Berry, Chairman