

DEPARTMENT OF MARINE RESOURCES

Chapter 25: LOBSTER AND CRAB REGULATIONS

TITLE INDEX

- 25.01 Lobster Fishing in Waters Adjacent to Criehaven
- 25.02 Definitions
- 25.03 Taking of Lobsters in York River
- 25.04 Lobster Trawl Limits
- 25.05 Lobster Trap Removal
- 25.06 Vessel Ownership
- 25.07 ASMFC Lobster Management Areas and Limitations
- 25.08 Lobster Trap Tag System
- 25.09 Procedure for Issuing Seed Lobster Permits
- 25.10 Lobster Trap Limits Established by Lobster Management Zones
- 25.11 Lobster and Crab Bait Review Process
- 25.12 Alternative Bait Labeling
- 25.15 V-notching Lobsters
- 25.20 Protected Resources (*see Chapter 75*)
- 25.40 Green Crabs
- 25.45 Crab Fishing Limitations
- 25.50 Closed Season Regulation on Fishing for Crabs in Sheepscot River
- 25.55 Closed Season on Fishing for Crabs in Damariscotta River
- 25.60 Closed Season on Fishing for Crabs in Medomak River
- 25.65 Lobster and Crab Closure in Penobscot River
- 25.70 Legal Lobster Tails
- 25.75 Lobster Import/Export Permit
- 25.80 Lobster Trap Construction Regulation
- 25.82 Lobster Trap Maximum Size
- 25.85 Lobster Trap Escape Vent Dimensions
- 25.90 Swans Island Area Lobster Trap Regulation
- 25.93 Management Framework for Limiting Lobster Fishing Effort on a Local or Regional Basis -
Operational Rules
- 25.94 Lobster Management Zones
- 25.95 Monhegan Island Area Lobster Trap Regulation
- 25.96 Lobster Apprentice Program
- 25.97 Management Framework for Island Limited Entry Program
- 25.98 Electronic Tracking Requirements for Federally-Permitted Lobster and Jonah Crab
License Holders

25.01 Lobster Fishing in Waters Adjacent to Criehaven

The waters around the Island of Criehaven within the following described limits: beginning at the southern end of Hogshead, so-called, running west by north 2 nautical miles, thence, southwest by south 3 1/2 nautical miles, thence, east, southeast 3 nautical miles, thence, northeast 3 nautical miles, thence to the first mentioned bound, shall be closed or opened to lobster fishing whenever a majority of the lobster fishermen at Criehaven so petition the Commissioner.

25.02 Definitions

- A. "Rigged to Fish for Lobster" means to have on board a lobster fishing vessel a machine capable of hauling lobster traps. This device could be a pot hauler or other mechanical device capable of hauling lobster traps to the surface.
- B. "Alternative bait" means any bait that does not naturally originate from the ocean in accordance with 12 M.R.S.A. §6175. See Chapter 25.12 for regulations.
- C. "Approved crab trap" means any top-entry trap with an opening on the top of the trap that has a minimum diameter of 3.66 inches.
- D. "Gray Zone" means all waters surrounding Machias Seal Island, off of Eastern Washington County, and within the following two boundaries:

Eastern Boundary Coordinates:

1. 44° 46' 35.346" N, 66° 54' 11.253" W
2. 44° 44' 41" N, 66° 56' 17" W
3. 44° 43' 56" N, 66° 56' 26" W
4. 44° 39' 13" N, 66° 57' 29" W
5. 44° 36' 58" N, 67° 0' 36" W
6. 44° 33' 27" N, 67° 2' 57" W
7. 44° 30' 38" N, 67° 2' 38" W
8. 44° 29' 3" N, 67° 3' 42" W
9. 44° 25' 27" N, 67° 2' 16" W
10. 44° 21' 43" N, 67° 2' 33" W
11. 44° 14' 6" N, 67° 8' 38" W
12. 44° 11' 12" N, 67° 16' 46" W
13. 42° 53' 14" N, 67° 44' 35" W
14. 42° 31' 8" N, 67° 28' 5" W
15. 40° 27' 5" N, 65° 41' 59" W

Western Boundary Coordinates:

1. 44° 46' 35.346" N, 66° 54' 11.253" W
2. 44° 45' 44" N, 66° 55' 4" W
3. 44° 45' 21" N, 66° 55' 35" W
4. 44° 45' 17" N, 66° 55' 40" W
5. 44° 45' 5" N, 66° 56' 2" W

6. 44° 44' 30" N, 66° 56' 36" W
7. 44° 44' 23" N, 66° 56' 41" W
8. 44° 44' 7" N, 66° 56' 54" W
9. 44° 44' 3" N, 66° 56' 57" W
10. 44° 43' 38" N, 66° 57' 14" W
11. 44° 43' 22" N, 66° 57' 27" W
12. 44° 42' 58" N, 66° 57' 48" W
13. 44° 42' 39" N, 66° 58' 3" W
14. 44° 42' 17" N, 66° 58' 26" W
15. 44° 41' 57" N, 66° 58' 55" W
16. 44° 41' 43" N, 66° 59' 16" W
17. 44° 40' 38" N, 67° 0' 12" W
18. 44° 40' 33" N, 67° 0' 17" W
19. 44° 40' 14" N, 67° 0' 26" W
20. 44° 39' 44" N, 67° 0' 44" W
21. 44° 39' 36" N, 67° 0' 47" W
22. 44° 39' 11" N, 67° 1' 10" W
23. 44° 38' 31" N, 67° 1' 42" W
24. 44° 38' 11" N, 67° 1' 55" W
25. 44° 37' 46" N, 67° 2' 14" W
26. 44° 37' 27" N, 67° 2' 22" W
27. 44° 36' 23" N, 67° 6' 26" W
28. 44° 36' 2" N, 67° 7' 9" W
29. 44° 34' 57" N, 67° 9' 27" W
30. 44° 33' 8" N, 67° 11' 22" W
31. 44° 32' 57" N, 67° 11' 31" W
32. 44° 32' 34" N, 67° 11' 47" W
33. 44° 30' 47" N, 67° 13' 57" W
34. 44° 29' 49" N, 67° 15' 9" W
35. 44° 29' 47" N, 67° 15' 11" W
36. 44° 28' 10" N, 67° 16' 1" W
37. 44° 23' 56" N, 67° 18' 6" W
38. 44° 23' 36" N, 67° 18' 16" W
39. 44° 22' 36" N, 67° 18' 15" W
40. 44° 20' 50" N, 67° 18' 2" W
41. 44° 12' 6" N, 67° 16' 56" W
42. 44° 11' 12" N, 67° 16' 46" W
43. 42° 53' 14" N, 67° 44' 35" W
44. 42° 31' 8" N, 67° 28' 5" W
45. 40° 27' 5" N, 65° 41' 59" W

25.03 Taking of Lobsters in York River

No person shall catch, take or trap lobsters in York River, York County, from its source to a line running from Rock's Nose, so-called, to the red painted rock on Stage Neck, so-called, on the opposite shore.

25.04 Lobster Trawl Limits

A. Casco Bay

It shall be unlawful to have on any trawl more than 12 lobster traps in waters within the following area: Starting at Martin Point, Portland; southeasterly to the northern end of House Island, Portland; thence southeasterly to the northeast point of White Head, Cushing Island, Portland; thence easterly to the southwest point of outer Green Island; thence easterly to the light at Halfway Rock; thence northwesterly to the Green Island Ledge Buoy; thence northwesterly to Parker Point, Yarmouth.

B. It is unlawful to have on any trawl more than 3 lobster traps in the following areas:

1. **West of Cape Elizabeth and east of Kittery.** Westerly of a line drawn from the active lighthouse at Two Lights in Cape Elizabeth to $43^{\circ} 31.52' N$, $070^{\circ} 08.4' W$ continuing in a straight line; to the point of intersection with the 3-nautical-mile line, and northerly and easterly of a line running between the Kitts Rocks Whistle Buoy and the West Sister Buoy and extending westerly to the New Hampshire border, and from the West Sister Buoy to the Murray Rock Buoy and thence to and through the lighthouse on Boone Island and, continuing in a straight line, to the point of intersection with the 3-nautical-mile line;
2. **Between Pemaquid and Robinson's Points.** Between the following lines:
 - A. Beginning at a point 48 miles true north of the lighthouse on Pemaquid Point, Lincoln County; thence true south through the lighthouse to a point of intersection with the 3-nautical-mile line; and
 - B. Beginning at a point 40 miles true north from the lighthouse at Robinson's Point, Isle au Haut, Knox County; thence true south through the lighthouse to a point of intersection with the 3-nautical-mile line;
3. **Off Hancock County and within the following areas.** Beginning at the Southern tip of Schoodic Point at $44^{\circ} 19.900' N$ and $068^{\circ} 03.609' W$; proceeding in a southeasterly direction along the Zone A/B line to its intersection with the "three mile line" at $44^{\circ} 16.45' N$, $68^{\circ} 2.24' W$; thence running in a southwesterly direction along the "three mile line", as described in DMR Chapter 75.01 A-8, to its intersection with the lobster Zone B/C line at $44^{\circ} 1.994' N$ and $68^{\circ} 28.581' W$ thence; thence following the B/C line to latitude $44^{\circ} 01.376' N$ and $068^{\circ} 28.396' W$; thence running west to the point of intersect with the line described in subsection 2, paragraph B; and then

following that line north to its point of origin 40 miles true north of the lighthouse at Robinson's Point, Isle Au Haut, Knox County

- C. It is unlawful to have on any trawl more than 5 lobster traps in the following area off Hancock County:
- A. From the intersection of the eastern boundary of Lobster Zone B with the Maine Six Mile Line at $44^{\circ} 8.64' N$, $-67^{\circ} 59.19' W$, proceeding in a southerly direction for ~ 9.2 NM along the eastern boundary of Lobster Zone B to $43^{\circ} 59.75' N$, $67^{\circ} 55.72' W$, then ~ 6.7 NM southwesterly to $43^{\circ} 56.0' N$, $68^{\circ} 3.26'$, thence True west to a point on the Mount Desert Rock 3NM line at $43.0^{\circ} 56.0' N$, $68.0^{\circ} 4.63' W$, following the 3NM line to $43.0^{\circ} 56.0' N$, $68.0^{\circ} 10.84' W$, continuing True west to the Maine Six Mile line at $43.0^{\circ} 56.0' N$, $68.0^{\circ} 23.04' W$. Thence following the Maine Six Mile line in a northeast direction back to $44^{\circ} 8.64' N$, $67^{\circ} 59.19' W$.
 - B. In Maine Lobster Zone B described in 25.94 (2)(b), between the "three nautical mile line" described in 75.01 (A)(8) and the Maine six mile line described in 75.01 (A)(6).

D. Beals Island to Libby Island, Washington County

It shall be unlawful to have on any trawl more than 4 lobster traps in waters within the following area: A line starting at the Southeast tip of Kelly Point, Jonesport, thence following a southerly direction on a course of 170 degrees True to the most southern end of Freeman Rock, Jonesport (southwest of Moose Peak Light) as identified on National Oceanic and Atmospheric Administration nautical charts. Thence following a compass course 60 degrees True to the geographic coordinates $N 44^{\circ} 32.6' W 67^{\circ} 21.1'$. Thence following a compass course of 305 degrees True to the most southern tip of Cow Point, Roque Bluffs.

E. Kittery

It is unlawful to have on a trawl more than 10 lobster traps in the waters southerly of a line running between the Kitts Rocks Whistle Buoy and the West Sister Buoy and extending westerly to the New Hampshire border, and from the West Sister Buoy to the Murray Rock Buoy and thence to and through the lighthouse on Boone Island and, continuing in a straight line, to the point of intersection with the 3-nautical-mile line. Each trawl set in this area must be marked on each end with at least one buoy with a buoy stick of at least 4 feet in length.

F. Linekin Bay

It is unlawful to fish for or take lobsters with more than two traps on any one line or buoy in the waters of Linekin Bay, Lincoln County, inside and northerly of a line drawn as follows: starting at the southern tip of Spruce Point, Boothbay Harbor, southerly to a red navigational buoy N"2"; thence southeasterly to a green navigational buoy C"1"; thence easterly to the northern tip of Oak Island; thence true east to Linekin Neck, Boothbay.

G. Sheepscoot Bay and Sequin Island Area

It is unlawful to have on any trawl more than three lobster and crab traps or shrimp traps in coastal waters inside and upstream of the following line: starting at the southern tip of Indiantown Island, Boothbay; thence southerly to the northernmost point on Cameron Point, Southport; then starting at the southwest point of Southport; thence southeast to the Cuckolds; thence southerly 188°T. to the territorial limits of the State (LORAN C coordinates 13054.5 and 25904.0); thence westerly to Mile Ledge Bell R20ML; thence northwesterly to the navigational buoy C (1JK) Jackknife Ledge; thence northerly to the southern tip of Wood Island; thence northerly from the northern tip of Wood Island to the most southeast point on Popham Beach, Phippsburg.

25.05 Lobster Trap Removal

Summary:* This regulation established the procedure for removal of traps, warps, buoys or cars that are washed up above the mean low water mark or are otherwise abandoned or lost pursuant to 12 M.R.S.A. §6434.

1. A lobster trap, car, buoy or warp may be moved or removed from the waters or shores of the state for the purpose of returning the lobster gear to the licensed owner or properly disposing of lobster gear by any person who has written permission from a Marine Patrol Officer. Any person who wants to obtain written permission to remove the above described gear must contact the Department in advance of removal. Such written permission shall include amount and type of gear, license number, (if available), and final destination of said gear.
2. Any person who possesses traps, warps, buoys or cars and is not a Marine Patrol Officer, the licensed owner or someone with written permission from the licensed owner or a Marine Patrol officer, shall be in violation of 12 M.R.S.A. §6434.

25.06 Vessel Ownership

- A. When application information concerning vessel ownership changes, the license holder shall immediately notify the Commissioner in writing within 3 business days or the license shall become void pursuant to 12 M.R.S.A. §6301(5).
- B. Upon request the Commissioner may require the holder of a lobster and crab license, which identifies a vessel on that license, to certify to the Department that they meet the definition of a vessel owner as established under 12 M.R.S.A. §6431-E(1)(B).

25.07 ASMFC Lobster Management Areas and Limitations

A. Definitions

1. Lobster Management Area 1

“Lobster Management Area 1” is defined by the area, including state and Federal waters that are near-shore in the Gulf of Maine, bounded by straight lines connecting the following points, in the order stated, and the coastline of Maine, New Hampshire, and Massachusetts to the northernmost point on Cape Cod:

Point	Latitude	Longitude	G1	42°04.25' N.	70°17.22' W.
A	43°58' N.	67°22' W.	G2	42°02.84' N.	70°16.1' W.
B	43°41' N.	68°00' W.	G3	42°03.35' N.	70°14.2' W.
C	43°12' N.	69°00' W.	Along the coastline of Massachusetts, New Hampshire, Maine, and the seaward EEZ boundary back to point A.		
D	42°49' N.	69°40' W.			
E	42°15.5' N.	69°40' W.			
G	42°05.5' N.	70°14' W.			

2. Lobster Management Area 2

“Lobster Management Area 2” is defined by the area, including state and Federal waters that are near-shore in Southern New England, bounded by straight lines connecting the following points, in the order stated:

Point	Latitude	Longitude	Q	41°11'30" N.	71°47'15" W.
H	41°40' N.	70°00' W.	R	41°18'30" N.	71°54'30" W.
I	41°15' N.	70°00' W.	From point "R" along the maritime boundary between Connecticut and Rhode Island to the coastal Connecticut/Rhode Island boundary and then back to point "H" along the Rhode Island and Massachusetts coast.		
J	41°21.5' N.	69°16' W.			
K	41°10' N.	69°06.5' W.			
L	40°55' N.	68°54' W.			
M	40°27.5' N.	72°14' W.			
N	40°45.5' N.	71°34' W.			
O	41°07' N.	71°43' W.			
P	41°06.5' N.	71°47' W.			

3. Area 2/3 Overlap

“Area 2/3 Overlap” is defined by the area, comprised entirely of Federal waters, bounded by straight lines connecting the following points, in the order stated:

Point	Latitude	Longitude
K	41°10' N.	69°06.5' W.
L	40°55' N.	68°54' W.
M	40°27.5' N.	72°14' W.
N	40°45.5' N.	71°34' W.

4. Lobster Management Area 3

“Lobster Management Area 3” is defined by the area, comprised entirely of Federal waters, bounded by straight lines connecting the following points, in the order stated:

Point	Latitude	Longitude	U	40°12.5' N. 72°48.5' W.
A	43°58' N.	67°22' W.	V	39°50' N. 73°01' W.
B	43°41' N.	68°00' W.	X	38°39.5' N. 73°40' W.
C	43°12' N.	69°00' W.	Y	38°12' N. 73°55' W.
D	42°49' N.	69°40' W.	Z	37°12' N. 74°44' W.
E	42°15.5' N.	69°40' W.	ZA	35°34' N. 74°51' W.
F	42°10' N.	69°56' W.	ZB	35°14.5' N. 75°31' W.
K	41°10' N.	69°06.5' W.	ZC	35°14.5' N. 71°24' W.
N	40°45.5' N.	71°34' W.		From point "ZC" along the seaward
M	40°27.5' N.	72°14' W.		EEZ boundary to point "A".

5. Lobster Management Area 4

“Lobster Management Area 4” is defined by the area, including state and Federal waters that are near-shore in the northern Mid-Atlantic, bounded by straight lines connecting the following points, in the order stated:

Point	Latitude	Longitude		From Point "T", along the New
M	40°27.5' N.	72°14' W.		York/New Jersey coast to Point "W".
N	40°45.5' N.	71°34' W.	W	39°50' N. 74°09' W.
O	41°07' N.	71°43' W.	V	39°50' N. 73°01' W.
P	41°06.5' N.	71°47' W.	U	40°12.5' N. 72°48.5' W.
S	40°58' N.	72°00' W.		From Point "U" back to Point "M".
T	41°00.5' N.	72°00' W.		

6. Lobster Management Area 5

“Lobster Management Area 5” is defined by the area, including state and Federal waters that are near-shore in the southern Mid-Atlantic, bounded by straight lines connecting the following points, in the order stated:

Point	Latitude	Longitude	ZA	35°34' N. 74°51' W.
W	39°50' N.	74°09' W.	ZB	35°14.5' N. 75°31' W.
V	39°50' N.	73°01' W.		From Point "ZB" along the coasts of North
X	38°39.5' N.	73°40' W.		Carolina, Virginia, Maryland, Delaware,
Y	38°12' N.	73°55' W.		New Jersey back to Point "W".
Z	37°12' N.	74°44' W.		

7. Lobster Management Area 6

“Lobster Management Area 6” is defined by the area, including New York and Connecticut state waters, bounded by straight lines connecting the following points, in the order stated:

Point	Latitude	Longitude	
T	41°00.5' N.	72°00' W.	From point "R", along the maritime boundary between Connecticut and Rhode Island to the coast; then west along the coast of Connecticut to the western entrance of Long Island Sound; then east along the New York coast of Long Island Sound and back to Point "T".
S	40°58' N.	72°00' W.	
From Point "S", boundary follows the 3 mile limit of New York as it curves around Montauk Point to Point "P"			
P	41°06.5' N.	71°47' W.	
Q	41°11'30" N.	71°47'15" W.	
R	41°18'30" N.	71°54'30" W.	

8. Outer Cape Lobster Management Area

“Outer Cape Lobster Management Area” is defined by the area, including state and Federal waters off Cape Cod, bounded by straight lines connecting the following points, in the order stated:

Point	Latitude	Longitude	
F	42°10' N.	69°56' W.	From Point G3 along the outer Cape Cod coast to Point H.
G	42°05.5' N.	70°14' W.	
G1	42°04.25' N.	70°17.22' W.	H 41°40' N. 70°00' W.
G2	42°02.84' N.	70°16.1' W.	
G3	42°03.35' N.	70°14.2' W.	I 41°15' N. 70°00' W.
			J 41°21.5' N. 69°16' W.
			From Point "J" back to Point "F".

9. “ASMFC” means the Atlantic States Marine Fisheries Commission.
10. “ASMFC Interstate Fishery Management Plan (FMP) for American lobster”

The “ASMFC Interstate Fishery Management Plan (FMP) for American lobster” for the purposes of this regulation means the most recent plan, which is Amendment 3 to the Interstate Fishery Management Plan for American Lobster (1997) and Amendment 3 Addendums I (Aug. 1999), II (Feb. 1, 2001), III (Feb. 20, 2002) and IV (Dec. 2003). These documents and related materials are available from: <http://www.asmfc.org/> or contacting the Commission at telephone: (202) 289-6400.

B. Lobster Fishing Limitations

For persons possessing a valid Maine lobster and crab fishing license and who also own or are incorporated/partnered in a vessel holding a Federal Limited Access Lobster Permit (Federal Lobster Permit), the following shall apply:

1. The license holder shall annually declare all Lobster Management Areas (LMAs) that are listed on their Federal Lobster Permit. This declaration shall be made at the time of application for issuance of the license on forms provided by the Department. In accordance with the ASMFC FMP, a person declaring any Maine Lobster Management Zone (LMZ A - G) must also declare federal Lobster Management Area 1.
2. Once declared, LMA's may not be changed until the next licensing year. LMA's declared to the Department as of January 1st shall be identical to LMA's declared to the National Marine Fisheries Service (NMFS) on forms provided by NMFS concerning the fishing activities, for the federal license year beginning May 1st of the same calendar year, by the vessel owned/incorporated/partnered by the federal lobster permit holder.
3. Lobster trap tags designating the LMA's in which they may be fished shall be issued to federally-permitted vessels based on the LMA's declared.
4. If multiple LMA's are declared and the management measures for the declared LMA's differ, any vessel owner permitted to fish in the federal exclusive economic zone (EEZ) must comply with the most restrictive management measures for the LMA's declared, as contained in the ASMFC Interstate Fishery Management Plan (FMP) for American lobster, wherever the fishing activity occurs.

(a) Determining trap limits

Total trap limits must be determined using the highest number of traps allowed within each management area, and applying the most restrictive rule. Most restrictive rules shall not apply to the actual allocation granted to individuals within each management area. At no time shall an individual's total number of traps fished exceed the total number of tags issued, or the number of traps qualified to fish within each designated area.

25.08 Lobster Trap Tag System

A. Prohibitions

- (1) No person shall fish with or have on board a vessel a lobster trap unless a valid lobster trap tag issued by the Commissioner is securely attached to the frame of the trap. The lobster trap tag shall be affixed to the bridge of the lobster trap so that the tag information is clearly visible for inspection by a Marine Patrol Officer.
- (2) No person shall fish with, lift, haul, raise, or transport any lobster trap with a tag which has been tampered with or where the tag number is illegible or missing.
- (3) *(Expired)*
- (4) *(Expired)*
- (5) **Fishing in a Non-Declared Lobster Zone**

By June 1, 2017, all Class I, Class II or Class III lobster and crab fishing license holders must affix a second zone tag to their traps when fishing those traps in a zone other than their declared lobster zone. This second zone tag will be in addition to their declared lobster zone tag.

A person who holds a Class I, Class II or Class III lobster and crab fishing license may not fish more than 49% of that person's lobster traps in a limited entry zone unless that person's license identifies that zone as the declared lobster zone.

The tags must be obtained from the Department of Marine Resources.

The absence of a second tag on traps fished in a zone other than their declared lobster zone shall be prima facie evidence of a violation of this regulation.

B. Trap Tags

- (1) Any person fishing for lobsters or setting lobster gear must be a current licensed lobster/crab fisherman, with the exception of persons holding a current marine harvesting demonstration license authorized under 12 M.R.S.A. §6810-A. License holders must declare the vessel or vessels, at the time of license issuance or renewal, to which that license holder's trap tags will be allocated pursuant to the license. A license holder may declare up to two vessels, except that a noncommercial lobster and crab license holder may declare no more than one vessel. The owner of a declared vessel will be given priority in the issuance of trap tags. If the license holder does not declare a vessel, he or she may be issued trap tags that will be considered unregistered. It is unlawful to fish with, lift, haul, raise or transport any lobster trap with an unregistered trap tag.
- (2) No license holder shall be issued trap tags in an amount or manner that causes that license holder or his/her declared vessel to exceed the applicable vessel trap limit established pursuant to 12 M.R.S. §6431-A and §6421(3-A)(F) or the vessel operation requirements established pursuant to §6431-G. The issuance of trap tags shall be consistent with the individual trap limits, zone trap limits, boat trap

limits and vessel limitation and vessel operation law and regulation. No license holder may set, haul, retrieve or take lobsters from a trap unless the trap contains a trap tag issued to that license holder. No license holder may use a vessel to set, haul, retrieve or take lobsters from a trap unless that trap contains a trap tag allocated to that vessel in accordance with the license holder's vessel declaration; except as authorized by the Commissioner pursuant to 12 M.R.S. §6431-G(2)(A),(B) or (C).

- (3) A lobster trap tag is valid starting June 1 of each year. Trap tags shall be valid until May 31 of the following year (12 months).
- (4) Tags shall be replaced each lobster fishing year, when supplied by the Commissioner.

(5) **License holder's presence aboard**

A license holder must be present aboard any vessel involved in setting, hauling, retrieving or taking lobsters from lobster traps for which such license holder has been assigned tags under this regulation. The Commissioner may authorize another person to fish for or take lobsters from a vessel when an owner is not on board if an illness or disability temporarily prevents that owner from fishing for or taking lobsters from that vessel and provided that person holds a Class I, II or III lobster and crab fishing license. For the purpose of this section temporary means up to the end of the current license year, unless otherwise specified by the Commissioner in the authorization. Such notification shall describe the disability or illness, the identity of the person who will be acting on the license holder's behalf and the time period involved. The Commissioner may approve of such substitution under such reasonable conditions as he may require in order to effectuate the purpose and intent of this regulation.

- (6) Trap tag requirements for persons holding a marine harvesting demonstration license authorized under 12 M.R.S.A. §6810-A are provided in Chapter 110.

C. **Lost Tag Replacement**

The Commissioner, through his representatives, may issue additional tags to compensate for lobster traps and tags lost, up to 10% of the number of tags issued in that year to the registrant. In the event of catastrophic loss, the Commissioner may issue additional replacement tags in excess of this 10% limitation but may require that a hearing first be held in order to obtain satisfactory evidence of such loss.

D. **Marine Patrol Officers**

- (1) Marine Patrol Officers may inspect, at any time, any trap or related equipment to ensure compliance with this regulation. The absence of lobster traps tags attached to lobster traps, as required by the chapter, shall be prima facie evidence of a violation of the regulation.
- (2) **Provision for on-shore trap count**

The Commissioner of the Department of Marine Resources may order a registrant to display lobster traps for an on-shore trap count to verify the amount of lobster traps being fished to be in compliance with 12 M.R.S.A. §6431-A.

E. Trap Tag Fees

Price of tags and replacement tags will be set by the Commissioner to cover the costs of trap tags, the cost of administering and enforcing the lobster tag system and other costs associated with 12 M.R.S.A. §6431-B.

- F. All requests for approval by the Commissioner of a variance from the requirements of Chapter 25.08 B(2) and or (5) must be made to the department in writing; and any such approvals which are granted will be in the form of a special circumstances permit. Any fishing activity not expressly authorized in the special circumstance permit granted by the Commissioner shall be a violation of this subsection and subject to prosecution and or seizure.

25.09 Procedure for Issuing Seed Lobster Permits

A. Definitions

(1) Maine Lobster Pound Owner

For the purpose of allocating funds under 12 M.R.S.A. §6451(2), a lobster pound owner is a person who owns an open air tidal circulated, or cove type facility, that has a minimum capacity of 20,000 pounds of lobsters (exclusive of tank rooms).

(2) Season

The Seed Lobster Program shall have an annual season of January 1 to November 30.

B. Procedures

(1) Application deadline

Prior to May 1 of each year, the Commissioner shall notify pound owners, who hold current wholesale seafood licenses, of the opportunity to participate in the Seed Lobster Program. Current wholesale seafood license holders must return the application form by May 15 to participate in the program for the current year.

(2) Set seed lobster purchase price

The Commissioner shall establish the price to be paid for seed lobsters during the current year, pursuant to 12 M.R.S.A. §6451(2). The price shall be calculated based on the prior year's DMR Landings Program records for American Lobster. The price per pound shall be calculated as follows:

- (a) Divide the landed value by the live pounds for the average price per pound to be used as the price for the program year.

Disbursement of Funds will be made after December 1.

(3) **Allocation of money**

(a) The Commissioner shall establish, with the advice of the Lobster Advisory Council, the amount of money to be expended each year for the purpose of purchasing seed lobsters from Maine lobster pound owners who are holders of current wholesale seafood licenses.

(b) Notwithstanding Chapter 25.09(B)(2) above, if liberations by pound owners exceeds the amount of money allocated for purchase of seed lobsters, each pound owner will be compensated for pounds liberated based on the following formula:

$$\text{Funds available} / \text{Total pounds liberated} = \text{Price per pounds liberated}$$

(c) No pound shall be compensated for more than 2,000 pounds.

(d) If liberations by pound owners are less than the funds allocated for purchase of seed lobsters, the Commissioner may purchase female lobsters by competitive bid up to the amount remaining in the seed lobster purchase allocation for the current year.

(e) The Department shall indicate the condition of the lobsters at the time of liberation. Pound owners will not be reimbursed for unhealthy lobsters.

(4) **Permit**

(a) The Commissioner shall issue a permit to pound owners to hold and deliver seed lobsters to the Department in the amount to be purchased.

(b) Seed lobsters removed from pounds that are in excess of the amount stated in the permit must be liberated immediately or arrangements made to turn the lobsters over to the Department to be v-notched and liberated. The Department will provide a receipt (liberation slip) for all liberated lobsters.

25.10 Lobster Trap Limits Established by Lobster Management Zones

The Commissioner may adopt rules for a zone under 12 M.R.S.A. §6446 and §6447 that place limits on lobster and crab fishing license holders who fish in that zone regarding the number of lobster traps fished and the time periods allowed for complying with that number in accordance with the requirements of each statute.

1. **Zone G**

(a) The trap limit for each license holder who is licensed to fish in Zone G shall be:

a trap limit of 1200 as of March 1, 1998,

a trap limit of 1000 as of March 1, 1999 and

a trap limit of 800 as of March 1, 2000.

(b) Limited lobster fishing in the vicinity of Kittery.

Each trawl, set in the area defined in 12 M.R.S.A. §6439-A, shall be marked at each end with buoy sticks of at least 4 feet in length.

2. **Zone E**

The trap limit for each license holder who is licensed to fish in Zone E shall be:

a trap limit of 800 as of March 1, 1998,

a trap limit of 700 as of March 1, 1999 and

a trap limit of 600 as of March 1, 2000.

3. **Zone D**

The trap limit for each license holder who is licensed to fish in Zone D shall be:

a trap limit of 1200 as of March 1, 1998,

a trap limit of 1000 as of March 1, 1999 and

a trap limit of 800 as of March 1, 2000.

4. **Zone F**

The trap limit for each license holder who is licensed to fish in Zone F shall be:

a trap limit of 1000 as of March 1, 1999 and

a trap limit of 800 as of March 1, 2000.

5. **Zone B**

The trap limit for each license holder who is licensed to fish in Zone B shall be:

a trap limit of 1000 as of March 1, 1999 and

a trap limit of 800 as of March 1, 2000.

6. **Zone C**

The trap limit for each license holder who is licensed to fish in Zone C shall be:

a trap limit of 1000 as of March 1, 1999 and

a trap limit of 800 as of March 1, 2000.

7. **Zone A**

The trap limit for each license holder who is licensed to fish in Zone A shall be:

a trap limit of 1200 as of June 1, 1998,

a trap limit of 1000 as of March 1, 1999 and

a trap limit of 800 as of March 1, 2000.

25.11 Lobster and Crab Bait Review Process

It shall be unlawful to sell or use any marine or freshwater organism as bait to fish for or take lobsters or crabs that has not been reviewed and approved by the Department of Marine Resources.

An individual may apply for the review of a bait source to the Department of Marine Resources on forms supplied by the Commissioner. The Department will provide a written response within 60 days, whether the bait will be placed on the “approved” freshwater list or “prohibited” marine list. A freshwater organism that has been reviewed and not listed as “approved” is prohibited as bait. A marine organism that has been listed as “prohibited” is also prohibited as bait.

Application forms and lists of “approved” freshwater and “prohibited” marine bait will be made available on the Department’s website at <http://www.maine.gov/dmr/rm/lobster/index.htm> or by contacting the DMR Lobster Resource Coordinator at (207) 624-6550.

A. Application Process

Applications for approval shall contain the following information about the bait source:

- Name, address, email, and phone number of the applicant;
- Species including scientific name;
- Life cycle stage;

- Body part;
- Farm raised or wild;
- Relevant certifications (disease or pest free, hazard analysis & critical control point, etc.);
- Area of origin;
- Proposed date(s) of removal;
- Intermediate processing location(s) and contact information of processing facility, if applicable and
- Additional information necessary to determine if a bait source is safe for aquatic and human populations.

B. Review

The Commissioner shall evaluate the level of risk associated with the proposed introduction of a bait source into the marine environment by considering the potential impacts to the marine ecosystem and consumers. Each evaluation shall consider the probable effects of the introduction of the bait into the recipient area, including, but not limited to:

1. The effects of any previous introduction of the same or a similar species in Maine or other areas;
2. The relationship of the species of aquatic organism to be introduced with other members of the recipient area ecosystem; and
3. The potential effects of infectious or contagious pathogens, pests, parasites, or invasive species that might be associated with the species of aquatic organism to be introduced upon other members of the ecosystem of the recipient area.

The Commissioner may conditionally approve a bait source by establishing conditions necessary to prevent the spread of infectious or contagious pathogens, pests, parasites, or invasive species to aquatic or human populations. The Commissioner may remove a bait source from either list at any time in response to changed conditions or additional information that merits reconsideration of the initial review.

If a species/location is placed on the “prohibited” marine list or not included on the “approved” freshwater list, the applicant may petition for a permit to import the bait, subject to testing requirements, proof of chain of custody and/or other information as requested by the Commissioner.

The Department shall annually review and update the “approved” freshwater and “prohibited” marine bait lists.

C. Lobster/Crab Bait Dealer

Any person who purchases lobster or crab bait for other than their own use and then sells the bait as a wholesale or retail bait product, is considered a lobster/crab bait dealer.

D. Lobster/Crab Wholesale Bait Dealer Permit

All lobster/crab bait dealers shall obtain a wholesale dealer license with bait endorsement issued by the Department of Marine Resources. There will be no additional charge for the lobster endorsement.

Lobster/crab bait dealers are required to provide a list of baits sold the previous year and a list of baits that they plan to sell the following year, by February 1 annually. Detailed records of each shipment of bait imported into the State of Maine shall be maintained by the purchasing dealer for a minimum of 2 years. These records shall be made available to the Department upon request.

E. Effective Date

This rule shall become effective upon the issuance of approved and prohibited bait lists following an initial review by the Commissioner of marine or freshwater organisms for use as bait to fish for or take lobster or crabs. The approved and prohibited bait lists will be posted on the Department's web site. Copies of the lists will also be available from the Department.

25.12 Alternative bait labeling

Baits containing any substance not originating from the marine waters, which are sold in Maine for use in the lobster/crab fishery, must be labeled in a manner that clearly lists all ingredients contained in the bait, in descending order of volume. This includes, but shall not be limited to, binders and chemicals or other agents used to remove hair from bait hide. The labeling must appear on all product packaging that is utilized by the manufacturer for sale to the lobster or crab industry.

Manufacturers shall provide the Department of Marine Resources (address: Area Coordinator, State House Station 21, Augusta, Maine 04333) with a copy of the label containing the list of ingredients before the sale or distribution of any of the alternative bait product in Maine. The presence of any ingredient in an alternative bait product that is not contained in the label provided to the department shall be prima facie evidence of a violation of this rule.

25.15 V-notching Lobsters

1. Mandatory V-notching Requirement

All lobster fishers are required to v-notch all egg bearing female lobsters caught in the process of lobstering.

2. Zero Tolerance of V-notching

V-notched female lobster means any female lobster bearing a v-shaped notch of any size in the flipper next to and to the right of the center flipper as viewed from the rear of the female lobster. V-notched female lobster also means any female, which is mutilated in a manner, which could hide, obscure or obliterate such a mark. The flipper right of the center flipper will be examined when the underside of the lobster is down and its tail is toward the person making the determination.

25.20 Protected Resources [See Chapter 75]

25.40 Green Crabs

A. Definitions

- (1) **Green Crab.** The green crab is defined as the species *Carcinus maenas*, also known as the common shore crab.
- (2) **Green Crab Trap.** “Green crab trap” means a trap, pot or other stationary contrivance or device that may be set on the ocean bottom and used for taking green crabs in compliance with the regulations in Chapter 25.40(B)(1)(b).

B. Trap Design and Marking Requirements

- (1) It shall be unlawful to fish for or take green crabs with a trap other than:
 - (a) A trap constructed with any opening greater less than 1½ inch wide; any length is allowed; or
 - (b) An approved crab trap as defined in Chapter 25 02(C).
- (2) **Escape Panel.** All green crab traps must be equipped with a biodegradable escape panel located next to the bottom edge that has a minimum size of 3 ¾ inches by 3 ¾ inches.
- (3) **Marking.** It shall be unlawful to set, raise, lift or transfer any green crab trap unless it is clearly marked with a buoy that has the owner’s green crab fishing license number written on it. No floating or neutral line will be allowed. A green crab only license holder must display a buoy with the green crab license number, and the buoy must be mounted in a manner so that it is clearly visible on both sides of the boat.

C. Limitations

- (1) **Fishing Method.** Green crabs may be taken as a by-catch by DMR licensed commercial lobster fishermen or by traps that meet the design and marking requirements in Chapter 25.40(B), by hand, hook and line, or as by-catch in another licensed fishery.
- (2) **Trawl Trap Limit.** It shall be unlawful to have on a trawl more than 3 green crab traps on one warp and buoy.
- (3) **Fishing Area.** Fishing for green crabs shall be limited to the territorial waters of the State of Maine defined as all waters of the State within the rise and fall of the tide seaward to the 3-nautical-mile line as shown on the most recently published Federal Government nautical chart, but does not include areas above any fishway or dam when that fishway or dam is the dividing line between tidewater and fresh water.

- (4) **Lobster By-catch Prohibited.** The holder of a commercial green crab only license may not be in possession of any lobster or lobster parts in accordance with 12 M.R.S. §6808(8) or other marine organism in accordance with laws and regulations pertaining to the taking or possession of that species. Otherwise, any marine organism caught by a green crab trap other than green crabs shall be immediately liberated at the location of capture.
- (5) **Exemptions**
 - (a) **Personal Use.** A license is not required to fish for, take, possess or transport green crabs for personal use pursuant to 12 M.R.S. §6808(4).
- (6) **Enforcement.** Marine Patrol Officers may inspect, at any time, any trap or related equipment to ensure compliance with this regulation.
- (7) **Night prohibition.** It shall be unlawful to fish for or take green crabs during the period ½ hour after sunset, as defined in 12 M.R.S. §6001(46), until ½ hour before sunrise, as defined in 12 M.R.S. §6001(45).
- (8) **Bait.** Bait used in green crab traps shall comply with all applicable regulations pursuant to 12 M.R.S. §6175 and §6432-A and Chapter 25.11.

D. License

- (1) **License Required.** It is unlawful to take green crabs without a license pursuant to 12 M.R.S.A. §6808, or as a by-catch in another licensed fishery.

25.45 Crab Fishing Limitations

1. License Endorsement

It shall be unlawful to harvest crabs by drag from the EEZ unless the harvester holds a [Commercial Fishing – Single license with the Draggged Crab Permit endorsement or a Commercial Fishing – Crew license with the Draggged Crab Permit endorsement](#)*. There will be no additional charge for this permit. A lobster and crab fishing license issued pursuant to [12 M.R.S.A. §6421](#) is not required to obtain this endorsement in accordance with [§6421, sub-§4\(B\)](#).

*DMR License Division telephone (207-624-6550) or for online information select the following link: <http://www.maine.gov/dmr/license/index.htm>.

2. Limits

A. Possession Limits

- (1) For individuals taking draggged crabs as bycatch, it is unlawful to take, possess or land more than 200 pounds (90.7 kg) of crabs per day, not to exceed 500 pounds (226.8 kg) per trip.

- (2) For individuals fishing for or taking Jonah crabs recreationally, it is unlawful to fish for, take or possess more than 50 Jonah crabs per person per 24-hour day.

B. Size Limit

It is unlawful to take or possess a Jonah crab measuring less than 4.75 inches across the shell from tip to tip of the posterior-most, longest spines along the lateral margins of the carapace.

C. Prohibitions on Possession

- (1) It is unlawful to take or possess any egg-bearing, female Jonah crab.
- (2) While on board a vessel, it is unlawful to take or possess any Jonah crab, or part thereof, which is mutilated in a manner which makes accurate measurement impossible, except that a lobster and crab fishing license holder may take and possess a volume of crab claws detached at sea not to exceed five gallons..

D. Closed Seasons

(1) Closed Season Regulation on Fishing for Crabs in Sheepscot River

It shall be unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, from the waters inside and upstream of the following lines:

- (a) From the extreme tip of Phipps Point, Woolwich, to the southern tip of Hubbard's Point in Westport;
- (b) From the tip of Kehail Point, Westport, to the most southerly end of Barter's Island in the town of Boothbay;
- (c) Along the length of the Barter's Island Bridge and Knickerbocker Bridge, in the town of Boothbay.

(2) Closed Season on Fishing for Crabs in Damariscotta River

It shall be unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, in the Damariscotta River above a straight line drawn across the River from a point on the shore of Back Narrows on the west side of the River in the Town of Boothbay intersecting the southwestern point of Fort Island and the red nun navigational Buoy #10 to a point on the opposite shore in the Town of South Bristol.

(3) Closed Season on Fishing for Crabs in Medomak River

It is unlawful to fish for or take crabs, except green crabs from December 1 to April 30, both days inclusive, in the Medomak River, from the waters inside and upstream of a line drawn from the southernmost tip of Jones Neck in Waldoboro northwest to the southernmost tip of Hardy Island then true west to Keene Neck in Bremen, including all waters of Broad Cove, Eastern Branch and Western Branch.

25.50 Closed Season Regulation on Fishing for Crabs in Sheepscot River *(Repealed)***25.55 Closed season on fishing for crabs in Damariscotta River *(Repealed)*****25.60 Closed Season on Fishing for Crabs in Medomak River *(Repealed)*****25.65 Lobster and Crab Closure in Penobscot River**

It is unlawful to fish for or take lobsters or crabs by any means from the waters north of a line starting at the western most point of Perkins Point in the Town of Castine continuing in a northwesterly direction to the southern most point of Squaw Point on Cape Jellison in the Town of Stockton Springs. This section does not apply to equipment operated by the Department of Marine Resources.

25.70 Legal Lobster Tails

Except as provided in 12 MRS §6431-A(6-B), it shall be unlawful to buy, sell, give away, transport, ship or possess:

- A. Any cooked lobster tail meat less than $3 \frac{7}{32}$ inches or more than $6 \frac{3}{16}$ inches in length when laid out straight and measured from the proximal end of the deep flexor muscle to the far end of the sixth abdominal segment.
- B. Any lobster tails in the shell that weigh less than 2.7 ounces or more than 14 ounces.

25.75 Lobster Import/Export Permit

A. Definitions

(1) Oversize Lobsters

"Oversize lobsters" shall mean any lobster, which is more than 5 inches in length, as determined by the State lobster measure, in accordance with 12 M.R.S. §6431(1).

(2) DMR Seals

Shall mean a self-locking device, or waterproof paper seal preprinted with the letters "DMR import/export", sequentially numbered and issued by the Department of Marine Resources (DMR). Trucks, buildings, crates and other similar containers will utilize the plastic self-locking device in a manner that will prohibit entry or opening without destroying the plastic seal. Boxes and other similar containers will utilize the waterproof paper seal placed on the container in a manner that will prohibit the opening of the container without destroying the paper seal.

(3) Permit Holder

Shall mean a Wholesale Seafood License with Lobster permit holder as defined in 12.M.R.S. §6851, licensed by the Department of Marine Resources, who has applied for and been issued a Lobster Import/Export permit authorizing the activities set forth in this regulation.

(4) Pre-culling Storage Area

Shall mean a DMR approved and secure tank room, cooler or floatation pool. A pre-culling storage area may not hold any non-import/export lobsters.

(5) Shipment

Shall mean any lot of lobsters delivered to a permit holder that may contain oversize lobsters.

(6) Time of Receipt of Shipment

Shall mean the time of day when the truck seal is broken.

B. Permitted Activity by Lobster Import/Export Permit Holders

- (1) Oversize lobsters more than 5" in length (oversize) imported by a Maine Wholesale Seafood License with Lobster permit holder, under the authority of 12 M.R.S.A. §6431(6) and in accordance with this regulation, may be reconsigned or processed by the holder of a Lobster Processor License issued by the Department of Marine Resources. Oversized lobsters found in violation of this regulation shall be unlawful and subject to the penalties found in 12 M.R.S.A. §6431(7).

C. Transport of Shipment

DMR seals shall be used to secure cargo doors or containers in such a manner that they cannot be opened without breaking the seal. Seals shall not be reused.

- (1) Vehicles entering Maine for the purpose of delivering lobster shipments that contain oversize lobsters shall affix a DMR seal to the cargo door(s) immediately upon entering the state of Maine. The doors will remain sealed with DMR seals until the permit holder begins unloading the truck.
- (2) Vehicles receiving shipments of oversize lobsters in Maine must be sealed immediately.
- (3) Vehicle seals may be broken to unload or load additional product. Seals must be replaced before the vehicle continues.

D. Receipt of Shipment

Upon receiving a shipment containing oversize lobsters at a fixed place of business, a permit holder shall:

- (1) Immediately place the shipment in a DMR-approved pre-culling storage area; or
- (2) Immediately seal each crate in the shipment with DMR seals in accordance with sealing procedures stated in this regulation; or
- (3) Segregate the shipment so it is identifiable as pre-cull imported product from Canada, and remove oversize lobsters from the shipment within 24 hours of receipt of shipment.

If the 24-hour requirement cannot be adhered to, the permit holder will contact Marine Patrol to request additional time. The requests shall not be arbitrary. Multiple shipments utilizing the 24-hour option will be segregated in a DMR-approved manner that ensures shipments may be distinguished from one another. Oversize lobsters may not be released into a tank or pound.

E. Handling Procedures**(1) Sealing containers of oversize lobsters after removal from shipment**

All crates containing oversize lobsters shall be sealed with DMR seals in a manner that will prohibit the crate from opening without breaking the seal before being placed into a permit holder's tank, pound or cooler. Cardboard boxes or other similar containers shall be sealed with a DMR-issued paper seal in a manner that would cause the seal to be destroyed if container were opened. Seals shall not be reused.

- (2) The DMR seal may only be removed for the purposes of:
 - (a) Removing oversized lobsters for conveyance out of state or to another permit holder in accordance with Chapter 25.75(B);

- (b) Consolidation;
- (c) Removing dead or diseased lobsters, which shall be disposed of in accordance with the Department of Agriculture Hazard Analysis Critical Control Point (HACCP) regulation; or
- (d) Processing by the holder of a Lobster Processor License.

F. Record Keeping

1. All shipments containing oversize product must be documented as follows:
 - (a) A photocopy of the bill of lading;
 - (b) The total number of crates of oversize product culled from shipment;
 - (c) The seal numbers used to seal oversize product crates; and
 - (d) The time of receipt of shipment.
2. All cargo doors, pre-culling storage areas, containers and crates containing oversize lobsters sealed according to this regulation will be documented as follows:
 - (a) The seal number of any seal removed in accordance with Chapter 25.75(C)(3) or 25.75(E)(2) and date it was removed;
 - (b) The number of the seal; and
 - (c) The date the container was sealed.

25.80 Lobster Trap Construction Regulation

In addition to the escape vents required by 12 M.R.S.A. §6433, effective January 1, 1990, all traps used to fish for or take lobsters shall have an escape panel, designed as follows: Every lobster trap must have an unobstructed escape panel which is located in the parlor section on the sides or at the end, or on the top if the escape panel is placed directly over the head.

- A. Panels may be constructed of untreated natural material such as cotton, hemp, sisal, jute twine not exceeding 3/16 of an inch in diameter; non-stainless, uncoated ferrous metal not exceeding 3/32 inches in diameter or a soft wood lath.
- B. Any material may be used as a panel if it is held in place by any of the material listed in A.
- C. Panels must be constructed in such a manner as to create an unobstructed opening of at least 3 3/4" X 3 3/4 inches or an unobstructed opening at least 3 inches wide along the entire length or height of the parlor section when the panel is removed or opened.

25.82 Lobster Trap Maximum Size

1. It shall be unlawful to possess a lobster trap with a volume larger than 22,950 cubic inches.
2. **Exemptions**
 - A. The Commissioner may grant exemptions to this regulation in the interest of fairness, allowing the possession of lobster traps with a volume up to 30,100 cubic inches for up to five (5) years from the effective date of this regulation. Such exempted lobster traps must have been in use prior to January 1, 1998. In granting such exemptions, the Commissioner will consider, but not be limited to, the following factors:
 - (1) The length of time the lobster traps have been in use;
 - (2) The reasons that the larger lobster traps have been used in the past;
 - (3) Any financial hardship to the owner in replacing the larger lobster traps or reducing their size; and
 - (4) The protection of the resource.
 - B. Applications for exemptions from this regulation will be accepted for 60 days from the effective date of this regulation and can be obtained from the Department of Marine Resources, Hallowell Office, 21 State House Station, Augusta, Maine 04333.

25.85 Lobster Trap Escape Vent Dimensions

1. It shall be unlawful to fish for or take lobsters unless the lobster trap is equipped with unobstructed vents or gaps in the parlor section which are:
 - A. A rectangular or oblong escape vent not less than 1 15/16" by 5 3/4" and placed in accordance with 12 M.R.S.A. §6433(1)(A);
 - B. Two circular escape vents not less than 2 7/16" in diameter and placed in accordance with 12 M.R.S.A. §6433(1)(B);
 - C. A gap caused by separating both ends of 2 laths 1 15/16" and placed in accordance with 12 M.R.S.A. §6433(1)(C), (D) and (E).

25.90 Swans Island Area Lobster Trap Regulation

A. Definitions

The following terms, as used in these regulations, shall have the following meanings:

1. **Swans Island Lobster Conservation Area.** This is that portion of the waters in the vicinity of Swans Island, bounded and described as follows:

"Beginning at the northern tip of Long Point, Marshall Island, Hancock County, Maine; then northerly to the navigational buoy at the western entrance to Toothacher Bay (located at the intersection of Loran Lines 9960-W-12492.0 and 9960-X-25800.0); then northeasterly to West Point, Swans Island, Hancock County, Maine; then from Phinney Point on the northeastern shore of Swans Island southeasterly to the intersection of Loran lines 9960-W 12445.6 and 9960-X 25780.9 (68°22.40' W. Long., 44°08.79' N. Lat.) Hancock County, Maine; then southwesterly to the intersection of Loran lines 9960-W-12468.0 and 9960-X-25773.0 (68°23.6' W. Long., 44°06.4' N. Lat.); then south-southwesterly to the intersection of Loran lines 9960-W-12482.2 and 9960-X-25766.4 (68°24.01' W. Long., 44°04.8' N. Lat.); then southerly to the intersection of Loran Lines 9960-W-12493.5 and 9960-X-25758.4 (68°23.9' W. Long., 44°03.1' N. Lat.) and the intersection with the Three Mile Limit, as shown on NOAA, National Ocean Survey #13312; then southwesterly along the Three Mile Limit approximately 3.5 miles to a point where a line drawn southeasterly 165° True from the center of Black Ledges intersects the Three Mile Limit at Loran lines 9960-W-12524.5 and 9960-X-25765.5 (68°28.6' W. Long., 44°01.9' N. Lat.); then northwesterly 345° True to the center of Black Ledges; then northwesterly to the most southerly point of Marshall Island; thence along the westerly shore of Marshall Island to the point of beginning."

2. **Registrant**

A person who registers, under Subsection C of this regulation. All registered persons will be registered from the time of registration until the end of the calendar year and must comply with all of the provisions of this regulation during that time.

3. **Sternman**

A person who regularly accompanies the registrant on board a lobster fishing boat throughout the period of the year in which this registrant has traps in the water, and who is hired or otherwise retained by such registrant to assist in lobster fishing operations.

4. **Local Committee**

A local committee composed of the registrants of the Swans Island Lobster Conservation Area that is established to provide advice to the Commissioner on issues affecting the Swans Island Lobster Conservation Area.

B. **Prohibitions**

No person shall place or maintain any trap for lobsters, or otherwise fish for or take lobsters, within the Swans Island Lobster Conservation Area except as provided by and in accordance with the terms of this regulation.

C. Registration

1. Eligibility

The Commissioner shall require an annual registration of any Class I, II, or III lobster and crab fishing license holder who is requesting to fish the Swans Island Lobster Conservation Area and who meets one of the following criteria;

- (a) The person documents to the Commissioner that he or she was registered in the prior season in Lobster Zone B; or
- (b) The person documents to the Commissioner that he or she was registered but did not harvest lobsters due to a medical condition; or
- (c) The person is eligible except for the suspension of their lobster license.

D. Tags

Each lobster trap maintained by a registrant must display a special numbered tag supplied by the Commissioner. Tags shall be replaced annually, when supplied by the Commissioner. Not more than three traps may be attached to a warp and lobster buoy.

A registrant may place and maintain a total of not more than the maximum allowable number of lobster traps indicated below. Each such trap shall bear the appropriate tag.

1. Trap Limit

Maximum Allowable Number of Lobster Traps and Tags

600

2. Registrant's Presence Aboard

It is unlawful for any person, except the registrant as defined under Chapter 25.90(A)(2) to set, haul, retrieve, or otherwise tend to lobster traps or to take lobsters from the waters of the Swans Island Lobster Conservation Area.

- (a) In the event of an incapacity or other disability occurring during the open fishing season, the Commissioner or the Commissioner's representative, upon receipt of such notice in writing, may allow a properly licensed substitute to fish on behalf of the registrant, but that substitute must use the registrant's vessel.

3. Lost Tag Replacement

The Commissioner, through his representatives, may issue additional tags to compensate for lobster traps and tags lost, up to 10% of the number of tags issued in that year to the registrant. In the event of catastrophic loss, the Commissioner may issue additional replacement tags in excess of this 10% limitation but may require that a hearing first be held in order to obtain satisfactory evidence of such loss.

E. Other Laws

Registrants shall comply with all other laws and regulations applicable to the trapping or other taking of lobsters.

F. Enforcement

The Department's authorized representatives may inspect at any time any trap or related gear to insure compliance with this regulation. The absence of tags attached to lobster traps as required hereunder shall be prima facie evidence of a violation of this regulation.

G. Local Committee

1. Duties

The Committee shall advise the Commissioner on all aspects of the management of the lobster fishery in the area. This will include, but not be limited to, trap limits, tag replacement, eligibility to register, reporting of biological data, enforcement concerns, and modifications of this regulation.

2. Composition

The Committee shall be composed of 5 members, as follows:

- (a) Three (3) lobstermen residing on Swans Island who have registered in accordance with this regulation, and who are elected pursuant to Chapter 25.90(G)(3); and
- (b) One (1) lobsterman residing on Swans Island who has registered in accordance with this regulation and is the Swans Island District representative to Lobster Zone Council B; and
- (c) One (1) lobsterman, not a resident of Swans Island, who is elected pursuant to Chapter 25.90(G)(3).

3. Election

Fishermen who are registered in accordance with this regulation shall meet annually on the second Tuesday of June to elect members of the Committee. Member(s) shall be elected for two-year terms. Member's terms are to be staggered, and members may be re-elected.

4. Chair and officers

The Committee must elect a chair and a secretary whose duty it shall be to keep a record of meetings and present to the Commissioner the recommendations of the Committee in accordance with Chapter 25.90(G)(1).

5. Removal of Council members

A Committee member whose Maine State Lobster license is suspended, revoked, or who fails to renew the Maine State Lobster license shall automatically be removed from the Committee. A Committee member who misses three consecutive meetings without notifying the Chairman of the intended absence from a meeting may be removed from the Committee by affirmative vote of the Committee.

H. **Meetings of Members**

1. **Regular meetings**

The Committee shall meet at least quarterly per year or more often as needed to address issues of importance concerning the area. Committee meetings shall be open to the public.

2. **Notice of meetings**

Notice of meetings shall be provided at least one week prior to the meeting and shall set forth the date, time and place that the meeting is to be held.

3. **Special meetings**

The Chairman may call special meetings, as needed, and public notice shall be posted.

4. **Voting**

The right to vote on any matter or matters at any meeting is restricted to the members of the Committee.

5. **Quorum**

A quorum is a majority of the members of the Committee. The members present at a duly called meeting at which a quorum is not present may continue to discuss business at the meeting but no vote may be taken.

6. **No Action By Committee Members Without A Meeting**

No action may be taken by Committee members without a meeting being held thereon.

7. **Vacancies**

Any vacancy occurring in the membership of the Committee including vacancies created by reason of resignation, ineligibility, death, or change in the number of Committee positions shall be filled.

I. **Sub-Committees**

The Chairman may appoint one or more sub-committees, each of which shall consist of at least two members. The Chairman may also designate additional non-Committee persons to any such sub-committees. A sub-committee shall be established to perform certain tasks as designated by the Chairman, such tasks shall be consistent with the purposes of the Committee. The sub-committee shall report its recommendations to the Committee. Such sub-committees shall not have the authority of the Committee.

- J. A violation of any provision of Chapter 25.90 shall be a civil violation, in addition, the registrant's right to fish within the Swan's Island Conservation Area described in 25.90(B)(1) may be suspended by the Commissioner for the remainder of that fishing year as determined by 25.90(C).

25.93 Management Framework for Limiting Lobster Fishing Effort on a Local or Regional Basis - Operational Rules

A. **Definitions**

The following terms, as used in these regulations, shall have the following meanings, unless a different meaning is required by the context:

(1) **Election District**

"Election district" means one of a series of contiguous geographic areas within a lobster management zone which is created by a lobster management policy council for the purpose of electing representative voting members of the councils. The election districts are defined in the by-laws of the council and may be harbors or discrete fishing areas within the zone.

- (2) **Declared lobster zone.** "Declared lobster zone" means the zone identified on a lobster and crab fishing license pursuant to 12 M.R.S. §6446(1-A).

(3) **Lobster License Holder**

"Lobster license holder" means a person who holds a Class I, II, or III lobster and crab fishing license issued under 12 M.R.S. §6421.

(4) **Lobster Management Policy Council**

"Lobster management policy council" means the group of locally elected lobster license holders and an appointed non-voting legislative member who may submit proposed effort limitation rules to referendum within a lobster management zone and to the Commissioner.

(5) **Lobster Management Zone**

"Lobster management zone" means one of seven areas within the waters of the State for which lobster fishing effort limitations may be established by the Commissioner upon the recommendation of the corresponding lobster management policy council.

(6) **Lobster Fishing Effort Limitation**

"Lobster fishing effort limitation" means a regulation on the maximum number of lobster traps that may be fished by an individual license holder or two or more lobster license holders who fish from the same boat, the maximum number of traps on a trawl line, or the time of day when lobster fishing may occur.

(7) **Referendum**

"Referendum" means the submission of a proposed lobster fishing effort limitation for a lobster management zone to a direct vote by the lobster license holders eligible to vote in a lobster management zone.

(8) **Trap Limit**

"Trap limit" means the maximum number of lobster fishing traps that a lobster license holder may submerge from a boat in the waters of the State.

(9) **Trawl Limit**

"Trawl limit" means the maximum number of lobster traps that a lobster license holder may attach to a line submerged in the waters of the State.

(10) **Lobster Fishing Year**

"Lobster fishing year" means the 12 month season from June 1 through May 31.

(11) **Exclusive Economic Zone**

The term 'exclusive economic zone' means the zone established by Proclamation 5030, of March 10, 1983, 48 FR 10605, issued by President Reagan.

B. Lobster Fishing Effort Limitations

(1) Fishing effort in the lobster fishery may be limited only through one or more of the following methods:

(a) a limit or limits on the number of traps fished by an individual lobster license holder or two or more lobster license holders who fish from the same boat fishing in a particular lobster management zone and the time periods allowed for complying with that number,

(b) a limit on the number of lobster traps allowed on a trawl fished in a particular lobster management zone, and

- (c) a limit on the time of day when lobster fishing may occur in a particular lobster management zone.
 - (d) Any limitation proposed by a council must be stricter than current law.
- (2) Lobster fishing effort limitations using one or more of the above methods may vary among the lobster management zones established under Chapter 25.93(C)(1).
 - (3) Where the Commissioner has not adopted different lobster fishing effort limitations under Chapter 25.93(D), the trap limits established in 12 M.R.S. §6431-A, the closed periods in §6440, and the trap and trawl limits for specific fishing areas in §6439, §6439-A, and in Chapters 25 and 55 of these regulations shall apply.
 - (4) An applicant for the issuance or renewal of a lobster and crab fishing license must, pursuant to 12 M.R.S. §6446(1-A) declare the lobster management zone in which that person intends to fish a majority of that person's lobster traps. If the applicant intends to fish in more than one lobster management zone that person must also list for inclusion on their license all other lobster management zones in which that person intends to fish. A lobster license holder may not place traps in a lobster management zone that has not been declared or listed on that person's license at the time of application for issuance or renewal. The declaration shall be on forms provided by the Commissioner and may be changed only at the time of license renewal.
 - (5) A lobster license holder may fish for lobsters in any lobster management zone, provided that all lobster management zones in which traps will be placed are declared or listed in accordance with Chapter 25.93(B)(4) above at the time of application for license issuance or renewal. If a lobster license holder declares or lists more than one lobster management zone and the lobster trap limits in those zones differ, the total number of trap tags purchased may not exceed the lowest trap limit applicable in any of the lobster management zones declared or listed by that license holder.
 - (6) A license holder may not surrender trap tags during the fishing year for the purposes of fishing in another zone.

C. **Lobster Management Policy Councils**

- (1) **Establishment** -- Seven lobster management policy councils, corresponding to the seven lobster management zones established under Chapter 25.94(1), are established.
- (2) **By-laws** -- Each council shall abide by a set of by-laws governing its procedures. The by-laws shall establish the maximum number of voting members to be elected to the council and election districts from which each voting member is to be elected. The number of voting members shall be an odd number and shall allow each member to represent approximately the same number of lobster license holders unless geographic conditions warrant otherwise. The by-laws may require the appointment of a non-voting representative to the council of each

adjacent lobster management zone. The by-laws may create subcommittees of the council members and lobster license holders. The council may change the by-laws at any time.

The Commissioner must approve any by-law or amendments thereto before it may become effective for use by the zone council.

- (3) **Annual Elections and Term** -- Each council shall hold an annual election by July 31 of each year to re-elect or replace the elected members whose terms are expiring within the year. Council members shall have terms of three years.
- (4) **Election of Council Members** -- Election of council members shall be by a plurality vote of eligible voters from the lobster management zone participating in the election as defined under 12 M.R.S. §6447(7). Each voting member shall have one vote in each election for each council member from the district declared on the individual's lobster and crab fishing license application at the time of issuance or renewal. The vote shall be by secret mailed ballot and the ballots shall be collected by the Department of Marine Resources. The ballots shall be tallied, and the results shall be made known to the Commissioner and to the members of the lobster management zone.

To be elected a council member, the member must receive the most votes from the voting members of the district in which the council member is to represent who are eligible to and do vote. A person must hold a valid class I, II, or III lobster and crab fishing license and be at least 18 years of age to become a member of the council.

- (5) **Notice of Meetings** -- Written notice for regular meetings or special meetings, setting forth the date, time and place that the meeting is to be held shall be posted prior to the meeting at public places, by way of example but not limited to newspapers, fishermen cooperatives, town halls, etc.
- (6) **Vacancies** -- Any vacancy occurring in the membership of the lobster policy management council including one created by reason of resignation, ineligibility, or death shall be filled by the candidate from the most recent annual election who received the second greatest number of votes. If no such candidate is available or is willing to serve as district representative, then a special district election will be held in accordance with Chapter 25.93(C)(4). Council members elected to fill a vacancy shall serve for the remainder of the vacated member's term.
- (7) **Removal of Council Members** -- A council member whose lobster and crab fishing license is suspended, revoked or who fails to renew the lobster and crab fishing license shall automatically be removed from the lobster policy management council. A council member who misses three consecutive meetings without notifying an officer or other council member of the intended absence from a meeting, may be removed from the council by affirmative vote of the council. Replacement of vacant seats shall be made in accordance with the procedures of Chapter 25.93(C)(6).
- (8) **Replacement of Council Members** -- Members of an election district within the lobster management zone may petition the lobster policy management council to

request a special election for purposes of replacing the incumbent council member representing that district by voting on a new district member. The petition must have the signatures from ½ of the members of the district to be valid. The lobster policy management council cannot reject the petition without just cause. In the event of acceptance of the petition by the council, a special district election will be held in accordance with Chapter 25.93(C)(4). In the event of rejection by the council, the petitioners may appeal the lobster policy management council's decision to the Commissioner who may determine that a special election shall be held.

- (9) **Creation of a New District** -- A special district election shall be held in accordance with the procedures of Chapter 25.93(C)(4) in the event of the creation of a new district.
- (10) **Council Decisions** --The council may conduct its business and decide all issues by consensus except the decision to hold a referendum on lobster fishing effort limitations. This decision must be approved by a majority of the council members present and voting. Each voting council member shall have one vote. No vote is binding unless a quorum of two thirds of the council members are present and voting.
- (11) **Referendum Procedures** -- After a council votes to hold a referendum, the referendum question shall be mailed to all eligible license holders who have designated that zone as their declared zone. The referendum ballots will include a postage-paid return address at the Department of Marine Resources. The council may submit a proposed effort limitation rule to the Commissioner if it is approved by two-thirds of those voting in the referendum.
- (12) **Frequency of Referenda** -- If a referendum on a lobster fishing effort limitation category, as defined in 12 M.R.S. §6447(5)(A), (5)(B), or (5)(C), is voted on through the process defined in Chapter 25.93(C)(11), a referendum on the same category of lobster fishing effort limitation may not be proposed for a minimum of 12 months from the date the referendum vote is due to the Department. By way of example, if a referendum is held on the total number of traps fished and the time periods allowed for complying with that number as permitted under 12 M.R.S. §6447(5)(A), no other referenda permitted under that subsection may be voted on for 12 months. A zone council may limit the frequency of a referendum on a lobster fishing effort limitation category for up to 36 months from the date the referendum vote is due to the Department. The zone council must inform the Commissioner in writing of the frequency of a future referendum at the time at which the initial referendum has been voted on and the results are made know to the Commissioner.
- (13) **Petition Process for Referenda** -- Members of a lobster management zone may petition the lobster policy management council for a referendum vote. If one-third of the eligible voters within a lobster management zone sign a petition for a referendum to be proposed for a vote in the lobster management zone, the lobster policy management council may submit that proposal as a referendum ballot. All petitions are subject to the frequency criteria as described in Chapter 25.93(C)(12). If the lobster policy management council votes not to submit a petition proposal to

the membership of the lobster management zone for a vote, the council must report in writing to the Commissioner explaining the reason for denial.

- (14) **Voter Qualifications** -- Only those lobster license holders who designated the zone as their declared zone, at the time of license issuance or renewal, are eligible to vote in the elections of council members and in referendums on proposed lobster fishing effort limitations for that zone. To be eligible to vote, a person must be at least 18 years of age. Each person eligible to vote in a council election or referendum shall have one vote.
- (15) **Disputes** -- Questions about possible irregularities in council elections and referendums shall be referred to the Commissioner, who will investigate the complaint and report to the council. The Department shall retain the ballots for at least seven years following the referendum.

D. Commissioner's Approval of Council Rules Limiting Fishing Effort

If a lobster management policy council recommends a rule to limit lobster fishing effort in its zone after approval in a referendum held pursuant to Chapter 25.93(C)(11), the Commissioner may adopt and publish the rules verbatim or may adopt and publish rules that accurately reflect the intent of the council's recommendation. The Commissioner may reject the proposed rule if it is found to be unreasonable.

E. Limited Entry Guidelines for Lobster Management Zones

(1) **Commissioner's Approval of Survey**

The Commissioner must approve any survey form developed by a lobster management policy council to determine an exit ratio pursuant to 12 M.R.S. §6448 before that survey is conducted.

(2) **Proposed Exit Ratio**

A lobster management policy council may submit to the Commissioner for rulemaking more than one proposed exit ratio, however the council must indicate a preferred option. The Commissioner may choose to propose rulemaking on one or more exit ratio(s) for public comment.

(3) **Future Action on Exit Ratio**

Once an exit ratio is adopted for a limited-entry zone, the lobster management policy council for that zone will not vote to conduct a survey or make a proposal to the Department for a new exit ratio, and the Department will not propose or adopt a new exit ratio for that zone, for a minimum of 24 months from the effective date of the regulation setting the exit ratio.

If an exit ratio is not adopted, after a survey has been conducted in the zone and a lobster policy management council has made a recommendation to the Commissioner regarding an exit ratio, the lobster policy management council may not vote to conduct another survey for 36 months from the date of the previous vote by the lobster policy management council to conduct a survey.

(4) **Lower Limit of Tags**

If the number of Class I, II and III lobster and crab trap tags in a limited-entry zone is reduced by 30% or more than the number of such tags in that zone as of December 31, 1997, then the following shall occur:

- (a) Prior to making any change in the exit ratio the Commissioner shall meet with the affected lobster management policy council to discuss the present status of the lobster fishery within that zone.
- (b) The Commissioner shall make a final determination regarding any change that may occur to the exit ratio based on consideration of the history and trends of both licenses and tags within the zone, the effects that limited-entry has had within the zone and the effects any change in the exit ratio would have on both the present lobster fishery within the zone, as well as the future of the lobster fishery within the zone. In no instance shall the commissioner amend the exit ratio to be more restrictive than 1:1.

F. **Exit Ratios for Limited-Entry Zones**

(1) **Procedures for the Apprentice Waiting List**

- (a) A person wishing to enter a limited-entry zone must make application to the Department and the Department shall evaluate the applicant's eligibility, in accordance with §6421(5) and §6448 and this rule.
- (b) By April 1 of each year, the Department shall calculate the number of licenses to be awarded to new entrants for each limited-entry zone for that calendar year in accordance with §6448 and this rule. The exit ratio shall be as follows:
 - (i) **Zone D** – one license awarded to a new entrant for every 4,000 tags retired by individuals who held a Class I, II or III lobster and crab fishing license in the previous calendar year and who exited the zone making an entry to exit ratio of 1:5.
 - (ii) **Zone E** - one license awarded to a new entrant for every 5 licenses retired by individuals who held a Class I, II or III lobster and crab fishing license in the previous calendar year and who exited the zone making an entry to exit ratio of 1:5.
 - (iii) **Zone F** - one license awarded to a new entrant for every 4,000 tags retired by individuals who held a Class I, II or III lobster and crab fishing license in the previous calendar year and who exited the zone, making an entry to exit ratio of 1:5.
 - (iv) **Zone G** - one license awarded to a new entrant for every 4,000 tags retired by individuals who held a Class I, II or III lobster

and crab fishing license in the previous calendar year and who exited the zone, making an entry to exit ratio of 1:5.

- (v) **Zone B** - one license awarded to a new entrant for every 3 licenses retired by individuals who held a Class I, II or III lobster and crab fishing license in the previous calendar year and who exited the zone, making an entry to exit ratio of 1:3.
 - (vi) **Zone A** - one license awarded to a new entrant for every 3 licenses retired by individuals who held a Class I, II or III lobster and crab fishing license in the previous calendar year and who exited the zone making an entry to exit ratio of 1:3.
 - (vii) **Zone C** - one license awarded to a new entrant for every 1 license retired by individuals who held a Class I, II or III lobster and crab fishing license in the previous calendar year and who exited the zone making an entry to exit ratio of 1:1.
- (c) For lobster zones that opt to use trap tags not renewed in their exit ratio calculations, the number of traps tags retired by individuals is the total of the greatest number of trap tags purchased in any prior year up to the current zone maximum under each license that is not renewed.
 - (d) The number of licenses awarded to new entrants for a limited-entry zone shall be rounded to the nearest whole number. Fractions of .5 and greater shall be rounded up to the nearest whole number. Fractions of .4 and less shall be rounded down to the nearest whole number. (For example, if the exit ratio is 1:3 and 100 licenses are not renewed, the resulting 33.3 will be rounded down to 33 new zone entrants. If the exit ratio is 1:2 and 25 licenses are not renewed, the resulting 12.5 will be rounded up to 13 new zone entrants.)
 - (e) Once the number of new zone entrants to be awarded a license for a limited-entry zone has been calculated for each limited-entry zone, a list of authorized new zone entrants shall be determined from the waiting list pursuant to 12 M.R.S. §6448.
 - (f) Authorized new zone entrants will be informed in writing and mailed a license application form by the Department by certified mail.
 - (g) Authorized new zone entrants must submit their license application, correctly filled out for the same zone as their declared zone form, with correct fees and documentation to the Department. The application must be received within 30 days of receipt of notice by the Department or the new zone entrant will lose their authorization to qualify for a limited-entry zone.
 - (h) If an authorized new zone entrant has not complied with (f) above, the next person on the waiting list for the limited-entry zone, if any, will be sent a license application and have 30 days to comply in the same manner.

(2) **Procedures for the Transfer Waiting List**

- (a) A Class I, II or III lobster license holder wishing to transfer into a limited-entry zone must make application to the Department by completing a Lobster Zone Declaration form.
- (b) Class I, II or III lobster license holders on the lobster waiting lists as of the effective date of this rule will be removed from those waiting lists and placed on a separate single “transfer waiting list” based on their current eligibility date on the waiting lists.
- (c) Class I, II or III lobster license holders who want to be placed on the transfer waiting list will be placed on the list in the order of the time and date upon which the Department receives the request using the Lobster Zone Declaration Form.
- (d) By April 1 of each year, the Department will begin at the top of the transfer waiting list, and determine if there are any corresponding transfers of fishermen wishing to transfer in the opposite direction (e.g., Zone A to Zone B, and Zone B to Zone A). The Department will authorize all transfers for which matches are available and eligible.
- (e) In order to be eligible to transfer, a fisherman must have demonstrated landings of at least 5,000 lbs. in any two of the three (3) prior calendar years.
- (f) Authorized transfers will be informed in writing and mailed a transfer application form by the Department by certified mail.
- (g) Authorized transfers must submit their transfer application, within 30 days of receipt of notice by the Department or the transfer will lose their authorization.
- (h) If an authorized transfer has not complied with (g) above, the next person on the waiting list who wishes to transfer into that zone, if any, will be sent an authorization and have 30 days to comply in the same manner.
- (i) A transfer will be not be completed for either license holder, until both license holders have submitted their transfer application form and demonstrated their eligibility.

(3) **Implementation Schedule**

Any exit ratio established for a limited-entry zone shall be implemented concurrent with the licensing year following adoption.

25.94 Lobster Management Zones

1. Seven lobster management zones, labeled as Zones A to G from east to west, are established.

2. The boundaries of the lobster management zones are as follows:

a. **Zone A**

Eastern Line - International Boundary Line Canada and U.S. (Maine) extending to and following the Exclusive Economic Zone boundary to the point where it intersects with the Eastern boundary of lobster Zone B.

Western Line - The Southern tip of Schoodic Point at 44° 19.900' N and 068° 03.609' W and running due South 180° Magnetic to 43° 45.427' N and 067° 50.122' W, and then continuing South 180° magnetic to the Exclusive Economic Zone boundary.

b. **Zone B**

Eastern Line - The Southern tip of Schoodic Point at 44° 19.900' N and 068° 03.609' W and running due South 180° Magnetic to 43° 45.427' N and 067° 50.122' W, and then continuing South 180° magnetic to the Exclusive Economic Zone boundary.

Western Line - Starting at the southernmost end of Newbury Neck following a straight line to a point ¼ mile due east of Pond Island at 44° 13.7' N, 068° 27.8' W; then to the easternmost point of Black Island; then to the navigation buoy R "8" at the western entrance of York Narrows; then south to Swans Island Head; then continuing along the southwestern shore of Swans Island to West Point; then following the western boundary of the Swans Island Lobster Conservation Area (Chapter 25.90(A)(1)) southerly to a point at 44° 01.9' N, 068° 28.6' W (where Loran lines 9960-W-12524.5 and 9960-X- 25765.5 intersect the 3-mile limit), as identified on National Oceanographic and Atmospheric Administration nautical charts; then South 180° magnetic to 43° 32.664' N, 068° 17.284' W, then continuing South 180° magnetic to the EEZ boundary.

c. **Zone C**

Eastern Line – Starting at the southernmost end of Newbury Neck following a straight line to a point ¼ mile due east of Pond Island at 44° 13.7' N, 068° 27.8' W; then to the easternmost point of Black Island; then to the navigation buoy R "8" at the western entrance of York Narrows; then south to Swans Island Head; then continuing along the southwestern shore of Swans Island to West Point; then following the western boundary of the Swans Island Lobster Conservation Area (Chapter 25.90(A)(1)) southerly to a point at 44° 01.9' N, 068° 28.6' W-(where Loran lines 9960-W-12524.5 and 9960-X- 25765.5 intersect the 3-mile limit), as identified on National Oceanographic and Atmospheric Administration nautical charts; then South 180° magnetic to 43° 32.664' N, 068° 17.284' W, then continuing South 180° magnetic to the EEZ boundary.

Western Line - Head of the Cape, Cape Rosier at 44° 18.722' N, 068° 49.608' W (LORAN lines intersection 12512-25904), thence SSW to 44° 10.492' N, 068° 55.574' W (12605-25885), SW to 44° 06.136' N, 069° 00.000' W (LORAN 12662-25878),

S to 44° 04.506' N, 069° 00.014' W (LORAN 12673-25871),
 SSE to 44° 00.788' N, 068° 59.475' W (LORAN 12696-25852),
 SSE to 43° 58.011' N, 068° 58.023' W (LORAN 12707.5-25833),
 WSW to 43° 57.821' N, 068° 58.689' W (LORAN 12713-25834),
 SSW to 43° 56.863' N, 068° 58.845' W (LORAN 12720-25830),
 SE to 43° 55.285' N, 068° 55.000' W (LORAN 12710-25810),
 WSW to 43° 54.265' N, 068° 58.330' W (LORAN 12736-25816),
 S to 43° 50.997' N, 068° 58.313' W (LORAN 12757-25799),
 W to 43° 51.001' N, 069° 00.107' W (LORAN 12767-25805),
 SSE to 43° 46.565' N, 068° 59.298' W (LORAN 12794-25780),
 SW to 43° 44.878' N, 069° 01.974' W (LORAN 12820-25780),
 SE to 43° 35.084' N, 068° 50.076' W (LORAN 12820-25690),
 S 180° Magnetic to 43° 19.633' N, 068° 44.245' W,
 thence South 180° Magnetic to the Exclusive Economic Zone.

d. **Zone D**

Eastern Line - Head of the Cape, Cape Rosier at 44° 18.722' N, 068° 49.608' W
 (LORAN lines intersection 12512-25904),
 thence SSW to 44° 10.492' N, 068° 55.574' W (12605-25885),
 SW to 44° 06.136' N, 069° 00.000' W (LORAN 12662-25878),
 S to 44° 04.506' N, 069° 00.014' W (LORAN 12673-25871),
 SSE to 44° 00.788' N, 068° 59.475' W (LORAN 12696-25852),
 SSE to 43° 58.011' N, 068° 58.023' W (LORAN 12707.5-25833),
 ENE to 43° 58.194' N, 068° 57.381' W (LORAN 12703-25832),
 SSE to 43° 57.309' N, 068° 57.226' W (LORAN 12707-25827),
 SE to 43° 55.688' N, 068° 53.662' W (LORAN 12700-25807),
 WSW to 43° 55.285' N, 068° 55.000' W (LORAN 12710-25810),
 WSW to 43° 54.265' N, 068° 58.330' W (LORAN 12736-25816),
 S to 43° 50.997' N, 068° 58.313' W (LORAN 12757-25799),
 W to 43° 51.001' N, 069° 00.107' W (LORAN 12767-25805),
 SSE to 43° 46.565' N, 068° 59.298' W (LORAN 12794-25780),
 NE to 43° 47.452' N, 068° 57.853' W (LORAN 12780-25780),
 SE to 43° 44.669' N, 068° 54.350' W (LORAN 12780-25755),
 S 180° Magnetic to 43° 35.084' N, 068° 50.076' W (LORAN 12820-25690),
 S 180° Magnetic to 43° 19.633' N, 068° 44.245' W,
 thence South 180° Magnetic to the Exclusive Economic Zone.

Western Line - Starting at the southern tip of Pemaquid Point, thence following
 a straight line 177° Magnetic to a point at 43° 48.1' N, 069° 30' W, thence 180°
 True South to the point at 43° 39.0' N, 069° 30.0' W (where Loran line 13020
 intersects 69°30.0' W Longitude), then South 180° Magnetic to 43° 02.567' N,
 069° 16.429' W, thence South 180° Magnetic to the Exclusive Economic Zone.

e. **Zone E**

Eastern Line - Starting at Pemaquid Lighthouse, thence following a straight line
 192° Magnetic to a point at 43° 48.1' N, 069° 30.0' W, thence 180° True South
 to the point where Loran line 13020 intersects 69° 30' W Longitude (43° 39' N

Latitude, 69° 30' W Longitude), then South 180° Magnetic to 43° 02.567' N, 069° 16.429' W, thence South 180° Magnetic to the Exclusive Economic Zone.

Western Line - Beginning at Newbury Point in Small Point Harbor, Phippsburg, then proceeding SSW to N"2", then proceeding SSE to "2BH", then proceeding due south magnetic to the intersection of the 3-mile limit as identified on National Oceanic and Atmospheric Administration, National Ocean Survey nautical chart #13288 (43° 38.73' N, 69° 49.95' W), then following the 3-mile limit to the coordinates 43° 38.87' N, 69° 48.82' W, then South 180° Magnetic to 42° 53.505' N, 069° 32.180' W, then proceeding due south 180° magnetic to the Exclusive Economic Zone.

f. **Zone F**

Eastern Line - Beginning at Newbury Point in Small Point Harbor, Phippsburg, then proceeding SSW to N"2", then proceeding SSE to "2BH", then proceeding due south magnetic to the intersection of the 3-mile limit as identified on National Oceanic and Atmospheric Administration, National Ocean Survey nautical chart #13288 (43° 38.73' N, 69° 49.95' W), then following the 3-mile limit to the coordinates 43° 38.87' N, 69° 48.82' W, then South 180° Magnetic to 42° 53.505' N, 069° 32.180' W, then proceeding due south 180° magnetic to the Exclusive Economic Zone.

Western Line - A straight line from the active lighthouse at Two Lights Cape Elizabeth to 43° 31.80' N, 070° 08.56' W near the C "1" East Hue & Cry buoy; then proceed WSW following the 3-mile limit as identified on National Oceanic and Atmospheric Administration nautical charts, to 43° 29.275' N, 070° 11.770' W (Loran line 13340), then South 180° Magnetic to 42° 13.910' N, 069° 44.626' W, thence due South 180° Magnetic to the Exclusive Economic Zone.

g. **Zone G**

Eastern Line - Beginning at 43° 41.550' N, 070° 14.650' W, (a point on Presumpscott River Bridge that intersects with Loran line 13280), thence proceed SSE 159° Magnetic to 43° 32.875' N, 070° 05.920' W (a position where Loran line 13280 intersects with the 3-mile limit as identified on National Oceanic and Atmospheric Administration nautical charts), then South 180° Magnetic to 42° 22.424' N, 069° 40.0' W, thence due South 180° Magnetic to the Exclusive Economic Zone.

Western Line - Seaward extension of the Maine - NH border to 43°02'42"N 70°42'06"W to 42°58'55"N 70°37'39"W to 42°58'45"N 70°36'43"W.

3. The Commissioner may change a final boundary line at any time upon the request of the two lobster management policy councils whose zones are divided by that line. The Commissioner shall publish notice of the new boundary line in a newspaper of general circulation in the two affected zones.

25.95 Monhegan Island Area Lobster Trap Regulation

1. Monhegan Island Lobster Conservation Area

A. Definitions

(1) Registrant

A person who has met the requirements of 12 M.R.S.A. §6474. All registered persons will be registered until July 31st of the following year and must comply with all of the provisions of this regulation during that time.

(2) Lapsed Registrant

A person who was registered in 1997 or thereafter but who did not meet the eligibility requirements for any subsequent season or seasons.

(3) Local Committee

A local committee of the registrants of the Monhegan Island Lobster Conservation Area that is established to provide advice to the Commissioner on issues affecting the Monhegan Island Lobster Conservation Area. At least two thirds of the registrants must serve on this committee.

B. Season

The open season for registrants of the Monhegan Lobster Conservation Area shall begin annually on October 1 and end on June 7, both days inclusive, except that in leap years the season shall end on June 6.

C. Local Committee

This committee shall meet at least once per year or as needed to address issues of importance concerning the area. The committee shall advise the Commissioner on all aspects of the management of the area. This will include, but not be limited to season designation, trap limits, tag replacement, eligibility to register, reporting of biological data, and enforcement concerns. The committee must elect a chair whose duty it shall be to keep a record of meetings and present to the Commissioner the findings of the committee. All registrants shall endeavor to serve on the local committee.

(1) Amending the open season

In order to recommend an amendment to the open season, the local committee shall by August 1st recommend in writing to the Commissioner the proposed changes to the season. This recommendation must be approved by at least two thirds of the registrants who vote in a poll conducted by the local committee.

(2) Lost Tags

The Commissioner may issue replacement tags up to 10% of the total issued for that year upon receipt of satisfactory evidence of the loss. The Commissioner may require the local committee to validate such requests for replacement tags. The tags will be available on Monhegan through the committee. In the event of catastrophic loss, the Commissioner may issue in excess of the 10% and may require that a hearing be held in order to obtain satisfactory evidence of the loss.

D. Eligibility to Register in Monhegan Lobster Conservation Area

(1) Eligibility for seasons following the 1998-1999 Season

Pursuant to 12 M.R.S. §6474, the Commissioner shall not declare a person eligible to be a registrant of the Monhegan Island Lobster Conservation Area unless that person registers during the period from June 26th until August 1st each year and;

- (a) The person documents to the Commissioner that they were registered in the prior open season and harvested lobsters from the Monhegan Lobster Conservation Area or;
- (b) Documents to the Commissioner that the person was registered but did not harvest lobsters due to a medical condition or;
- (c) The person is eligible but for the suspension of their lobster license or;
- (d) The person is eligible as a result of the waiting list pursuant to 25.97 C. (1).

(2) Registrant Limit

The total number of registrants for the Monhegan Island Lobster Conservation Area may not at any time exceed 17.

E. Prohibitions and Enforcement

(1) Trap limit

It is unlawful for any registrant of the Monhegan Island Lobster Conservation Area to submerge more than 400 lobster traps. The boat limit for all registrants shall also be 400 traps. Two registrants fishing from the same boat may not fish more than the boat limit.

(2) Registrant's presence onboard

It is unlawful for any person, except the registrant, to set, haul, retrieve, or otherwise tend to lobster traps or to take lobsters from the waters of the Monhegan Island Lobster Conservation Area.

- (a) In the event of an incapacity or other disability occurring during the open fishing season the Commissioner or the Commissioner's representative, upon receipt of such notice, may allow a properly licensed substitute to fish on behalf of the registrant.

(3) **Reporting**

Registrants shall report their total catch of lobsters, as well as such other catch and effort information as may be required, on forms supplied by the Commissioner. Such information shall be kept confidential in accordance with the provisions of 12 M.R.S.A. §6173. The Commissioner may not certify a person as eligible if this requirement is not met.

(4) **Other Laws**

Registrants shall comply with all other laws and regulations applicable to the trapping or other taking of lobsters.

(5) **Enforcement**

The Department's authorized representatives may inspect at any time any trap or related to ensure compliance with this regulation. The absence of tags attached to lobster traps as required hereunder shall be *prima facie* evidence of a violation of this regulation.

25.96 Lobster Apprentice Program

Apprentice program for entry into the lobster fishery

- A. To become eligible for a class I, II, or III lobster and crab fishing license under 12 M.R.S.A. §6421, the applicant must meet the requirements of the apprentice program under Chapter 25.96.
- B. **Apprentice Program.** The program is initiated with the first documented calendar day of a fishing hour under an apprentice license or student license. The program is completed upon presentation to the Commissioner of acceptable validated log sheets documenting at least the minimum of 1,000 fishing hours that is accumulated over a minimum of 200 calendar days, during a minimum of 24 months. If an individual completes the program in multiple zones, individuals will still be required to document at least the minimum of 1,000 fishing hours that is accumulated over a minimum of 200 calendar days in each desired zone. The minimum of the 24-month requirement is met 24 months from the date the individual logs their first day in the apprenticeship program.
- (1) **Educational courses.** The Department has the option of developing courses, which may be required in addition to the practical lobster fishing experience. The program may include any educational courses the Commissioner determines appropriate. Educational courses may be taught by the Department or by any public or private sector association or organization authorized by the Commissioner. For any course taught by the Department, the Commissioner shall

set an enrollment fee sufficient to recover all costs incurred by the Department in teaching the course. See Chapter 25.96(B)(1)(a) below.

(a) **Safety Education Course**

Apprentice fishermen must successfully complete a United States Coast Guard approved Fishing Vessel Drill Conductor Training course. Contact information for such courses may be obtained through the US Coast Guard, Sector Northern New England, Prevention Department, Commercial Fishing Vessel Safety Program, telephone: (207) 780-3256.

To meet the educational requirements of this rule, the USCG approved training course must include:

- Abandoning the vessel;
- Fire Fighting on board a vessel;
- Recovering an individual from the water;
- Minimizing the effects of unintentional flooding;
- Launching survival craft;
- Donning immersion suits and personal flotation devices; and
- Making a voice radio distress call and using visual distress signals.

(b) **Safety Education Course Documentation**

- (i) Except as provided by paragraphs ii, iii, iv and v, an individual issued an apprentice or student license in accordance with 12 M.R.S.A. §6421(3-A)(D) and (E), must document to the Department completion of the Education Course prior to issuance of their Class I, II or III lobster and crab fishing license.
- (ii) Individuals who are authorized as new zone entrants in accordance with §6448(7) as of February 1, 2007 and purchase a Class I, II or III license are required to document completion of the Education Course prior to license renewal.
- (iii) Individuals who are authorized as new zone entrants and who are issued a 2007 Class I, II or III license pursuant to 12 M.R.S.A. §6448(8)(A) are required to document completion of the Education Course prior to license renewal.
- (iv) All individuals who are on a zone waiting list on February 1, 2007 are required to document completion of the Education Course within one year (by February 1, 2008). Failure to comply will result in removal from the waiting list on February 1, 2008. Individuals shall be reinstated at the bottom of the waiting list following documentation to the Department that they have completed the Education Course.
- (v) The following individuals would be exempt from having to meet the requirements of this section:

1. Persons holding a valid merchant mariner's license issued by the Coast Guard authorizing service as master of uninspected fishing industry vessels and who show proof of experience that relates directly to the contingencies listed in 64 CFR 28.270(a) (2006) including-- (i) Experience as an instructor; or (ii) Training received in instructional methods; or
2. Persons holding a valid merchant mariner's license issued by the Coast Guard authorizing service as a master of inspected vessels of 100 gross tons or more and who show proof of experience that relates directly to the contingencies listed in 46 CFR 28.270(a) (2006) including-- (i) Experience as an instructor; or (ii) they have received training in instructional methods.
3. Persons who are new zone entrants that hold a commercial lobster license and are changing zones pursuant to 12 M.R.S.A. §6448(7).

(2) **Eligibility**

A person must hold an apprentice lobster and crab fishing license or a student lobster and crab fishing license issued under 12 M.R.S.A. §6421 to enter the program.

(a) **Zone C Apprentice Requirement**

An apprentice may only enter Zone C if the apprentice apprenticed in Zone C.

(b) **Zone E Apprentice Requirement**

Effective January 1, 2005 an apprentice may only enter Zone E if the apprentice apprenticed in Zone E.

(c) **Zone F Apprentice Requirement**

An apprentice may only enter Zone F if the apprentice apprenticed in Zone F.

(d) **Zone D Apprentice Requirement**

An apprentice may only enter Zone D if the apprentice apprenticed in Zone D.

(e) **Zone A Apprentice Requirement**

An apprentice may only enter Zone A if the apprentice apprenticed in Zone A.

(f) **Zone B Apprentice Requirement**

An apprentice may only enter Zone B if the apprentice apprenticed in Zone B.

(g) **Zone G Apprentice Requirement**

An apprentice may only enter Zone G if the apprentice apprenticed in Zone G.

(3) **Practical lobster fishing experience**

(a) **Length of program.** A minimum of 24 months. During this period 1,000 fishing hours accrued over a minimum of 200 calendar days are required. Fishermen may take more than 24 months if additional time is needed.

(b) **Log sheets**

(i) The Commissioner shall provide log sheets for documentation of fishing hours. The log sheet forms are available to printout from the Department of Marine Resource's website in Excel format at <http://www.maine.gov/dmr/pamphlets/apprenticelog.xls>; or in "pdf" format at <http://www.maine.gov/dmr/pamphlets/apprenticelog.pdf>; or hard copies may be requested to be mailed by writing the Department of Marine Resources, attn: Licensing Division, License Eligibility Specialist, 21 State House Station, Augusta, Maine 04333-0021 or by contacting the Licensing Division at telephone: (207) 624-6550.

(ii) **Documentation and validation**

1. Daily entries documenting fishing hours must be entered on the log sheets.
2. Apprentice fishermen must have their sponsor initial each daily entry documenting fishing hours per calendar day.

a. **Zone C Apprentice Sponsor Requirement**

In Zone C the sponsor of an apprentice must have held a Class I, Class II or Class III lobster and crab fishing license for at least 5 years and have Zone C as their declared zone.

b. **Zone E Apprentice Sponsor Requirement**

Effective January 1, 2005 in Zone E the sponsor of an apprentice must have held a Class I, Class II or Class III lobster and crab fishing license for

at least 5 years and have Zone E as their declared zone.

c. **Zone F Apprentice Sponsor Requirement**

In Zone F the sponsor of an apprentice must have held a Class I, Class II or Class III lobster and crab fishing license for at least 5 years and have Zone F as their declared zone.

The sponsors of persons enrolled in the apprentice program on the effective date of this rule are exempt from this requirement pursuant to 12 M.R.S.A. §6447(5-C) paragraph 2.

d. **Zone D Apprentice Sponsor Requirement**

In Zone D the sponsor of an apprentice must have held a Class I, Class II or Class III lobster and crab fishing license for at least 5 years and have Zone D as their declared zone.

The sponsors of persons enrolled in the apprentice program on the effective date of this rule are exempt from this requirement pursuant to 12 M.R.S.A. §6447(5-C) paragraph 2.

e. **Zone A Apprentice Sponsor Requirement**

In Zone A the sponsor of an apprentice must have held a Class I, Class II or Class III lobster and crab fishing license for at least 5 years and have Zone A as their declared zone.

f. **Zone B Apprentice Sponsor Requirement**

In Zone B the sponsor of an apprentice must have held a Class I, Class II or Class III lobster and crab fishing license for at least 5 years and have Zone B as their declared zone.

g. **Zone G Apprentice Sponsor Requirement**

In Zone G the sponsor of an apprentice must have held a Class I, Class II or Class III lobster and crab fishing license for at least 5 years and have Zone G as their declared zone.

3. Apprentice fishermen must obtain the signature of the local Marine Patrol Officer after the completion of every 250 fishing hours.

4. Apprentice fishermen must submit completed log sheets signed by a local Marine Patrol Officer within 30 days of the date of the last entry on the log for showing the completion of 250 fishing hours. Apprentice log sheets not submitted within 30 days will not be counted for the purpose of documenting time for the apprentice program.
 5. Apprentice fishermen may document up to 20% (200 hours) out of 1,000 documented fishing hours on gear work, excluding boat repairs.
 6. Log sheet entries must include the lobster district number, fishing start and end times for each documented fishing date.
- (iii) **Inspection.** Log sheets must be available for inspection by a Marine Patrol Officer.
- C. **Allowance for waivers.** For the purpose of determining eligibility for waivers under 12 M.R.S.A. §6422(4) practical lobster fishing experience is defined as:
- (1) Experience gained after January 1, 1998. Practical lobster fishing experience will only be credited through the apprentice program as described in Chapter 25.96(B).
- D. **Misstatement or misrepresentation.** It shall be unlawful to intentionally or knowingly make a misstatement or misrepresentation on an application for a license or certificate.
- E. **Eligibility Date for New Class I, II or III Lobster License Holders**
- (1) An apprentice fishermen's eligibility date is determined by the time and date upon which the Department receives an apprentice fishermen's fully completed log sheets documenting at least 1000 fishing hours accrued over a minimum of 200 logged calendar days and proof of successful completion of the Safety Education Course as described in Chapter 25.96(B)(1)(a). In no instance, however, may the eligibility date be earlier than the minimum length of program established pursuant to 12 M.R.S.A. §6422, or the minimum enrollment period adopted by an individual Lobster Management Zone pursuant to 12 M.R.S.A. §6447, sub-§5-C.
 - (2) Suspension of eligibility while on a waiting list for a new class I, II or III commercial lobster license. A person who is on a waiting list for a class I, II or III lobster and crab fishing license for a limited-entry zone shall be removed from that list following a suspension for a violation of a marine resources law and shall be reinstated at the bottom of the waiting list following notification to the Department of eligibility for a license upon completion of the suspension. It shall be that person's responsibility, upon completion of the suspension, to notify the Department of Marine Resources' License Eligibility Specialist of his/her eligibility for a license.

25.97 Management Framework for Island Limited Entry Program

A. Definitions

The following terms, as used in these regulations, shall have the following meanings:

- (1) “Established island resident lobster license holder” means a person who:
 - (a) has a permanent physical place of abode on the island, as demonstrated through payment of property taxes on land and buildings or a signed lease, and
 - (b) holds a current Class I, II, or III lobster and crab fishing license at the time the island limited entry process under Chapter 25.97(B) is initiated.
- (2) “New island resident lobster license holder” means a person who is issued a Class I, II, or III lobster and crab fishing license through the island limited entry program. The person remains a new island resident lobster license holder until they have documented 8 years of residency and lobster landings on the island. To document residency, the person must complete a statement of domicile provided by the Department of Marine Resources, establishing that they are domiciled on the island, including meeting all of the following criteria:
 - (a) has a permanent physical place of abode on the island, as demonstrated through payment of property taxes on land and buildings or a signed lease. Individuals residing with a parent on the island may provide evidence that the parent has paid property taxes or has signed a lease.
 - (b) If registered to vote, is registered to vote on the island where the person has a permanent physical place of abode, if the island is a municipality.
 - (c) has registered their motor vehicle on the island, if the island is a municipality;
 - (d) has provided an island address for their driver’s license, if the person holds a driver’s license;
 - (e) has registered their boat on the island, if the island is a municipality;
 - (f) has paid their boat excise tax to the island, if the island is a municipality; and
 - (g) has listed an island address as their home mailing address on their Maine Income Tax Return.
- (3) “Year-round island community” means the following islands: Swans Island, the Cranberry Isles, Frenchboro, Vinalhaven, Matinicus, North Haven, Isle au Haut, Islesboro, Monhegan Island, Great Diamond Island, Little Diamond Island, Long Island (Casco Bay), Chebeague Island, Cliff Island, and Peaks Island.

B. Island Limited Entry Referenda Procedures**(1) Petition Process for Initiating Island Limited Entry Referenda**

- (a) An established island resident lobster license holder who wishes to initiate a referendum to create a limited entry system for the island must form an interim island committee, consisting of a minimum of three established island resident lobster license holders.
- (b) The Commissioner will provide the interim island committee with a list of established island resident lobster license holders for the purpose of determining the number of signatures needed to initiate a referendum.
- (c) Lobster license holders not included on the list of established island resident lobster license holders who have a permanent physical place of abode on the island may petition the Commissioner for inclusion on the list.
- (d) The Commissioner will provide the interim island committee with a petition form to collect signatures for the purpose of initiating a referendum. The petition must include both a description of the island limited entry program, and the number of licenses proposed for the island. The number of licenses proposed for the island may not be smaller than the current number of established island resident lobster license holders.
- (e) The interim island committee must collect a minimum of five signatures of established island residents who are Class I, II, or III license holders, or 10% of the established island residents who are Class I, II, or III license holders, whichever is greater.
- (f) If the required number of signatures is collected, a representative from the interim island committee must present the proposal to the Lobster Management Policy Council of the Zone in which the island is located before the referendum may be conducted.
- (g) Based on the feedback received from the Lobster Management Policy Council, the interim island committee may amend the number of licenses proposed before the referendum is conducted.

(2) Island Limited Entry Referenda

- (a) The referendum question shall be mailed to all eligible license holders identified as established island resident lobster license holders.
- (b) The referendum ballots will include a postage-paid return address at the Department of Marine Resources.
- (c) The interim island committee may submit a proposed island limited entry program to the Commissioner if it is approved by a simple majority of those voting in the referendum.

- (d) If a referendum to establish an island limited entry program fails to obtain the approval of a simple majority of those voting in the referendum, no further referenda will be approved for a minimum of 24 months from the date that the ballots of the previous referendum were due.

(3) **Voter Qualifications**

- (a) Only those individuals identified on the list of established resident island lobster license holders are eligible to vote in the island limited entry program referenda.
- (b) To be eligible to vote, a person must be at least 18 years of age or older.
- (c) Each person eligible to vote in the referendum shall have one vote.

(4) **Adoption**

- (a) If an island limited entry program is approved by a simple majority of those voting in the referendum, the Commissioner may adopt and publish the rules as proposed or may reject the proposed rule if it is found to be unreasonable.
- (b) If rules are adopted to establish a limited entry program for an island, the Commissioner shall, at the end of the licensing year, designate those licenses that are the established island resident lobster license holders, solely for the purpose of determining future entry through the island limited entry program.
- (c) Licenses issued pursuant to 12 M.R.S. §6448 sub-§8 to island residents during the licensing year shall be designated as established island resident lobster licenses, solely for the purpose of determining future entry through the island limited entry program.
- (d) If rules are adopted to establish a limited entry program for an island, no further referenda will be approved for a minimum of 36 months from the effective date of the regulation establishing the program. A change to the number of island resident licenses established through the referendum requires a new island limited entry referendum.

C. Island Limited Entry Program Procedures**(1) Island Waiting List**

- (a) The Commissioner shall maintain and make available an island license waiting list of persons who have requested an island limited entry lobster and crab fishing license.
- (b) A person who did not hold a Class I, II, or III lobster and crab fishing license in the previous licensing year and wishes to be a new island resident lobster license holder shall notify the Department by submitting an island waiting list declaration form. The person must be put on the waiting list according to the date on which the form was received. If multiple persons submit forms on the same day, persons shall be placed on the list according to the date the Commissioner determined that the person is eligible for a Class I, II or III lobster and crab fishing license.
- (c) A person who held a Class I, II, or III lobster and crab fishing license in the previous calendar year in a Lobster Management Zone other than the one in which the island is located, and wishes to be a new island resident lobster license holder shall notify the Department by submitting an island waiting list declaration form. The person must be put on the waiting list according to the date on which the form was received. If multiple persons submit forms on the same day, persons shall be placed on the list according to the date their lobster and crab fishing license was initially issued.
- (d) If persons described under both (b) and (c) above submit island waiting list declaration forms on the same day, placement on the waiting list shall be determined through a random lottery drawing.
- (e) A person who is on a Zone waiting list may remain on that list when they make the island waiting list declaration, but they are no longer eligible to remain on the Zone waiting list if they accept a new island resident lobster license.

(2) Licenses Issued

- (a) For islands that have established limited entry programs, in the initial year the Commissioner shall determine the number of new island resident licenses that may be authorized at the conclusion of the rule-making process. The number of new island resident lobster licenses must be calculated by determining the number of established island resident license holders. The number of established island resident lobster license holders shall be subtracted from the number of island resident licenses established through the referendum process. The number of licenses remaining is the number of new island resident licenses that may be authorized.
- (b) In subsequent years, by April 1 of each licensing year, the Commissioner shall determine the number of new island resident licenses that may be authorized. The total number of established island resident license holders and new island resident license holders at the end of the previous

calendar year shall be subtracted from the number of island resident licenses established through the referendum. The number of licenses remaining is the number of new island resident licenses that may be authorized.

- (c) Once the number of new island resident licenses to be issued has been calculated, a list of authorized new island resident license holders shall be determined from the waiting list pursuant to Chapter 25.97(C)(1).
- (d) Authorized new island resident license holders will be informed in writing, and mailed a license application form by certified mail.
- (e) Authorized new island resident license holders must submit their completed license application, with correct fees and documentation to the Department. The application must be received by the Department within 30 days of receipt by the applicant of the notice described in Chapter 25.97(C)(2)(d) above, or the new island resident will lose his/her authorization to qualify for a new island resident license.
- (f) If an authorized new island resident has not complied with (e) above, the next person on the island limited entry waiting list will be sent a license application and have 30 days to comply in the same manner.
- (g) If a person who is authorized as a new island resident license holder is not an island resident at the time of authorization, he/she will have 120 days to begin residency on the island. That person's new island resident lobster and crab fishing license may not be issued until residency is established. If an authorized new island resident has not established residency within 120 days, the next person on the island limited entry waiting list will be sent a license application.
- (h) New island resident licenses will be designated in a manner suitable to enable the Department to ensure that the license holder is complying with the requirements of Chapter 25.97(C)(3).

(3) Requirements of New Island Resident License Holders

- (a) Persons holding new island resident lobster licenses must submit annually proof of lobster landings to the Department, or indicate that they did not fish. This requirement remains in effect until they have documented eight years of lobster landings.
- (b) Persons holding new island resident licenses must confirm annually that they are continuing to meet residency requirements by completing the statement of domicile as provided by the DMR Licensing Division. Pursuant to 12 M.R.S. §6303, any license issued through misrepresentation or misstatement shall be void.
- (c) A new island resident lobster license becomes void when a person no longer meets the residency requirements in accordance with 12 M.R.S. §6449 sub-§2.

(4) Residency Requirement Waivers

- (a) A person who is unable to continue to meet the definition of a new island resident lobster license holder because a substantial illness or medical condition on the part of the person or an immediate family member prevented that person from continuing their residency on the island may appeal to the Commissioner for a residency waiver at the time of license renewal. The person must provide the Commissioner documentation from a physician describing the illness or other medical condition. In the case of illnesses or medical conditions lasting longer than a year, the Commissioner will annually review the circumstances to determine whether or not to extend the residency waiver. The person must demonstrate intent to return to residency on the island in order to be eligible for an extension of the residency waiver.
- (b) A person who is unable to continue to meet the definition of a new island resident lobster license holder because their child is enrolled as a student in a mainland community up to grade 12 may appeal to the Commissioner for a residency waiver at the time of license renewal. The person must provide the Commissioner documentation that their child is enrolled as a full-time student in accordance with 20-A M.R.S. §5001-A. This waiver may be renewed annually for the duration of the child's enrollment.

D. Island Limited Entry Program Committee

An island committee composed of resident lobster license holders of the island that has established a limited entry program must be established within three months of the adoption of the regulations establishing the limited entry program, to provide advice to the Commissioner on issues affecting the island limited entry program.

- (1) **Composition:** The Committee shall be composed of five members, as follows:
 - (a) Three established island resident lobster license holders, and
 - (b) Two new island resident lobster license holders

If there are less than two new island resident lobster license holders, the Committee shall include only one new island resident lobster license holder.

- (2) **Election:** The Committee shall be elected by established island resident lobster license holders and new island lobster license holders. Member(s) shall be elected for two-year terms. Members may be re-elected.
- (3) **Meetings of Members:** The Committee shall meet at least annually, or more often as needed to address issues of importance concerning the island limited entry program. Committee meetings shall be open to the public.

E. Islands with Approved Limited Entry Programs

- (1) **Cliff Island**

The Cliff Island limited-entry program allows up to 12 commercial island resident lobster licenses to be issued annually.

(2) **Cranberry Isles**

The Cranberry Isles limited-entry program allows up to 23 commercial island resident lobster licenses to be issued annually.

(3) **Monhegan Island**

The Monhegan Island limited-entry program allows up to 17 commercial island resident lobster licenses to be issued annually

(4) **Frenchboro**

The Frenchboro Island limited-entry program allows up to 14 commercial island resident lobster licenses to be issued annually.

(5) **Swans Island**

The Swans Island limited-entry program allows up to 72 commercial island resident lobster licenses to be issued annually.

25.98 Electronic Tracking Requirements for Federally-Permitted Lobster and Jonah Crab License Holders

Effective December 15, 2023, the following electronic tracking device requirements apply to all federally permitted lobster and crab license holders, as defined in section A.

A. Definitions

1. Approved Tracking Device means an electronic device that meets all the specifications outlined in Section 3.1 of the Atlantic States Marine Fisheries Commission Addendum XXIX to the American Lobster Fishery Management Plan and which has been approved for use by the Atlantic States Marine Fisheries Commission.
2. Federally permitted lobster and crab fishing license holder means an individual who is eligible for a commercial Maine state license or who is licensed to fish commercially for lobster and crab under 12 MRS 6421 or 12 MRS 6302-A who also holds a federal lobster and crab commercial trap gear permit for any of the Lobster Conservation Management Areas (LCMAs) 1, 2, 3, 4, 5, or the Outer Cape Cod on the vessel identified on their lobster and crab fishing license.

B. Electronic Tracking Device Requirements

1. Prior to their first lobster and crab fishing trip following December 15, 2023, federally permitted lobster and crab fishing license holders are required to install an approved tracking device.

2. Federally permitted lobster and crab fishing license holders are required to certify to the Department of Marine Resources when they have completed the installation of the approved tracking device. To submit their certification, federally permitted lobster and crab fishing license holders must complete an electronic form available through the Department of Marine Resources publicly accessible website.

C. Prohibitions

Unless a federally permitted lobster and crab fishing license holder has made notification to the Department as provided in (E.) the following prohibitions apply.

1. It is unlawful for a federally permitted lobster and crab fishing license holder to fish for, take, possess, or land lobster or Jonah crab taken with trap gear without having an approved tracking device installed aboard the permitted vessel listed on their license.
2. It is unlawful for a federally permitted lobster and crab fishing license holder to remove or have removed the approved tracking device from the permitted vessel listed on their license without written approval from the Department of Marine Resources.
3. It is unlawful for a federally permitted lobster and crab fishing license holder to allow the permitted vessel listed on their license to be operated in the coastal waters of the State without the approved tracking device being powered by an external power source at all times; an exception to this requirement exists when the vessel is moored or docked at berth.
4. The approved tracking device must remain in an operational condition, minimally powered by an internal battery, when a permitted vessel is docked, moored, or removed from the water. The license holder shall notify the Department of Marine Resources prior to an approved tracking device being rendered inoperative in instances where the permitted vessel is removed from the coastal waters for an extended period of time or for purposes of repairing or replacing an approved tracking device.
5. It is unlawful for a person to tamper with an approved tracking device or device signal; tampering includes any activity that may affect the unit's ability to operate or signal properly or to accurately compute or report the vessel's position. Tampering with an approved tracking device is not considered to occur in circumstances where an approved tracking device is being repaired or replaced provided the license holder has written approval from the Department of Marine Resources.

D. Exemptions

The following federally permitted lobster and crab fishing license holders are exempt from the electronic tracking requirements.

1. A federally permitted license holder who holds a federal commercial trap gear permit that has been placed in confirmation of permit history (CPH), a permit status for when a vessel with limited access permits has sunk, been destroyed, or has been sold to another person without its permit history.
2. A federally permitted license holder who holds a federal lobster commercial trap gear permit that does not fish trap gear at any point in the fishing year (i.e., only fishes other

gear under a federal lobster commercial/non-trap permit, charter/party non-trap permit, and/or does not fish any trap gear at any point in the fishing year).

E. Device Failure

In the event of an electronic tracking device failure, a violation of the prohibitions in section (C) shall not exist when the federally permitted lobster and crab fishing license holder makes notification of the failure to the Department by phone, text message, or email prior to beginning a fishing trip with the inoperable device. The license holder must work with the Department in good faith and in a timely manner to restore device operability as soon as possible. It is unlawful for a license holder to begin subsequent fishing trips with an inoperable device without written approval from the Department.

In circumstances where a federally permitted lobster and crab fishing license holder has reported frequent or repeated tracking device failures aboard a permitted vessel, a Marine Patrol Officer, after having given notice to that license holder, may require that license holder to obtain written approval from the Department prior to beginning a fishing trip with an inoperable tracking device.

*Summary statements, like notes, are not part of the text of rule chapters. They are included here at the request of the agency.

EFFECTIVE DATE:

December 1, 1980 – Section 50

AMENDED:

April 15, 1981 – Sections 01, 02, 03, 50, 75

June 4, 1982 – Sections 25 and 30 (EMERGENCY)

April 20, 1984 – Section 60

August 13, 1984 – Sections 91, 92

October 1, 1984 – Section 90 (filed March 12, 1984)

October 1, 1984 – Section 90 (filed August 8, 1984)

April 30, 1986 – Section 90

November 2, 1986 – Section 80

November 17, 1986 – Section 75

December 27, 1986 – Section 90

March 1, 1987 – Section 80

September 9, 1987 – Section 55

January 1, 1988 – Section 80

January 11, 1988 – Section 75

May 2, 1989 – Section 55 (EMERGENCY)

January 14, 1989 – Section 55

March 21, 1989 – Section 80 (REPEAL)

October 21, 1989 – Section 90

February 17, 1990 – Section 5

February 17, 1990 – Section 80

May 20, 1990 – Section 09

November 10, 1990 – Section 75

December 2, 1990 – Section 90

October 29, 1991 – Section 70

June 28, 1992 – Section 85

August 1, 1993 – Section 04

August 4, 1993 – Section 06 (EMERGENCY)

March 4, 1996 – Section 07 and 08

August 17, 1996 – Section 95

September 23, 1996 – Section 90

September 23, 1996 – Section 93

September 23, 1996 – Section 94

August 31, 1997 – Section 96

December 1, 1997 – Section 95

January 28, 1998 – Section 10(1, 2) (Zones G and E)

July 18, 1998 – Section 10(1) (Zone G) (rendered VOID, by injunction and Consent Order)

October 3, 1998 – Section 10(4) (Zone F)

October 25, 1998 – Section 95 repealed and replaced

November 22, 1998 – Section 95(1)(B)(2)(a) added

March 1, 1999 – Section 10(7) (Zone A) added

March 1, 1999 – Section 10(5) (Zone B) added

March 1, 1999 – Section 10(6) (Zone C) added

March 1, 1999 – Section 10(3) (Zone D) added

May 18, 1999 – Section 82

May 18, 1999 - Section 85(1)(B)

June 1, 1999 – Section 85

October 12, 1999 – Section 95(1)(B)(2)(a)

November 29, 1999 – Section 94(2)(d) and (e)

December 25, 1999 – Sections 04, 90(A, B, C), 94, 96; repealed 07 and 90 Summary
December 27, 1999 – Section 06 added
February 19, 2000 – Section 93
June 26, 2000 – Section 94(2)(d)
June 26, 2000 – Section 08
June 26, 2000 – Section 91 and 92 repealed
July 29, 2000 – Section 90(B)(1)
August 21, 2000 – Section 93(F)(3) added
September 23, 2000 – Sections 10(1)(a), 93(A)(11), 93(E, F), and 96(E)
October 22, 2000 – Sections 93(F)(1)(b)(i, ii, iv) added
November 19, 2000 – Sections 90(G), 95(1)(B)(2)(a)
December 24, 2000 – Sections 93(F)(1)(b)(v), and (F)(3)
December 26, 2000 – Section 09
May 23, 2001 – Section 75
May 23, 2001 – Section 94
June 19, 2001 – Section 94
July 6, 2001 – Section 40 (EMERGENCY)
July 21, 2001 – Section 06 and 08
October 31, 2001 - Section 95(1)(B)(2)(a)
November 25, 2001 - Section 40
November 25, 2001 - Section 90(B)(1)
November 25, 2001 - Section 95(1)(D)(4)
April 29, 2002 – Section 94(2)(C, D)
June 24, 2002 – Section 15 added
July 22, 2002 – Section 04
July 22, 2002 – Section 96
August 26, 2002 – Section 94(2)(c)
August 26, 2002 – Section 96(B)
October 13, 2002 – Section 95(1)(B)(2)(a)
March 24, 2003 – Section 96
September 16, 2003 – Section 93(F)(1)(b)(i)
November 9, 2003 – Section 95(1)(B)(2)(a)
November 25, 2003 – Section 85(1), Repeal of Titles for 25.91 and 25.92
December 17, 2003 – Section 40
January 26, 2004 – Section 90
April 27, 2004 – Section 07 added, Section 08(B)(2) amended
April 27, 2004 – Section 08(B)(1)&(6)
May 1, 2004 – Section 20
June 12, 2004 – Section 08(B)
June 12, 2004 – Section 93(B)
September 20, 2004 – Section 93(F)(1)(b)(ii)
October 4, 2004 – Section 95(1)(B)(2)(a)
January 1, 2005 – Section 94(2)(e)&(f)
January 1, 2005 – Section 96
January 1, 2005 – Section 90(D)(3)
April 25, 2005 – Section 02 repealed
April 25, 2005 – Section 93(F)(1)(b)(iv)
June 20, 2005 – Section 93(F)(1)(b)(vi)
October 3, 2005 – Section 95(1)(B)(2)(a)
October 24, 2005 – Section 07(B)(4)
January 23, 2006 – Section 02 repealed
January 23, 2006 – Section 08(B)(5)
January 23, 2006 – Section 93(F)(1)(b)(iii)
January 23, 2006 – Section 94(2)(e)&(f)
January 23, 2006 – Section 96(B)(3)
July 5, 2006 – Section 96(B)(2)(c) and 96(B)(3)(b)(ii)(2)(c)

September 1, 2006 – Section 08(A)(3)
 September 17, 2006 – Section 95(1)(B)(2)(a)
 November 20, 2006 – Section 96(B)(1)&(E)(1)
 January 1, 2007 – Section 96(B)(2)(d) and 96(B)(3)(b)(ii)(2)(d)
 May 6, 2007 - Section 96(B)
 July 15, 2007 – Section 25.96(B)(2)(f) and (3)(b)(ii)(2)(f)
 September 2, 2007 – Section 25.95(1)
 September 24, 2007 – Section 25.95(1)(D)(3), (E) and (F)(3)
 January 1, 2008 – Section 25.02(2), 25.12 and punctuation throughout entire chapter
 January 1, 2008 – Sections 25.96(B)(2)(g) and 96(B)(3)(b)(ii)(2)(g)
 January 1, 2008 – Section 96(B)(2)(a-f)
 July 22, 2008 – Section 20 removed, absorbed into new Chapter 75
 September 23, 2008 – Section 93(F)(1)(b)(iii)
 September 23, 2008 – Section 93-(F)(1)(b)(iv)
 November 24, 2008 – Section 93(F)(1)(b)(i)
 November 24, 2008 – Section 93(F)(1)(b)(ii)
 November 24, 2008 – Section 93(F)(1)(b)(v)
 November 24, 2008 – Section 93(F)(1)(b)(vi)
 April 20, 2009 – Section 08(F)
 July 20, 2009 – Section 45, 94(2)(b)&(c)
 July 23, 2009 – Section 65 (EMERGENCY, expires August 6, 2009)
 July 25, 2009 – Section 65 (EMERGENCY, expires July 27, 2009)
 December 21, 2009 – Section 09 and 90
 June 1, 2010 – Section 08(A)(4)
 August 23, 2010 – Section 95(1)(F), section (6) repealed
 August 23, 2010 – Section 93(E)(4)
 September 20, 2010 – Sections 04 and 97
 August 22, 2011 – Section 08(B)(2)
 November 9, 2011 – Section 04(C)
 July 23, 2012 - Sections 95 and 97
 October 15, 2012 – Section 97(E)(4)
 July 25, 2013 – Section 11 added
 January 29, 2014 - Sections 75 and 93(F)
 February 22, 2014 – Section 65 added (EMERGENCY, expires May 22, 2014)
 May 14, 2014 – Section 65 added
 August 10, 2014-Section 02(A)(B), (C) added, 40, 50, 55, 60
 September 12, 2014-Section 04(B)(3) (EMERGENCY, expires December 10, 2014)
 March 9, 2015-Section 04(3) amended; Section 04(D) added; Section 08(A)(1) amended; Section 97 (E)(5) added
 March 2, 2016 - 25.97 Management Framework for Island Limited Entry Program
 March 2, 2016 - Chapter 25 Lobster and Crab; 25.45 Crab Fishing Limitations
 June 21, 2016 – Chapter 25.65 amended (EMERGENCY, expires September 19, 2016)
 November 15, 2016 – Chapter 25.08 (A)(3)(4)(5); 25.90(A)(2), (C)(1), (D)(1); 25.97(B)(2)(4) and (C)(2) and (E)(5)
 March 12, 2017 – Chapter 25.04 (B)(3); 25.93 (F)(1)(2); 25.94(2), 25.96 (B)
 November 14, 2017-Sections 25.04 (E) and (F); 25.08 (A)(3) and (4); 25.40(B)(1); 24.45(2)(C)(2)
 August 6, 2018-Section 25.04(C)-provision becomes effective on October 1, 2018
 August 21, 2018-Section 25.70
 November 24, 2018-Section 25.04(B)(3)
 March 13, 2019-Section 25.04(C)
 July 17, 2019 -Section 25.02(D)
 August 18, 2020-Section 25.08(A) renumbered in accordance with SOS version of the filing.
 May 1, 2022, Section 25.04(B) and (C)
 August 16, 2022, Sections 25.04(F) and 25.11(C)
 August 13, 2023 Section 25.04(B)1
 November 5, 2023 – Section 25.98 (new)