

Message to Maine Lobster License Holders

From Patrick C. Keliher, Commissioner, Maine Department of Marine Resources

August 1, 2018

The Maine Department of Marine Resources has adopted the rule proposed by the Zone B Council titled [Chapter 25.04 Lobster Trawl Limits](#) which limits the number of lobster traps on a trawl to a maximum of five within the waters of Zone B from the six-mile line to the Loran-C 25675 line. The rule becomes effective on October 1, 2018, to allow fishermen time to modify their gear in compliance with the rule.

Unlike most rule-making, this rule was not done for reasons of resource management. Unfortunately, it had the effect of creating conflict between fishermen, both within and outside of Zone B. Because of this conflict, this rule was one of the more difficult decisions that I have made as Commissioner. I attended the public hearing, and understood and appreciated the arguments made by both sides regarding how and why they fish the way they do. I also gave a lot of thought to the impacts this rule would have on fishermen who use that area, both positive and negative.

The standard in the law for the adoption of rules proposed by Zone Councils is: is it reasonable? Ultimately, I found that the proposed rule is reasonable. The Zone B Council followed the proper process to advance the rule. While other fishermen may fish there, these are Zone B waters. When possible, I want to support the Zones' use of the authorities provided to them by the Legislature.

However, I also believe there is potential for a better solution to the issues that brought this rule forward than this rule provides. Several commenters suggested that there may be room for compromise. Unfortunately, while we are in the rule-making process there is no ability to have conversations outside of the public hearing to try to find solutions that may work better for all involved.

Now that the rule has been adopted, I intend for the Department to have those conversations. I have decided to bring fishermen who use this area back to the table to find common ground.

To encourage fishermen to come together in good faith to find potential compromise, the rule has been amended to include a sunset of December 31, 2019. Depending on the outcome of the discussions, DMR will either propose an amended rule, the same rule, or let the rule sunset.

While I realize that many fishermen impacted by this rule will be unhappy with this outcome, I hope that this helps to explain how I came to this decision, and what to expect moving forward.