

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 8 Landings Program: Scallop, Herring, Lobster, and Pelagic and Anadromous

ADOPTED RULE NUMBER:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY:
This rule makes changes to the reporting requirements for scallop, herring, lobster, and pelagic and anadromous license holders. It changes the frequency of reporting for scallop license holders from trip level data reported monthly to trip level data reported weekly (no later than 11:59 pm Sunday) and requires that reports are submitted via an approved electronic mechanism. The data elements in the scallop harvester report remain unchanged. The rule also extends the time frame for which daily reporting is required in the herring fishery, from September 30 to December 30 annually. The data elements in the herring harvester report remain unchanged. The rule clarifies that pelagic and anadromous license holders only need to report those species authorized under the pelagic and anadromous license. Effective January 1, 2023, the rule requires all lobster license holders (except apprentice and noncommercial license holders) to report trip level data monthly and requires reports to be submitted via an approved electronic mechanism. The data elements required in the lobster harvester report remain unchanged.

EFFECTIVE DATE:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

AGENCY CONTACT PERSON: Amanda Ellis (207) 624-6573
AGENCY NAME: Department of Marine Resources
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 Augusta, Maine 04333
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Please approve bottom portion of this form and assign appropriate MFASIS number.

APPROVED FOR PAYMENT _____	DATE: _____				
FUND	AGENCY	S-UNIT	APP	OBJT	AMOUNT
010	13A	1120	10	4946	regulations

Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta

8.20 Harvester Reporting

N. Lobster Harvest

Effective January 1, 2023

~~A. Ten percent of the lobster and crab fishing license holders, except lobster apprentices, during a given calendar year will be randomly selected to report the listed data elements for the following calendar year with the exception that all (100%) of lobster and crab fishing license holders, except lobster apprentices, of the Monhegan Island Lobster Conservation Area must report each year. With the exception of lobster and crab fishing license holders of the Monhegan Island Lobster Conservation Area, no individual can be selected to report in two consecutive years.~~

~~Any person that holds a Class I, II, or III, student or noncommercial lobster and crab fishing license issued under 12 M.R.S. §6421(A, B, C, E, F and G) and is selected for reporting license that authorizes that person to fish for lobster except for noncommercial and apprentice licenses, must report trip level fishing activity on forms supplied by the Department. The following data elements must be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:~~

A. Any person that holds a license that authorizes that person to fish for lobster except for noncommercial and apprentice licenses, must report trip level fishing activity. The following data elements must be reported to the DMR through approved electronic reporting mechanisms:

1. Harvester name (as it appears on the harvesting license) and license number
2. Boat name and hull ID
3. Designate negative report period if no harvesting activity occurred
4. Date fished
5. Number of crew
6. Gear type and number of traps hauled
7. Set time (hours the gear soaked)
8. Total gear in water

9. Depth
 10. Primary Statistical area, lobster zone and 10 minute square where gear hauled this trip was fished
 11. Sea time (including travel)
 12. Pounds of species landed
 13. License of dealer sold to or if not sold to a licensed dealer, disposition of catch and whether catch was carried
 14. Port landed
 15. Signature, written or electronic
 16. Number of strings hauled. For purposes of this section, a string means a single trap or multiple traps connected by a groundline.
 17. Number of endlines – Count of total endlines in the water
- B. All data sent to DMR must be legible, coherent and in conformance with DMR specified standards.

O. Scallop Harvest

Any person that holds a ~~scallop (hand fishing) license, scallop boat license, or noncommercial scallop license issued under 12 M.R.S. §6701, §6702 or §6703~~ license that authorizes that person to fish for scallops must report trip level fishing activity once per week no later than 11:59 pm Sunday for any landings occurring from Monday 12:01 am through Sunday 11:59 pm on forms supplied by the Department. If no landings occur during the week, a negative landing report is required. The following data elements must be reported to the DMR ~~on approved paper forms or~~ through approved electronic reporting mechanisms:

1. Harvester name (as it appears on the harvesting license) and license number
2. Boat name and hull ID
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity
7. Number of sets/tows/dives
8. Set time (average time fished per set/tow or average dive time)

9. Average depth
10. Latitude/longitude
11. Sea time (including travel)
12. Pounds of species landed
13. License of dealer sold to, or if not sold to a licensed dealer, disposition of catch and whether catch was carried
14. Port landed
15. Signature, written or electronic

R. Herring Harvester Permit

Any person that holds a ~~Commercial Pelagic and Anadromous Fishing License issued under 12 M.R.S. §6502-A and a Herring Harvester Permit under that license~~ license that authorizes that person to fish for herring must submit daily trip level catch reports by 11:59 pm daily during between June 1 and September December 30; and, monthly outside of the season. Catches from fixed gear must be included in these reports. Any person that holds more than one ~~Commercial Pelagic and Anadromous Fishing License with the Herring Harvester Permit~~ license that authorizes that person to fish for herring must report for each license they hold. Reports are required even if the herring caught during the week have not been landed. The report shall include the following data elements:

1. Harvester name (as it appears on the harvesting license) and landings number
2. Boat name and state vessel registration number or Coast Guard number (if a boat was used)
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity
7. Number of sets/tows
8. Set time (the average time your gear fished)
9. Average depth
10. Latitude and longitude

11. Sea time (including travel)
12. Pounds by species of all species caught (including discards)
13. Landings number of dealer sold to, or if not sold to a licensed dealer, disposition of catch and whether catch was carried
14. Port landed
15. Signature written or electronic

Atlantic herring reports are not required from Atlantic herring carrier vessels.

Q. Pelagic and Anadromous Fishing Harvest

Any person who holds a ~~Commercial Pelagic and Anadromous Fishing License issued under 12 M.R.S. §6502-A~~ license that authorizes that person to fish for the species authorized by the Commercial Pelagic and Anadromous fishing license must report trip level fishing activity on forms supplied by the Department. The following data elements must be reported to the DMR on approved paper forms or through approved electronic reporting mechanisms:

1. Harvester name (as it appears on the harvesting license) and landings number
2. Boat name and state vessel registration number or Coast Guard number (if a boat was used)
3. Designate negative report period if no harvesting activity occurred
4. Date fished & landed
5. Number of crew (including captain)
6. Gear type and quantity
7. Number of sets/tows
8. Set time (the average time your gear fished)
9. Average depth
10. Latitude and longitude
11. Sea time (including travel)
12. Pounds by species of all species authorized by the Commercial Pelagic and Anadromous license caught (including discards)
13. Landings number of dealer sold to, or if not sold to a licensed dealer, disposition of catch and whether catch was carried

14. Port landed

15. Signature written or electronic

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 8 Landings Program: Scallop, Herring, Lobster, and Pelagic and Anadromous

STATUTORY AUTHORITY: 12 MRS 6173

DATE AND PLACE OF PUBLIC HEARING(S): August 30, 2022, 5:00 p.m., in-person at the Marquardt Building, room 118, 32 Blossom Lane, Augusta; or remotely via Microsoft Teams. Remote access information is posted to DMR's website under "Meetings."

COMMENT DEADLINE: September 9, 2022

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

The purpose of this proposed rulemaking is to update the harvester reporting requirements for scallop, herring, lobster, and pelagic and anadromous license holders. For scallop license holders, the frequency of reporting is changed from monthly to weekly, and reports must be submitted through an approved electronic reporting mechanism. For herring license holders, the period of time for which daily reports are required is extended from September 30 to December 30. For lobster license holders, the requirement to report is changed from 10% of license holders to all license holders, and reports must be submitted through an approved electronic reporting mechanism. For pelagic and anadromous license holders, a clarification is provided that they only need to report those species authorized under the pelagic and anadromous license.

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

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

This proposed rule is expected to increase the frequency of reporting by scallop harvesters from monthly to weekly, aiding in the submission of timely harvester reports to DMR and improved landings monitoring by DMR policy staff. The proposed rule will also ensure that all herring harvesting will be reported on a daily basis. The proposed rule will increase the lobster license holders providing harvester reports from 10% to 100% and will require reports be submitted through an approved electronic reporting mechanism.

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

Information considered during development of this rulemaking includes the Atlantic States Marine Fisheries Commission American Lobster Addendum XXVI, input from the Scallop Advisory Council, and input from the DMR Landings Program.

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

Enforcement of these proposed amendments will not require additional activity in this agency.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.

Basis Statement

This rule makes changes to the reporting requirements for scallop, herring, lobster, and pelagic and anadromous license holders. It changes the frequency of reporting for scallop license holders from trip level data reported monthly to trip level data reported weekly (no later than 11:59 pm Sunday) and requires that reports are submitted via an approved electronic mechanism. The data elements in the scallop harvester report remain unchanged. The rule also extends the time frame for which daily reporting is required in the herring fishery, from September 30 to December 30 annually. The data elements in the herring harvester report remain unchanged. The rule clarifies that pelagic and anadromous license holders only need to report those species authorized under the pelagic and anadromous license. Effective January 1, 2023, the rule requires all lobster license holders (except apprentice and noncommercial license holders) to report trip level data monthly and requires reports to be submitted via an approved electronic mechanism. The data elements required in the lobster harvester report remain unchanged.

The Department made the following clarifying change to the rule proposal:

- The changes specific to lobster reporting take effect on January 1, 2023.

Summary of Comments

Notice of this proposed rulemaking appeared on August 10, 2022, in the five major daily newspapers as published by the Secretary of State. On August 10, 2022, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. Electronic notice was provided to respective license holders, who provided the Department with an email address. The public hearing was held at 5:00 p.m. at the date and location noted below. The comment period closed on September 9, 2022.

August 30, 2022, Public Hearing. Held in person at the Marquardt Building (32 Blossom Lane, rm 118) and remotely via Microsoft Teams.

Members of the Public	DMR Staff
Matt Gilley, Pam Thames (NOAA), Mike Murphy, Rep. Jay McCreight, Christopher Candage, Dawne [last name not provided], B [Guest], and Amalia Harrington. <i>Note: Names are listed based on how they were provided to the Department. Some persons did not provide a complete name.</i>	Amanda Ellis, Megan Ware, Deirdre Gilbert, Jeff Nichols, Lorraine Morris, Kathleen Reardon, and Robert Watts.

Matt Gilley, Public Hearing, August 30, 2022

My name is Matt Gilley. I'm commenting on the lobster fishery I guess. I'm sure you guys know what I'm gonna say. I'm not too thrilled with this for multiple reasons. I make my crew sign a contract when I hire them that my information on what I catch, where I catch it, when I catch it is proprietary data and now you're asking me for that proprietary data. I understand that a lobster

license is a privilege so that gives you the ability to ask me for that, but I haven't, that bothers me. It bothers me that nothing is safe in this world nowadays, especially stored electronically. So and with the windmill companies and the whale stuff I perceive this being somehow sold or transferred to the wind company so they can find the optimal places to place their windmills. Furthermore, beyond that, this is gonna add a ridiculous amount of time that I just don't have. Now trying to add marks, weak links stuff like that. Now I'm gonna have to report all of this information, keep all of this data. There's only so much time in a day, and I'm one guy running a business that supports a couple of different families. You know, like it it's becoming just one thing after another and then we based all this on an economic impact statement in a biological opinion done by NOAA with the whale rules that the courts have now deemed that isn't good enough. And we've gotta come up with a new one. So why are we trying to accommodate something that the courts have ruled isn't even good enough at this point? It just seems. And when we talked about the funding for it, we're getting CARES money, which is going to run out in a one time grant, which is going to run out, then this. This the financial responsibility is going to be passed on to the license holder. We've already seen a drastic increase in tag fees, next will be the license fees. It just feels like the fisheries getting chipped away one rule at a time and this is just another one. I really wish there was more people than just me here to comment on it too. That's the other thing that I find mind blowing is the lack of participation. But I'm here. That's all I have to say, I guess. Thank you for your time.

Written Comments

Comment period closed September 9, 2022.

Support

Steve Kirkpatrick, received via email, September 8, 2022

Because I feel that I have been unfairly selected to do this over and over I think everyone should have to report their landings too! That will level the playing field! Have a nice day 😊

Neutral

Cathy Fetterman, received via email, September 8, 2022

I just have a quick question about the proposed rule, Chapter 8. When will this rule go into effect, if passed as is? Is the 100% reporting for lobsters going to start as soon as the rule goes into effect, or will that start for licensing year 2023?

Russell Brewer, received via email, September 7, 2022

I have a federal commercial fishing permit and need to file daily trip report already. There should be a precision so I do not need to file multiple trip reports. I would like to add I have had no problems with the federal reporting programs over the years. But when it comes to the state of Maines program I still haven't been able to access it after multiple try's maybe you could look at how easy the federal trip reporting works and copy that system. I think someone put to much thought into yours.

Opposed

Joel McCann, received via email, September 9, 2022

I have in the past complied with all the guide lines set out to monitor the (In State) lobster fishery. The purple rope and plastic fittings were an added cost as well as loss of considerable time and gear. These added costs come straight off the bottom line. The new 100% reporting requirement put in place for the 2023 season is an over reach by the Federal government. Why the State of Maine DMR capitulated is beyond me. I believe that the State of Maine should argue that the Federal Government doesn't have standing in State water. I understand that there will be an argument that because it evolves inter-state commerce that they do have the ability to force everyone to be compliant. There are many lobster catchers that do only sell intra state and should not be forced to do reporting. I believe that the State DMR should lead the way for total civil disobedience for all fisherman that don't hold federal permits. The interference in the lives of America's last cowboys has to stop. The impact on the fishery is already causing life long fisherman to put their boats up for sale and move to some other type of work if they can find any..... others are selling out and moving to different states. The gross interference by the federal government will have a dramatic impact on our state, in counties that can least afford the attack.

Concerning the Right whales, I have over fifty years on the water and have never seen one. Senator Collins and King should have held back some of their votes on key Biden agenda items until there was an end to this foolishness. I have very little technical skills to run apps for reporting this type of information and honestly have run out of patience dealing with the next decree that is headed my way. "MAINE, THE WAY LIFE OUGHT TO BE" not any more! Time for the lobster catchers and the Maine DMR to put on the same uniform and get in a bare knuckles brawl with the Federal Government and force our elected officials to do their job. I read the Governors response..... I am sure they are trembling in Washington. I would have rather seen a united front from our members of Congress, two Senators and Governor in the form of a letter to the President saying. " We are mad as hell and the people of Maine are done putting up with this Bullshit."

Bradford Davis, received via email, September 9, 2022

government has become too big when we are forced to this electronic age to report what you already know . i am opposed to this 100% , no paper , invasion , compliancy. i am an old man with an old boat that just wants to enjoy whats left of what appears to be a short term proposition , thanks to the involvement of people who know nothing about our industry.

Thomas Bell, received via email, September 9, 2022

I'd like to say I disapprove of the proposed changes to the landings program for the Maine lobster fishery. I understand the justification behind it, but like most of the new rules and regulations it is unnecessary and will look to further harm the exact fishery it figures to help. This is just one more regulation to further burden the lobster fishery. And will be another reason people seek to invest their time and money elsewhere. The same location, gear set up, and haul information could be easily collected with a simple survey. And any other information this collects should be of no consequence to the government in any capacity. Fishermen should have privacy as to when and how they fish so long as it is within the regulations of the fishery.

Gino Balzarini, received via email, September 9, 2022

Look this reporting is just a way to get info that none uses to help us in any way if anything it will be used against us it is a pain in the ass. some of us are not good at paperwork or electronic

stuff I can barely run this phone. the feds are running us out of business and (I think it's time for our state to stick up for us fisherman) not just bash them with words but help us .we have more expense than ever we have to do more than ever to comply with all the bull shit rules .we are fisherman most of us did it because family tradition and we love doing it .the passed 10 years I have hated it I am sure I am not alone . I am exploring other options to make money I am older been fishing most of my life don't know much else but I can't keep up with the demands put on the lobster fishing and it is funny we used to go fishing for hundreds of dollars in expenses a day now is thousands and we don't make any more in the course of the year ..if that doesn't suck the whale regs makes you spend a pile more than the traps have gone out a site to buy rope buoys boat parts and of course if you thought you had any money left at the end of the year the federal government takes that for taxes .so I am probably a little off course from talking about reporting but every thing they are doing is driving us fisherman to the end .I think we need to back up 20 or thirty years

Sheldon Simmons, received via email, September 8, 2022

I do not think this is a good idea not like fishermans opinions matter anyways.

Bruce Gridley, received via email, September 8, 2022

There is no Earthly reason to have all Lobstermen reporting every trip. Just one more roadblock in a now endless pile of excessive regulation for no reason. Lobstering has nothing to do with the demise of the Right Whale, a proven fact. Giant money is driving this. It is sad to see a 200 year old fishery (the most sustainable fishery in the world) driven out of existence to save a creature that will be extinct no matter what we do!

Jeff Kenney, received via email, September 8, 2022

I do not want 100% harvester reporting, lobsterman already have the hands full , we are Fisherman first but we are also Mechanics, Painters, stewards of the Environment, book keepers ,teachers of safety, the list goes on. With everything going on do we want to add more?

Ira "Tad" Miller, received via email, September 7, 2022

I am writing to you concerning the proposed changes to harvester reporting in amending Chapter 8. I understand the need in some circumstances regarding the need for increased harvester reporting. It will give you more, but not necessarily good data all the time, especially if it's burdensome. I've been reporting for many years federally and for something like the lobster fishery I actually liked the paper reporting better as I could leave the logbook on the boat and do it when I got in. I don't always have a phone with me and if you miss a few reports it can become very time consuming trying to fill in the blanks. I think it should be the fishermen's option to do one or the other. With amount of lobstermen you'll have reporting I think you realize that by sheer volume you'll have ample data to digest and make management decisions with even if the reporting is somewhat delayed. I would also suggest that you keep reporting very simple and please don't make it redundant as that's very frustrating especially when you've already had a fourteen hour day and then you have to answer fields that never change. I would also like to say that during the menhaden season my preferred method of reporting was through the LEEDS system, but at times that was hard for me to do as I have to do that from my home PC and I'm not always able to do that as I also fish and live on Matinicus as well as the

mainland. I also encountered some glitches in how that operated. I tried the VESL app, but I was not real successful in grasping the use of that. There were also reported glitches with that and it was also a problem when I tried to use it from the island a few times as service isn't always dependable there. I see the need in some regards as for example in the scallop fishery there's a tremendous lag time making it virtually impossible to manage that fishery given the fact that some amount of people don't report until it's time to renew their license. So I would view a more timely reporting schedule to be an asset for management in that fishery and few others. That being said I think Quarterly reporting requirements for the lobster fishery would be sufficient and for that matter even semi-annual or annual broad based information might be acceptable given the fact that there is some amount of redundancy there with the dealers reporting weekly landings. I think for the fishermen of the State reporting presents a double edged sword especially regarding our spatial distribution. Regarding the Right Whale situation it could serve to benefit us, but regarding other ocean uses it could severely penalize us. Here's my reasoning for that after close to fifty years of working on our oceans. Resources (fish, lobster, etc.) change sometimes slowly and other times quite rapidly I personally have witnessed many of those changes through the years. We as fishermen have always had the ability to adjust to those changes as needed to in order to continue to harvest our bounty from sea not only for our own benefit, but for that of the general public too so they can enjoy the benefit of the products that we harvest. We are the oldest industry in this country our footprints are all over that ocean long before we became a country. The point I'm trying to make here is that fishermen are facing the reality that we will be put into ever shrinking boxes which will limit our ability to adjust changes as they come our way due to the spatial information that we will be required to report. Because you may not have fished in an area for ten years, 50 years or maybe even ever doesn't mean that you won't have to someday. I watched the same sort of thing happen within the ground fish industry only with quota distribution. There were winners and losers, in my opinion the State of Maine became a big time loser and some of that was because we decided that the fishermen and thus their home states would win or lose based on a very short segment of history. I'm not saying that all reporting is bad by any means, but please be careful in the scope of what you ask for and how that may be used and what the potential outcome may be and how that will affect the State of Maine and her oldest industry. We as the fishermen are depending on DMR to look out for ours and the best interest! Thank you for your time to consider my comments.

Glenda Beal, received via email, September 7, 2022

I am very concerned that Maine is doubling the work load of reporting for those who already have to submit daily reports to NOAA under vessel trip reporting. How are these two requirements going to mesh? Why should federally permitted boats who already are forced to submit daily reports now also have to submit a totally different one to the state of Maine?? This needs to be changed so that there is only 1 report needed. All this is becoming redundant, time consuming and wasteful, not to mention a complete headache for fishermen to try to keep up with. By the way, not every fisherman HAS or knows how to use a cell phone for reporting, especially those of the older generation. Some have family members who do such work at home for them via computer. That should be taken into account. My father, for instance, has neither a cell phone nor a computer. He is 78 years old and struggling to continue to fish, maintain his boat with needed repair work and prepare his gear each year. I will end up doing his work of reporting as well as my husband's. Please address this mess of duplicate reporting and explain why there cannot be paper reporting for those who need it.

Representative Billy Bob Faulkingham, received via email, September 6, 2022

Do not do this. These are all unnecessary and burdensome requirements being proposed on our fishermen.

Brian Westhaver, received via email, September 6, 2022

I don't think mandatory 100% reporting is warranted or necessary. If the state and national authorities are concerned with the right whales safety, find the 300 plus or minus whales. Then implement what ever you think is necessary only in the areas they actually traffic. As far as checking on lobster stocks, you have more than enough information and written history to judge against. Imagine for a moment if we as taxpayers made you inform us daily when you get to work, how many breaks you take and what you accomplish every day. The controls being implemented on us aren't just or logical. Please make our lives and yours better with each new law.

Wayne Delano, received via email, September 6, 2022

It seems this is unnecessary. 100% electronic may be nice for you sitting in Augusta it will be difficult for many if not impossible for some to do. Definitely you should consider paper logs as an option as well. Industry members have countless hours of work as it is it Definitely doesn't seem we need this too. Dealers are required to report and the 10% harvester reporting is plenty sufficient. Please think of the Industry members who will struggle doing this.

Tristan Salman, received via email, September 6, 2022

With regard to 100% lobster trip reporting, I do have some concerns as follows:

1. The data being asked of us (fishermen) amounts to our proprietary information. While the resource itself is public, it seems rather unusual to ask a business to turn over the key information that consists of it's ability to generate profit. How many pounds are caught where, when, and with how much effort is the information that makes us money. We don't share that with each other, and we don't trust that it won't be used against us by the government or anyone else that may access it. In short, this information is the very knowledge that enables us to operate, our trade secrets. It should not be taken from us by force, but that is what is being proposed, as I'm sure there will be a threat involved if we don't do it.
2. The record keeping and paperwork submission is just another burden in terms of time and angst for people who are already working long days and weeks. It's our families that pay the price. Nobody else can do it for us. We are owner operators and nobody else has the information. Sometimes we can hardly generate enough money to pay a stern man let alone a secretary in any case. Will we be compensated for that somehow? I seriously have my doubts.
3. Having done a year of reporting, I can say that it can affect the way that a person fishes. In order to keep track of trap counts, etc., one needs to organize in certain ways. Those ways don't always amount to being the best way to catch lobsters, though sometimes they work well. Normally we try to operate to maximize profit. Operating so as to please the government may be in conflict with that. It often is.
4. Handing this information over to government agencies seems likely to lead to micromanagement, does it not? Already with trawl and spot surveys we have scientists jumping to conclusions based on that data, and talk of increased measure size, trap reductions, etc. I don't dare guess what other measures may come up for consideration, but changing our gear all the

time like we're having to do with our rope right now is hugely onerous in terms of time, and once again comes with a threat if we don't comply. It doesn't matter if we, those with tens of thousands of hours logged on the water in this business, know pretty well what makes sense and what doesn't. People with third hand, often bad information get to make the call.

I am sure that I can come up with more, but these things outline my reasons for standing in opposition to the 100% reporting proposal. That being said, I am under no illusion that it won't happen. I just find it sad, as here we have had a bastion of freedom and independence for hundreds of family run businesses. I see that as being gradually taken away by bungling politicians, starry-eyed environmental activists, over-confident scientists, and (I'm afraid) ultimately by larger corporate interests than a bunch of independent fishermen. Why? Because I see those as being the only entities capable of handling and operating under massive government imposition.

Michael Gagnon, received via email, September 6, 2022

I don't know the amount of lobstermen that fish in areas that have the potential of effecting the lifestyles or mortality of wright whales. What I do know is that the majority have absolutely nothing. Things are bad enough with low lobster, skyrocketing prices of fuel and bait we don't need additional cost. The salaries of all the bean counters alone will be ridiculous. who will be paying for the so called accepted electronic device. Do you really think it's all worth it. How many deaths are attributed to Maine lobstermen and women 0-0-0.

David Rich, received via email, September 6, 2022

Among all the other stuff implemented in the last few years for maone lobstermen and women. This along with all the other stuff us just ridiculous. You should not have to report everything you catch. In all reality it's an invasion of privacy and will do nothing for the sustainably if the industry. It's just another way to for the DMR to control us.

Gardiner Schneider, received via email, September 6, 2022

The more you require hard working Maine lobstermen to do, the less time they have to spend with their families or working to keep their boats in good shape. We see where this waffling is heading: we will all have to have electronic or sonar activated strings and when the releases don't work and we lose another thousand dollars of gear on the bottom, gear that keeps on catching and killing, it's just too bad on us. But all you political people have to suck up to the green people from away.

Jason Ludwig, received via email, September 6, 2022

I'm sending this to make note that I'm opposed to said new mandatory reporting. I just got my license this year and any added expense like a special machine to tell you what I caught is unnecessary at best. Please reconsider I understand commenting is a waste of time as I'm sure it is a done deal regardless but if not note one more opposed to said new rules at least for state water only fishermen. Your science is flawed as shown by the most recent proposed measure change data that had been shown way off by this years abundant catch and stock of shorts. Stop making new rules and asking for more and just let us make a living please!

Jake Thompson, received via email, September 6, 2022

I didn't find VESL to be as user friendly as you make it out to be and if they are going to make offshore fishermen have tracking along with dealer reporting I find this unnecessary. Also when are we going to get something from ASFMC all they do is take give us something or listen to our concerns or I think Maine should withdraw and regulate itself in state waters. I know it doesn't matter what anyone says no one is going to read this but oh well.

Justin Grant, received via email, September 6, 2022

As a life long lobstermen I oppose any rule changes to the reporting. I've personally been chosen twice in the past three years to report and it's a major inconvenience for me. Besides the fact that any reports are only used against the industry. With all that is being thrown at the lobster industry with whale regulations and measure sizing etc it would be nice if you the DMR would help the maine lobstermen by leaving us alone.

Walter Willey, received via email, September 6, 2022

Reporting landing, I all ready told you what I thought, nobody wanted it and your doing it any way. So why ask?

Trevor Renwick, received via email, September 6, 2022

I am wondering as a lobster license holder if the change is made to our licenses and we are required to report 100% won't that make our license the equivalent to a lobsterman with a dealers license? And if so then there would be no purpose for the additional license to buy?

Wade Faulkingham, received via email, September 6, 2022

Electronic landings nooooo nooooo nooooo

Laurie C. [complete last name not provided], received via email, August 29, 2022

How can you force someone to report electronically.? There are license holder that do not have any idea how to use a computer say nothing about having one.

Darren Tuner, received via email, August 26, 2022

I oppose the proposed rules for the landings program. They are unnecessary and burdensome. The lobster landings reporting will be used again us. We need to be done catering to the ALWRP.

Christine Hill, received via email, August 11, 2022

I've recently read the email about the proposed rulemaking to require reporting to be all electronic for lobstering and scalloping. Although I'm a millennial and am comfortable doing this for myself, there are many older people in the fishing industry that don't have the know how and/ or the technology to do this, and thus, some of us younger folks have to do it for them. I've been doing this for someone in the purse-seining industry, and it really is a pain in the ass. It would be helpful to keep the paper reporting in-tact. I really don't want to have to be responsible to help this person with two other reporting methods. He's constantly worried he'll lose is license because he's not doing the reporting himself. Please don't make this mandatory.

Logan Osgood, received via email, August 11, 2022

Isn't the lobster industry under enough stress right now? How much stuff are you going to throw at us before some of us start killing ourselves. This is getting outrageous. The lobster industry was fine until any type of government or right whale activist stepped in. Let us fish. Please. This is ridiculous

Gretchen Seaver, received via email, August 10, 2022

Something to think about. When all the state and federal regulations/laws put all the lobstermen out of business (and it will happen) the law makers, marine managers and Maine officials will be out of jobs too! How much more can be put on these hard working people? It is a shame! Try saving the endangered Lobstermen!

DMR Response to Comments

License Types:

One commenter asked if 100% reporting would make their lobster license equivalent to a lobsterman with a dealer license, which would mean that they no longer needed to purchase the additional dealer license. To clarify, 12 M.R.S.A. § 6421 specifies that Class I, Class II, Class III apprentice or Student lobster and crab fishing license holders may fish for, take, possess, ship or transport within the State lobsters or crabs and sell lobsters or crabs the license holder has taken. Any person buying the lobsters from a harvester must have a primary buyer permit, which requires the dealer to report. All harvesters will be required to report their landings and who they have sold to, which should match the dealer reporting of who the dealer bought from.

Implementation Date:

A question was received asking when the rule and lobster reporting provisions may take effect. The Department is proposing to implement the 100% lobster harvester reporting requirement beginning January 1, 2023, and the rule language in the lobster reporting section has been updated to include an effective date. The Department would implement the other changes after the rule is filed. The Department anticipates conducting outreach with license holders, so it is clear when the new reporting requirements take effect.

Electronic Reporting:

There were several comments stating concern with reporting their trip data electronically and potential issues with the VESL app. Addendum XXVI to the ASMFC American Lobster Management Plan requires all states to move to 100% harvester reporting in the lobster fishery. In preparation to meet this requirement, the Department has developed a new app (VESL) that will allow license holders to report electronically. The Department recognizes that with technology there can be technical difficulties from time to time, however the Department has been monitoring the data flowing into SAFIS from the VESL app and everything has been running as designed and expected. The VESL application has been approved for both State only and harvesters with a GARFO permit to meet their reporting requirements. The VESL application will display what each harvester is required to report based on their permit type (State or Federal) and is dynamic in that it only asks for the information required for the

fishery the harvester is participating in. The Department is not requiring Federal harvesters to use the VESL application. If users are already using Fish Online or another approved eVTR program, they can continue to do so. The Department is able to see that a Federal harvester has fulfilled their eVTR reporting requirement regardless of what electronic reporting program they choose. The VESL app is available for license holders to report via computer or any mobile device (tablet, phone) on both Android and iOS. License holders will also have the option to report through the Department's online licensing system, LEEDS. The Department will provide training and support as necessary for license holders who have not previously used electronic reporting options.

Why Should the State Implement these Changes?

There were several commenters asking why the State of Maine should comply with the ASMFC requirements, and why the Department isn't doing more to push back on these types of changes, especially when license holders are already complying with the 2021 ALWTRT regulations.

Under the ASMFC's American Lobster Management Plan Addendum XXVI, the Maine lobster fishery must move to 100% harvester reporting. The purpose of transitioning from 10% to 100% harvester reporting is to improve the information on fishing effort and location, and to maintain compliance with the ASMFC lobster management plan. If the Department does not implement 100% harvester reporting by Jan 1, 2024, then the State of Maine will be out of compliance with the Lobster Fishery Management Plan. In the event that a non-compliance determination is sent to the Secretary of Commerce, the State of Maine risks having its lobster fishery be closed. For more information on the ASMFC requirements, please visit http://www.asmfc.org/files/pub/ISFMPCharter_Aug2019.pdf.

The Department also included 100% harvester reporting in the State's right whale plan submitted to NMFS in January 2020, which was included in the Final Rule, implemented in May 2021, that amended the Atlantic Large Whale Take Reduction Plan. Without this information, Maine's lobster industry suffers from broad assumptions about the spatial distribution of the lobster fleet, and its overlap with right whales.

During deliberations on Addendum XXVI the Department did push back on this proposal. This pushback resulted in a 5 year implementation delay. Maine is the last state without 100% harvester reporting. We were able to establish this change without pushing the cost of this change onto license holders.

Proprietary Data:

Some commenters stated that the information the Department is asking license holders to report is proprietary. There is also concern that this information will be sold or transferred to the windmill companies.

The Commissioner has the authority under 12 M.R.S.A. Section 6173 adopt rules for the collection of information with respect to fisheries, including catch, spatial and effort data. Landings information submitted to DMR under this regulation is protected as confidential under 12 M.R.S.A. Section 6173. An individual's information will not be provided to offshore wind developers. This information will be used in aggregate by the Department to inform us and the industry about the spatial footprint of the lobster fishery for purposes of informing DMR on how to avoid or mitigate impacts from offshore wind leasing in the Gulf of Maine. Any use of this information in aggregate form will be done in accordance with the confidentiality provisions required by law.

Lobster Stock Management:

A comment was received that the Department already has enough data to manage the lobster stock. The data provided by 100% dealer reporting does not include effort information, like number of trap hauls, gear configurations, or spatial information for how and where the catch is harvested. Harvester logbooks provide this information and more, but it currently is only reported from a small subsample of the licenses. A more complete dataset including these components are important for understanding the effort within the fishery and can inform management discussions to better understand anticipated positive and negative impacts of proposed regulations, ocean energy proposals, and changing trends within the fishery.

State Reporting in Addition to Federal Reporting:

There was a comment received asking that if federally permitted boats are already submitting reports to NOAA, why should they also have to submit additional reports to the State? The VESL app is the only program available that will meet all Federal and State reporting requirements. However, license holders do not need to submit separate reports to the State. If a license holder already submits reports to GARFO, the Department will receive notification that they have submitted reports for each fishery and if the harvester is required to report to the State for that fishery, the Department will accept those reports for their State reporting requirement. The only fishery that this is not true is for the State's inshore halibut fishery, and in that case they will either need to report using VESL or the Maine LEEDS system for all halibut landings. If a license holder does not submit their trip data through the VESL app, there will be a delay in the Department receiving that information. Currently, the Department does not receive "real time" updates from NOAA through the Fish Online Platform. The Department does receive updates from the VESL app in an overnight process. Regardless of what eVTR platform a Federal harvester chooses to report their lobster landings, the Department will receive notification when they fulfilled their reporting requirements, and no additional reporting will be required.