U.S. FEDERAL LAWS CREATE COMPLEX PATH FOR LOBSTER FISHERY

By Patrice McCarron

The United States has some of the most stringent environmental protection laws in the world. Those laws, which ensure we have clean water and air, also ensure that plant and animal species are protected for future generations.

Two of those laws directly affect lobstermen. Congress enacted the Endangered Species Act (ESA) in 1973 to halt and reverse the trend toward species extinction. Similarly, the Marine Mammal Protection Act (MMPA) sets an international standard for conservation of marine mammals. Maine lobstermen are known for their conservation and stewardship practices when it comes to sustaining the lobster fishery and for nearly a quarter of a century Maine's lobster industry also has implemented conservation measures to protect endangered whales.

The Atlantic Large Whale Take Reduction Plan (TRP) or "whale plan," as it is referred to by most lobstermen, lives under the MMPA. There is a long list of conservation measures lobstermen have had to follow under the whale plan, such as weak links, gear marking, sinking groundlines and minimum traps on a trawl in addition to prohibitions on wet storage of gear and floating line between traps or at the surface.

After being subject to the whale plan for many years, most lobstermen understand that the MMPA requires the lobster fishery to avoid the serious injury or death of right whales that would exceed the potential biological removal (PBR) rate, which is currently 0.8 whales annually, or four whales over a five year period. Their efforts have paid off, known entanglement of right whales in New England lobster gear has declined by 90% since 2010, and the last known entanglement in Maine lobster gear was back in 2002.

Then there’s the ESA. Over the past few years, lobstermen have become familiar with the ESA because North Atlantic right whales are among the most critically endangered marine mammals in the world. In 2017, the National Marine Fisheries Service (NMFS) completed its Five-Year Review of right whales and reinitiated consultation on the American lobster fishery under Section 7 of the ESA to determine whether the lobster fishery is likely to jeopardize the continued existence of right whales. NMFS has revised the timetable for its release several times, and now expects to publish the draft in late summer or early fall. The final biological opinion, along with final whale rules, is expected by the end of May 2021.

The biological opinion is critical to the future of the lobster industry because the ESA does not allow the permitting or authorizing of any actions that are likely to jeopardize the continued existence of listed species. If there is the po-

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LOBSTER WORLD UNITES TO #SAVE MAINE LOBSTERMEN

By Melissa Waterman

"It’s like a bunch of rogue waves bearing down on us," said Kristan Porter, president of the Maine Lobstermen’s Association (MLA). "These court cases are complex, serious and they are not going away."

Several legal cases brought by activists and national environmental organizations against the National Marine Fisheries Service (NMFS) on behalf of endangered North Atlantic right whales threaten to close or severely limit the practice of lobster fishing in Maine. In order to counter the allegations that lobster fishing threatens the right whale population, the MLA has called on lobstermen and businesses throughout the coast to contribute to the Association’s Legal Defense Fund (LDF). "LDF contributions are key to this battle," said Patrice McCarron, MLA executive director. "We have assembled a top-notch legal team to fight for a future for the Maine lobster industry. We need to build our case on good data and information, and the environmental community has been in control of that for way too long. It’s time for the lobster industry to invest in getting our story on the record, and that takes time, strategy and

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How many of you peek at the ending of a mystery book? It's a common urge, to find out who the murderer really is and how things turn out in the end. We are all dealing with a similar feeling this July, anxious to know when the pandemic will stop and when our lives can return to normal.

But the future remains murky for everyone, particularly Maine lobstersmen. The season begins in earliest this month but with weak markets, no one really knows how lobstersmen will fare. Department of Marine Resources (DMR) Commissioner Patrick Keliher writes this month about the need for lobstersmen to check often with their individual buyers to make sure there is a market for their lobsters before they catch them. Buyers should be forthright with lobstersmen as well. As Keliher points out, “[W]e all know that lobsters landed by harvesters and purchased by dealers when there are no markets will result in a value decline that will be felt by everyone in the industry, potentially for several seasons to come. A short-term sacrifice may help us achieve a longer-term gain.”

Among the many challenges facing the Maine lobster fishery, court cases seeking protection for endangered North Atlantic right whales threaten to rock the foundation of the fishery. Under Section 7 of the Endangered Species Act, the National Marine Fisheries Service (NMFS) is updating its Biological Opinion on whether the continuation of the lobster fishery jeopardizes the right whale population. A recent decision in a court case filed in Massachusetts requires that state to apply to NMFS for an Incidental Take Permit in order to continue to use vertical lines in its state waters fishery. The same issue is under review in U.S. District Court in Bangor with respect to Maine’s state waters fishery. In an article in this month’s issue, we see just how complicated complying with federal law can be.

The Pew Charitable Trusts petitioned Department of Commerce Secretary Wilbur Ross in late June to implement emergency rules to close extensive portions of the Gulf of Maine and waters south of Nantucket to all vertical lines in an effort to protect migrating right whales. The petition calls for seasonal closures in areas offshore of Mt. Desert Island and Jeffreys Ledge and in Area 3 in the offshore Gulf of Maine, plus a year-round closure south of Nantucket. In addition, the nonprofit organization asked the Department to consider instituting other restrictions, such as limits on the number of traps or use of ropeless fishing, as complements to these closures. No response to the petition had been made public by press time.

Landings also features an update on the fundraising taking place to ensure lobstersmen’s perspectives are heard in these court cases. The Maine Lobstermen’s Association (MLA) began its fundraising campaign (“SaveMaineLobstermen”) in May, aiming to raise $500,000 for its Legal Defense Fund (LDF) to fight for a future for Maine lobstersmen. Since then, numerous individuals and businesses have stepped up to help the Fund. They have found all sorts of creative ways to generate money for the LDF, from a Facebook auction to selling T-shirts and mugs. “These are scary and uncertain times for Maine lobstersing families, and I know the Maine Lobstermen’s Association Legal Defense Fund is going to be a vital resource in waging this battle,” Rebecca Spear, a fundraiser and wife of a lobstersman in Yarmouth, said.

Prince Edward Island lobstersmen are required this season to use specific marks on their vertical lines to ensure such lines can be identified if they entangle a whale. Ian MacPherson, head of the Prince Edward Island Fishermen’s Association (PEIFA), writes this month of the complex color twin line system that all fixed gear fishermen in Canada must use on their vertical lines. Like Maine lobstersmen, who must have specific purple marks on their lines in place by September 1, Canadian crab and lobster fishermen are putting their frustrations aside and complying with the new and time-consuming rules.

We also hear from Monique Coombs, of the Maine Coast Fishermen’s Association (MCFA), on the efforts that organization is making to make available mental health resources for fishermen. MCFA received two grants to increase mental health awareness and well-being among fishermen. Fishing is a dangerous profession in the best of times. Currently fishermen are facing many stresses that are beyond their control. The lack of mental health resources dedicated to fishing communities puts fishermen particularly at risk, Coombs writes.

Keeping on top of one’s business records is one way to have a bit of control, according to Craig Olson of the Island Institute in Rockland. Olson writes in our “Business 101” series of the value of record keeping for any small business, particularly a lobstering one. Making sure that personal and business expenses are separate and assessing costs and revenue on a weekly or bi-weekly basis is the foundation for a successful business. He encourages fishermen to use professional services when needed, because a fisherman’s time is best used fishing, not fiddling with account books.

Port Clyde has long been associated with fishing, in all its many forms. First known as Herring Gut for the plentiful herring schools that passed along its coast, the village has historically based its economy on what the sea provides, whether clams, shrimp, groundfish, herring or lobster. The residents’ tenacity and entrepreneurial character have helped Port Clyde survive the changes in the fishing over the years, though at some cost, as this month’s article describes.

Finally, Landings features a profile of artist Robert Beck. A native of Pennsylvania, Beck was drawn to the Jonesport area some years ago. His oil paintings reveal and honor what he sees around him in that hardworking town by the sea. In 2016 the Maine Maritime Museum presented his Maine works in an exhibit titled “Over East, An Artist’s Journal.” We offer a selection of his works in this month’s issue.

This month’s edition is sponsored by Greenhead Lobster.

Thank you!
Never has the lobster industry been so tested — whale regulations and lawsuits, a petition to close large areas of the Gulf of Maine, bait supply, and COVID-19. To make matters worse, lobster markets in the U.S. and around the world are severely impacted due to restrictions related to the global pandemic. Restaurants, cruise lines, casinos, and hotels are closed or severely limited in their ability to serve customers. It is uncertain how long this will last, but it’s clear that it will continue at some level through the summer.

I have spent hours working the phones, holding meetings and discussing with industry members possible solutions to what could very well be an oversupply problem as the fishery ramps up this summer. My position about government intervention has not changed — I don’t think that government should wade in to try to influence market conditions. It would be a terrible precedent to set. That doesn’t mean we might not want to temporarily slow or stop the fishery if we reach a state of emergency, but that should be the last option.

As many of you remember, we had a similar situation in 2012 when an early shed in Maine waters led to an industry to quality in a value decline that will be felt by everyone in the industry, potentially for several seasons to come. A short-term sacrifice may help us achieve a longer-term gain. This emphasis on communications and cooperation should be matched with a commitment throughout the industry to quality. That should involve a shared commitment with dealers incentivizing the highest-quality product and harvesters sacrificing volume for quality.

A commitment to quality throughout the supply chain will support the brand reputation of Maine lobster which you have all worked so hard to build.

I can’t imagine what the uncertainty of this coming season is doing to you and your family. But I do have confidence that working together is the best path forward. This is an unprecedented time, but I believe this industry will, as it always has, rise to the occasion and weather this storm.

But we all know that lobsters landed by harvesters and purchased by dealers when there are no markets will result in a value decline that will be felt by everyone in the industry, potentially for several seasons to come. A short-term sacrifice may help us achieve a longer-term gain. This emphasis on communications and cooperation should be matched with a commitment throughout the industry to quality. That should involve a shared commitment with dealers incentivizing the highest-quality product and harvesters sacrificing volume for quality.

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By Ian MacPherson, PEIFA

All fisheries in the Gulf of St. Lawrence are a little more colorful these days as Canadian fishermen are adding colored twine to all vertical lines for 2020 and future fishing seasons. This effort is to provide additional data on North Atlantic right whale entanglements. It takes place in addition to significant area fishery closures that are in effect until November 15, 2020.

Each color added to the twine represents either an area or species fished. The goal is to gain a better understanding of where whales are getting entangled and in what gear type. The information will assist the Department of Fisheries and Oceans (DFO) in making decisions related to the prevention of whale entanglements.

Every vertical line in the water is required to have a series of colored twine repeated three times. This includes not only fishing lines, but any vertical line in the water, even if for scientific purposes.

The first marking is within 6.6 feet from the buoy, the third marking is within 6.6 feet from the trap and the middle marking or second mark is dependent on the length of the vertical line. If the vertical line is less than 98.4 feet the second marker must be more than 9 feet 8 inches away from both the buoy and the trap.

If the vertical line is greater than 98.4 feet the middle marker must be more than 39 feet 4 inches from the buoy and trap. This ensures the second marking is in the middle section of the rope.

The majority of fisheries in the Gulf region need only two colors, one for region and one for species, but lobstermen requested a better breakdown by location. Therefore, vertical lobster lines have a third color which follows the region and species colors. This third color represents the Lobster Fishing Area (LFA) and is also 6 inches in length.

A few examples:
- LFA 24: blue (Gulf region) and yellow (lobster) twine together, followed by green (LFA 24) twine
- Rock crab fishery: two pieces of blue twine together (Gulf region and rock crab)
- Mackerel fishery: blue (Gulf region) and grey (small pelagic) twine together.

Gulf of St. Lawrence fishermen were irritated because they understood these marking changes were coming and asked DFO for the color patterns before the end of the prior season. As they were putting gear away last year would have been the proper time to put the twine in the lines. But DFO had not standardized information so there were different interpretations on how the twine was to be installed. Some methods were much more time-consuming than others so for a period of time fishermen were frustrated. The focus this season, however, is on implementation of the twine and any required adjustments can be made in the off season.

Ian MacPherson is the executive director of the Prince Edward Island Fishermen’s Association.

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All vertical lines in the Gulf region will have a 6-inch piece of blue twine, representing the Gulf region. The Maritimes region color is black; Newfoundland is red; Quebec is green. The color identifying species is also 6 inches and it is woven into the vertical line with the blue twine. For lobster, the species color is yellow, for rock crab the species color is blue, for small pelagic the species color is grey.

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Ian MacPherson is the executive director of the Prince Edward Island Fishermen’s Association.
The race registration is how we generate money for prizes and raffles but we didn’t know if we were going to be able to have the races," O’Hara said. "So the committee decided to donate all the money to the LDF. More money is coming in from sponsorships as well." Because several races have been cancelled this summer, O’Hara expects more than the typical 50-60 boats that race in Rockland each year to turn up, further increasing the committee’s contribution. When asked who specifically came up with the idea of making such a generous gift, O’Hara replied, “I don’t know, it just seemed like the right thing to do.”

Jason Philbrook, of Rockbound Computers and Navroc Marine Electronics, also decided to make a contribution. His company will donate $150 for every plotter sold between June 15 and July 31. Philbrook takes a pragmatic view of his donation. "I reviewed the LDF website and other information the MLA produces and saw quite a few customers in the pictures and interviews. I want them to stay in business," he explained.

Philbrook recognizes the inextricable link between lobstering and the economic health of Maine’s small coastal communities. "We keep a long view of customer relationships. Most people think long view means we maintain a business relationship through a customer’s career. That’s correct but also short-sighted. We have customers whose kids and grandkids do business with us. People who are teenage sternmen right now may be our customers in a few years if the lobster fishery survives," Philbrook said.

Many other companies and individuals are helping to reach the MLA’s target of $500,000, from Moody’s Gift Shop in Waldoboro to individual lobstermen donating a portion of their catch each week to the Fund. "It is amazing to read the notes that come with the contributions and to hear from lobstermen what they are doing to make sure we can represent in court and wherever else this whale issue takes us," the MLA’s McCarron said. "It’s a long road but we are going to make it."

Another entrepreneurial woman chose a creative way to generate money for the LDF. Jessica Crane, head of the nonprofit organization Outside Of The Box, which organizes events benefiting autism awareness, teamed up with Megan Backliff of CoastalMECreations to produce coffee mugs bearing the MLA’s campaign slogan “Save Maine Lobstermen” on them. Crane approached Adventure Advertising to produce the same slogan on T-shirts. All proceeds of the sale of both items go directly to the LDF.

"I feel as though it’s time for Outside Of The Box to give back to an industry that has helped us so greatly," Crane declared on her web site. "Over the years of Outside Of The Box hosting events and fundraisers, we have always had tremendous support from Maine’s largest industry, lobstering. The lobstering men and women have always donated their catch, the trap builders have donated traps, the bait companies donated gift certificates toward bait.”

It hasn’t just been women finding ways to support the MLA. Bill Spear, wife of Marshall Spear of Yarmouth, decided to organize a one-week fundraising auction on Facebook. “Putting together the auction was a spur of the moment decision,” she explained. “I’ve done larger auctions for other groups and really just wanted to find a way that I could help. I’m not the type of person who can sit around and watch!” Spear solicited donations of everything under the sun, from airplane and train tickets to jewelry and lobster bait. The auction brought in more than $4,500 for the LDF, much to the delight of Spear and the MLA’s board of directors.

“My goal was to raise funds but also awareness. I think it’s important for brands and businesses with connections to Maine lobster know what the industry is facing. It’s also important for Maine consumers to understand as well. These are scary and uncertain times for Maine lobstering families, and I know the Maine Lobstermen’s Association Legal Defense Fund is going to be a vital resource in waging this battle,” Spear said.

Christine Crowley, owner of Sea Crow Company, an online bag and accessories company based in Hancook, decided that she needed to give something to the LDF as well. Her husband, Donnie, fishes out of Prospect Harbor and numerous family members and friends lobster as well. Crowley began her company doing custom embroidery for fishermen who wanted their fishing vessels embroidered on coats and sweatshirts. Six years ago, she incorporated as Sea Crow Company and began making tote bags, purses and other items, drawing inspiration from the colors of her husband’s rope and other elements of the lobstering business.

“I was made aware of the MLA Legal Defense Fund by Facebook. I decided to donate 10% of my sales to the Fund,” Crowley said. She also chose to donate the 7% commission she receives from Sea Crow Company necklaces sold at Ellsworth Jewelers to the Fund as well. "Ellsworth Jewelers also agreed to match that donation,” she said. "It really was a no-brainer to me to decide to donate to the Defense Fund, not just because my husband is a lobsterman but because so many of my customers are too.”

Early July that Juno kicked off a campaign in June to raise $500,000 for the LDF, the response throughout the state was immediate. The June Facebook Auction raised $5,000 for the Legal Defense Fund. ‘The MLA’s McCarron said. “It’s a long road but we are going to make it.”
FISHERMEN’S ORGANIZATION OFFERS MENTAL HEALTH RESOURCES

By Monique Coombs, Maine Coast Fishermen’s Association

Maine’s commercial fishermen are familiar with uncertainty and uncontrollable circumstances under normal conditions, but the level of ambiguity and the impact of the current pandemic have sharply heightened worries regarding their businesses and the future of their industry. In addition, the lawsuits over right whale protection, the inherent risk associated with fishing, and possible future development of offshore wind projects further exacerbate concerns.

Because of these things, and because of what we have been hearing from many fishermen, the Maine Coast Fishermen’s Association (MCFA) began efforts to explore and identify mental health and wellness resources available to Maine’s commercial fishermen. Initially, we wanted to produce printed and online materials that could be made easily available to fishermen seeking help, support, and information. But the need for support increased recently due to the pandemic and its potential to greatly impact family fishing businesses. So, to more immediately provide information to Maine’s fishermen MCFA reached out to the National Alliance on Mental Illness (NAMI Maine).

MCFA staff sought help from NAMI Maine for our own well-being this past January after the devastating loss of our board president and friend, fisherman Joe Nickerson. NAMI Maine’s expertise and counsel guided our staff through an exceedingly difficult time. Our own experience with NAMI Maine led us to our decision to share their expertise and resources with fishermen.

NAMI Maine and MCFA have been working together since then to identify topics that are pertinent to fishermen during this time of pandemic but also under normal circumstances, such as times of grief, trauma, stress, anxiety, depression, and job insecurity.

NAMI staff person Hannah Longley, LCS, has been helping write some of the blog posts for the MCFA website. “Feeling a lack of control and uncertainty can make people feel like they are spiraling. One in five Mainers seek treatment for anxiety or depression in a given year, and men are three times more likely to die by suicide,” Longley said. “We encourage Mainers to look out for each other and to tackle the issues surrounding mental health and wellness, and that includes supporting Maine’s commercial fishermen.”

Other than safety, accidents, and fatalities, there are not a lot of statistics that quantify the impact of stress and the need for mental health support specifically among commercial fishermen. There are a few statistics from the federal Centers for Disease Control that highlight the extreme stress and pressure that fishermen face because of the risks inherent in their occupation. Commercial fishing is one of the most hazardous occupations in the United States, with a fatality rate 29 times higher than the national average. The Northeast lobster fishery has the highest number of fatalities, with more deaths caused by falls overboard than vessel disasters. In contrast, the research and statistics, not to mention support, related to farmers’ mental health and wellness are abundant.

Acting chairman of the MCFA board and commercial fisherman from Chebeague Island Alex Todd says, “It’s important to me and my friends and family who go fishing that there are resources available that can help us deal with some of the challenges we are facing. There is so much we have to deal with right now and it’s really taking a toll on a lot of us. I think even just letting people know that some fishermen are pretty anxious and depressed right now is important.”

Because of the efforts from MCFA to highlight the need for mental health and wellness resources for fishermen and because more fishermen are vocalizing their increasing stress and concern, acknowledgement that opportunities need to be made available to fishermen is occurring.

MCFA has received grants from the Fisher Charitable Trust and the Sewall Foundation to support access to mental health and wellness resources for Maine’s fishermen. We are using the funding to connect fishermen with mental health and wellness resources and professional counselors so they can access the critical support they need to stay emotionally resilient and healthy during this unprecedented and confusing time. Despite the necessity, nothing like this is happening for the fishing industry anywhere else in the United States.

Senator Susan Collins recently joined a bipartisan group of Senators in introducing legislation to expand telemental health services in rural areas. The Home-Based Telemental Health Care Act of 2020 would establish a grant program for health providers to expand telemental health services for those in rural populations working in the farming, forestry, and fishing industries.

Maine fishermen, like many small business owners in Maine, are worried about the potentially disastrous impacts of the pandemic on their livelihoods. This, coupled with the stress and volatility associated with managing a fishing business, is putting an excessive amount of pressure and worry on fishermen. Creating opportunities for fishermen to seek help, to find resources to learn about managing stress and trauma, to promote wellness, and to show fisherman support is a priority for the MCFA in its efforts to sustain Maine’s fishing communities for future generations.

To learn more about the support we are making available to fishermen, please visit www.maineoceanfishermen.org. Fishermen do not need to contact us; they can reach out directly to the counselors and resources that are listed on the website. If you or someone you love could use support, please reach out to NAMI Maine’s Helpline 622-5767 ext 1.

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MAINE LOBSTERMEN’S ASSOCIATION UPDATE

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BOARD OF DIRECTORS’ MEETING SCHEDULE

In response to the COVID-19 pandemic, the MLA has suspended all in-person meetings.

MAINE LOBSTERMEN’S ASSOCIATION UPDATE

STEAMING AHEAD

There is so much facing the lobster industry these days that it is almost surreal. The government response to the pandemic has hit the restaurant and entertainment industries particularly hard, resulting in the loss of a huge portion of our traditional lobster market. While dealers and processors are innovating new ways to move more lobster through retail and direct-to-consumer outlets, a significant volume of lobster will need to find new customers. Not surprisingly, the lobster industry is split on what, if anything, should be done about this, so it is highly likely that this season will simply run its course. The looming fear is that this will lead to a steep depletion of the lobster price, which will require several years to recover.

We also learned in June that the new herring stock assessment is devoid of good news. Both herring biomass and recruitment to the herring stock remain extremely low. This is a result of recruitment failure and not due to overfishing. Herring quotas have been cut significantly this year, with the commercial fishing quota set at just over 11,000 metric tons. This is down from more than 100,000 metric tons in 2017, and just under 50,000 tons in 2018. The sustained loss of such a huge portion of the bait supply has caused bait prices to skyrocket over the past few years.

These two facts pose significant challenges and will threaten the survival of many lobstering businesses. But truthfully, they are not the most significant obstacles that we face. In my view, the mandate to save right whales is the issue that threatens to dismantle our fishery as we know it. The MLA is expected to tackle all of these issues of course, plus more, for instance, the push for offshore wind development off the Maine coast. Yet, keep in mind that the MLA is a membership organization funded voluntarily by lobstermen and other industry members through dues. This model has worked for us for more than 65 years, allowing the MLA to successfully steer many of the policies and laws that are now the pillars of lobster conservation and stewardship practices. Based on the present day demands faced by lobstermen, the MLA is no longer funded or staffed adequately to meet this vast array of complex challenges.

But we are not giving up! In order to address the whale issue, the MLA is raising money for the Legal Defense Fund. The whale issue is so broad and complicated that the MLA has needed to bring in reinforcements to represent the lobster industry’s interests. Much of the MLA’s call to action for the Legal Defense Fund has been focused on raising the money necessary for the legal services to represent MLA members in the federal court case involving the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA). I cannot underscore the importance of the lobster industry having talented lawyers to represent us in these legal challenges. The court’s judgement will clarify how the laws apply to the lobster fishery, and will dictate the legal and regulatory standards that must be met.

In the federal court case, the MLA has been able to provide information about how the lobster industry operates and interacts with right whales. We have urged the court to limit its reach to the legal issues and to leave the management decision, which dictates how the fishery operates to the regulatory agencies. We do not want a judge deciding how we fish. If — and it is still an “if” — we are successful in convincing the court to leave the management decisions to the regulatory agencies, we still face an uphill battle. The real threat to how the lobster fishery will operate in the future will be decided through rulemaking.

The environmental community has been effective in creating a narrative making the lobster fishery out to be the “bad guy” when it comes to threats to right whales because it is the largest fishery on the East Coast. They cleverly cite statistics on the recent spate of right whale deaths and entanglement in commercial fishing gear but omit the details about where and how these right whales died and which fisheries were involved. They are silent on the consequences of right whales’ shift in recent years away from the area where the majority of the Maine lobster fishery takes place into the Gulf of St. Lawrence.

Based on their story, how many people would guess that approximately 70% of the 30 right whales that have died since 2017, 77% are attributed to Canada? Based on their story, who would guess that Canadian vessel strikes have been the primary source of these deaths, followed by entanglement in Canadian fishing gear? I would bet that more than a few of these losses are due to the environmental community’s misrepresentation of the facts. The MLA has never been implicated in the death or serious injury of a right whale.

While dealing with environmental organizations is frustrating, the entity I have been most disappointed in is the National Marine Fisheries Service (NMFS). The agency simply refuses to base its decisions on the best available data. In the federal court’s April ruling, the judge references a previous litigation over a gillnet closure and writes, “The Service’s own expert claimed that [the] risk of entanglement is lower in trap/pot gear, particularly lobster gear, because lobster fishing accounts for over 97% of the vertical lines on the east coast.”’ NMFS expert Mike Asaro made this statement with full knowledge that there has been only one documented mor- tality or serious injury in US trap/pot gear since 2010 which was not attributed to the lobster fishery, and three documented mortalities or serious injuries in gillnet gear during that time. It would seem to me that the agency would reach the opposite conclusion given those facts.

But, reality check. The MLA is not the federal government. NMFS is responsible for promulgating rules for the lobster fishery that meet the standards of the MMPA and ESA. Whether we are happy with how they are handling things or not, the Maine lobster fishery must have an effective working relationship with the agency.

It goes without saying that the MLA will continue to demand that NMFS be required to use the best available data to guide regulatory decisions and that the agency be held accountable for its actions. But we must recognize that NMFS eventually will issue a biological opinion, new whale rules, an Incidental Take Statement on right whales for the federal waters fishery, and possibly an Incidental Take Permit for Maine’s state waters lobster fishery. If Maine lobstermen are not represented in court and when NMFS creates rules that will determine the future of their industry, we must have some confidence in the outcome and work through the process.

The MLA Legal Defense Fund also will allow the MLA to fill data gaps related to lobster fishing and whales, conduct related analyses and potentially generate new research. One
of the realities of the current situation is that the very people who are doing the majority of research on right whales are also some of the most vocal advocates for fishery closures, ropeless fishing, trap reductions and transitioning to weak rope. The universe of research is no longer balanced. There is a clear need to engage members of the scientific community who are more objective on this issue and ensure that the published literature provides a balanced perspective on the impacts of a multitude of commercial fisheries and other human activities on right whales.

Finally, in addition to addressing the legal, regulatory and scientific issues posed by the right whale situation, the Legal Defense Fund will enable the MLA to challenge the outcome of the federal court case, if the outcome threatens the survival of the industry, and also to identify potential opportunities for the MLA to launch its own legal challenge to this process. We are in a truly perilous time, not simply because an invisible virus has turned the world upside down, but because two federal laws may force the government to transform the operation of the lobster fishery, or worse, shut it down. There’s that old saying, “Put your money where your mouth is.” I can’t urge you strongly enough to do that, now, today. If you are a Maine lobsterman, or depend on the lobster industry, your livelihood and certainly the fishing prospects of your children are at stake. Please contribute as generously as you can to the MLA Legal Defense Fund.

As always, stay safe on the water.

WHALE UPDATES

MLA’s staff and legal team have been putting in overtime to stay on top of all the whale cases. Much of June was spent preparing to file our brief on remedy in federal court, but there have been other developments as well.

With regard to the federal whale court case pending in Washington, D.C. district court, the MLA and other intervenors filed briefs on June 18. The defendants (NMFS) filed on June 15, the plaintiffs (eNGO’s) filed on May 15, and DMR filed an amicus brief on June 22. The plaintiffs have a final opportunity to respond by July 10. From there, the judge will review all the filings and make his decision. Due to generous contributions to the MLA Legal Defense Fund, MLA was able to engage experts to provide critical information to the court. It is important to understand that you do not have carte blanche to put information on the record in a court case. Instead, you have to work from the information that is on the record, presented by the plaintiffs and defendant. Due to the excellent work of our legal team, MLA was able to get much of our position on the record in our brief, but also expanded the record significantly by filing six expert declarations in support of our brief. Here’s a brief summary of the declarations that MLA included in our filing:

Glenn Salvador — a former commercial lobsterman with a 20-year career at NMFS as a gear specialist, Salvador reviewed data on the gear removed from right whales and showed that entanglement in lobster gear has declined by 90% since 2010 and the majority of unknown rope removed from whales since then is characteristic of that fished in the Canadian snow crab fishery.

James Lecky — former director of NMFS Office of Protected Resources in Washington, D.C., Lecky reviewed the literature on the shift in right whale distribution away from the Maine coast and acknowledged the lack of evidence linking the lobster fishery to right whale deaths and serious injuries. He determined that rope in the water, in and of itself, does not present a threat to whales unless the whales and fishing gear co-occur.

Noah Oppenheim — a lobster researcher and former director of the Pacific Coast Federation of Fishermen’s Associations, Oppenheim provided an analysis of the safety, environmental, operational, enforcement and economic challenges posed by line-less or ropeless fishing.

Patrice McCarron — director of the Maine Lobstermen’s Association, McCarron provided data on the economic importance of the Maine lobster fishery, and measures adopted by lobstermen to protect right whales.

Beth Casoni — director of the Massachusetts Lobstermen’s Association, Casoni provided data on the economic importance of the Massachusetts lobster fishery, and measures adopted by lobstermen to protect right whales.

David Borden — a former director of the Rhode Island Department of Environmental Management and director of Atlantic Offshore Lobstermen’s Association, he discussed recent changes in the lobster fishery to reduce effort and recruitment of a vertical line closure could increase risk to right whales as gear is shifted to nearby waters.

NMFS revealed an updated timeline for the release of the draft biological opinion and whale rules, stating that the release date for the draft will be delayed until late summer or early fall and the final rule is not expected to be published before May 31, 2021.

On June 17, the MLA filed for intervenor status in the court case brought against NMFS and DMR in Bangor District court by Max Strahan. We are waiting to hear from the court whether our request has been granted. This case was filed in September, 2019 against DMR and NMFS for authorizing the use of vertical lines in Maine state waters’ lobster and gillnet fisheries. The Maine Lobstering Union has been granted intervenor status in this case. A similar court case was filed in Massachusetts, where the judge ruled that the state of Massachusetts is required to get an incidental take permit within 90 days to continue to permit buoy lines in its state waters fishery.

Finally, the Pew Charitable Trust sent a petition to NMFS, also on June 18, requesting emergency rules to protect whales by instituting four closures to include a massive year-round vertical line closure below Nantucket in Massachusetts, a seasonal vertical line closure offshore of Mount Desert Island (August to October), a seasonal vertical line closure off Jeffreys (May to July), and a massive offshore seasonal closure in Area 3 along the Areal/ Area 3 line (Oct to May). Maine has strongly opposed these proposals for closure over the past couple of years, and they were soundly rejected by the TRT because they show little conservation benefit.

LEGAL DEFENSE FUND REACHES $175,000

The Legal Defense Fund fundraising is going well. We have raised approximately $175,000 of our $500,000 goal. MLA is grateful for the tremendous outpouring of support dedicated to Save Maine Lobstermen. We still have a way to go to reach our goal of $500,000, but we will get there. There is no doubt that Pew and the other environmental organizations are spending far more than that to try to shut the Maine lobster fishery down. Please know that we would not be able to engage on these whale issues effectively without this support.

HERRING UPDATES

On June 6, the Atlantic Herring Fishery Management Plan, under which 92 percent of the area’s catch limit is projected to be harvested, the directed fishery is closed.

Area 1 — The Area 1A herring fishery opens on July 19 in Maine (July 20 in New Hampshire and Massachusetts). Category A permit holders that have declared into the Area 1A fishery may land herring four (4) consecutive days a week, with one landing per 24 hour period. Category A permit holders may harvest up to 240,000 lbs (6 trucks) per harvester vessel, per week. Category A permit holders and carrier vessels landing herring caught in Area 1A to a Maine, New Hampshire, or Massachusetts port may transfer herring at-sea to another harvester vessel, but may not make any at-sea transfers to a carrier vessel. Carrier vessels may not receive at-sea transfers from a harvester vessel.

Herring Stock Assessment — The Northeast Fisheries Science Center has provided a preview of the 2020 herring stock assessment. The results are very similar to what was observed in the 2018 herring stock assessment. Atlantic herring continue to experience poor recruitment so the stock level remains very low. The NEFSC held a peer review on June 22. Once the peer review is complete, this stock assessment will be finalized.
Atlantic menhaden are managed by the Atlantic States Marine Fisheries Commission (ASMFC). The menhaden management plan maintains a suite of commercial management measures including allocation, quota transfers, quota rollovers, incidental catch, the episodic events set aside program, and the Chesapeake Bay reduction fishery cap. The ASMFC’s Atlantic Menhaden Board set the total allowable catch for the 2020 fishing season at 216,000 metric tons. Maine’s allocation of Atlantic menhaden quota is 0.52% of the available 216,000 metric tons, or 2,438,677 pounds. Maine is also able to participate in the Episodic Events Fishery Set Aside program; the set aside quota is 1% of the total allowable catch and is approximately 4.7 million pounds for the 2020 fishing year.

On June 19, Maine’s reached its allocated quota and closed the state directed fishery. DMR requested participation in the Episodic Event Set Aside program (EESA) from ASMFC and is awaiting the determination of that request. If granted, DMR intends to reopen the menhaden fishery on June 29, but the fishery will be limited to Mondays and Thursdays only and landings must be reported in the same day. The daily landing limit (120,000 lbs) and the weekly cap (160,000 lbs) will remain the same for both harvester and carrier vessels along with one landing allowed per calendar day.

On June 5, President Donald Trump met with a small group of representatives from Maine’s fishing industry to announce the opening of the Northeast Canyons and Seamounts National Monument to fishing. Industry members were invited to support the President’s announcement and had limited opportunity to highlight other issues. It was an honor for MLA’s president, Kristan Porter, to meet the President of the United States. Porter provided a statement to the President thanking him for opening the Northeast Canyons and Seamounts, and highlight the extreme challenges facing the Maine lobster industry to further protect right whales.

The MLA has been in communication with White House staff over the past year. In the weeks leading up to the President’s visit and in the weeks following, these conversations have become more frequent and focused on how the White House can support Maine’s lobster industry on the right whale issue. MLA has stressed our industry’s commitment to do its part to save the species, but we cannot solve this problem alone. We have highlighted several important facts such as:

- of the 30 right whales that have died since 2017, 23 died in Canada, more than half as a result of entanglement and vessel strikes;
- since 2010, entanglement in U.S. lobster gear has declined by 90%; the last known entanglement in Maine lobster gear occurred in 2002 and that whale is currently alive and healthy;
- right whales have shifted away from the coast of Maine to other habitats including the Gulf of St. Lawrence.

On June 24, President Trump signed an executive order to support the lobster industry dealing with trade issues. The MLA has communicated its appreciation to the White House for this level of support, but stressed that the largest threat to Maine’s lobster industry is the right whale issue. The President’s staff has informed us that they continue to work on the right whale issue and that the trade announcement is in addition to that.

Some excerpts from Kristan Porter’s statement to President Trump:

“Mr. President, on behalf of Maine’s 5,000 commercial lobstermen, I welcome you to Maine…. Maine’s lobster fleet supports more than 10,000 jobs and the shoreside sector employs an additional 5,500 workers. If fishing were to go away, so would my town of Cutler, and most of our coastal communities…. Keeping our nation’s commercial fisheries strong is something that I am very passionate about. I appreciate the opportunity to speak to you today about how the government failed the commercial fishing industry when it created the Northeast Canyons and Seamounts Marine National Monument. Rather than work with the very constituents who are most knowledgeable about this issue, and whose and other livelihoods depend on its proper management and stewardship, the government instead created this monument behind closed doors with special interests…. We are very concerned about setting a precedent that closes areas to fishing and forces fishermen into smaller and smaller boxes…. Mr. President, fishermen are practical people. We want the opportunity to work hard, make an honest living and be a part of something we can be proud of. Maine lobstermen are proud of our long-standing stewardship practices through which we have developed one of the most sustainable fisheries in the world.

Despite our tremendous success, we find our industry at risk being shut down due to a rare population of North Atlantic right whales which is in decline. The MLA has been in communication with your staff about this, and you heard from the Maine delegation about this last summer. This is yet another example of where the process of government has broken down. There has been a deliberate campaign of misinformation led by special interests and a lack of transparency from the government. Maine lobstermen want to be treated fairly. We want decisions to be based on the best data that is out there, and we want our voices and expertise to be respected and heard. The government has refused to acknowledge our voice and our expertise, and our livelihoods hang in the balance.

Applications for the Paycheck Protection Program closed on June 30, 2020. If you have received a PPP loan, it is time to start thinking about applying for loan forgiveness. The forgivable portions of a PPP loan include payroll costs, the SBA announced on June 25 that fishing boat captains can now use proceeds of the PPP loan to pay their sternmen as crew. The SBA’s previous advice was that sternmen were independent contractors and could not be covered as a forgivable expense under the Captain’s PPP loan. The SBA has changed the amount of the PPP loan that must be used to pay employees, lowering it to 60% from the previous requirement of 75%. Other forgivable expenses include mortgage interest payments (but not any pre-payments), lease payments, and utility payments for electricity, gas, water, transportation, telephone, or internet access. These must be existing expenses and cannot be new liabilities.

To maximize forgiveness:

- At least 60% must be spent on payroll costs, and no more than 40% of the forgivable loan amount can be spent on mortgage interest, rent, and utilities related to the business and entered into before February 15, 2020.
- Proceeds from any advance up to $10,000 on an EIDL loan will be deducted from the loan forgiveness amount on the PPP loan.
- Forgiveness will be reduced if full-time employee headcount declines.
- Sternmen are now considered employees for the purposes of the PPP.
- Forgiveness is based on maintaining salary levels and will be reduced if salaries decrease by more than 25% for an employee.

The borrower must submit a loan forgiveness application to its within 10 months after the end of its loan forgiveness covered period or December 31, 2020, whichever is earlier. You can find the PPP loan forgiveness application on the SBA website: www.sba.gov document/ sba form/paycheck-protection-program- loan-forgiveness-application-revised-6-16-2020.

If you are self-employed and have no employees, you can file the EZ Loan Forgiveness Application which is a shortened version with fewer calculations and documentation requirements. A business is eligible for the EZ form if it meets at least one of the following 3 requirements: 1) the borrower is self-employed and has no employees; 2) the borrower did not reduce the salaries or wages of their employees by more than 25% and did not reduce the number or hours of their employees; or 3) the borrower experienced reductions in business activity as a result of a health directive related to COVID-19, and did not reduce the salaries or wages of their employees by more than 25%. The PPP EZ Loan Forgiveness Application can be found at: https://www.sba.gov/document/sba form paycheck-protection-program ez loan forgiveness application 6-16-2020.

The review process for loan forgiveness may take up to five months. Once a borrower submits an application for loan forgiveness, a lender has 60 days to review the application and forward it to the SBA; the SBA then has 90 days to review the application.
"Port Clyde, U.S.A." reads the T-shirt of a young man sauntering to the wharf. The short phrase encapsulates the view of a small village that knows precisely who and where it is. Port Clyde, part of the town of St. George, is the furthest east groundfishing port in the state, a precarious distinction in a time when groundfishing remains an extremely restricted fishery. But that wasn’t always the case.

When the St. George peninsula was first settled, originally by wandering explorers and more permanently by Scotch and Irish immigrants brought by landowner Samuel Waldo to the area in the early 1700s, the resources of land and sea were abundant. The harbor was first known as Herring Gut, a reference to the rich herring schools that travelled the Maine coast in mid to late summer. Sea were abundant. The harbor was first known as Herring Gut, a reference to the rich herring schools that travelled the Maine coast in mid to late summer. But that wasn’t always the case.

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The early Port Clyde residents turned their hands to the natural resources of the area to make their livings. Lumber was available for building homes and shipping vessels. Granite was nearby to be quarried for wharves and city buildings. Even cutting ice became a profitable endeavor: the Port Clyde Cold Storage and Ice Company began operating in the 1870s. The village’s population peaked around 1880 at 3,000 individuals.

Marine resources, however, have been the keystone of Port Clyde’s economy. In recognition of the village’s seafaring economy, Congress authorized construction of the Marshall Point Lighthouse in 1832 at the eastern entrance to the harbor; the lighthouse was partially rebuilt in 1857 and 1896. It was automated in 1971 and is now operated as a museum by the town of St. George.

A cannery was operating in Port Clyde as early as 1859. The facility first canned lobsters, clams and mussels. As canning technology improved, sardines became a popular canning item. The Port Clyde Packing Company began operating in 1944 and remained successful until the factory burned down in 1970. It was the largest fire in the history of St. George and left 200 people jobless. When the factory exploded hundreds of cans flew out of the building and landed in the water. The adjacent beach took on the name “Can Beach” for the many cans that soon washed ashore.

In its heyday, Port Clyde featured all the small businesses associated with fishing: a salt factory, menhaden factory, ice businesses, shipyard, sawmill, blacksmith shops, sailmaker and stores selling marine supplies. Port Clyde fishermen, like many along the coast, fished through the seasons, shifting from lobster to herring to shrimp and other species depending on the time of year. Now fewer than 12 groundfishing vessels call Port Clyde their home port. The bulk of the fleet fishes for lobsters and scallops in the winter; the shrimp fishery closed in 2013 and has not reopened.

But the village’s understanding of its deep connection to the sea remains constant. In 2008 a fishermen’s memorial was dedicated near Marshall Point Lighthouse, honoring 11 fishermen who have died at sea since 1941. The motivation for the memorial came when Port Clyde fisherman Gary Thorbjornson was lost at sea in 2005. Thorbjornson made sure his son and son’s friend had their survival gear on before going below to get his own gear. For three years the community held raffles, suppers and auctions to raise the funds necessary to erect the monument.

Port Clyde Fresh Catch, which began as a Community Supported Fishery in 2007, is a new face on the harbor although the company is peopled with old Port Clyde names. The idea behind Fresh Catch is simple: focus on quality, not quantity, and provide fishermen with a higher price per pound. Groundfishermen (and shrimp fishermen when the fishery was open) bring their daily catches to a small facility on the harbor, where the fish are cleaned and processed, then sold locally and also shipped throughout the country. As Glen Libby, manager of Port Clyde Fresh Catch and a former fisherman himself, says in Caught: Time. Place. Fish., “The most important lesson to learn…is if you become complacent and expect things to go along as they always have you are in for a big surprise. Change is never ending and ignoring that fact will lead to failure.” And that is a point of view that defiantly sums up the fishing village of Port Clyde, U.S.A.
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Patrice McCarron, executive director
Maine Lobstermen’s Association

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The MLA is raising $500,000 for the Legal Defense Fund to save Maine’s lobster industry.

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Machias Savings Bank

The Harbor Challenge:
Cape Porpoise Lobstermen: $5300  
Frenchboro Lobstermen: $1085  
York Harbor Lobstermen: $4465

Gifts In Memoriam
Doris Ewing–In memory of David Provenceker  
Sheldon Goldthwait Jr– In memory of Hugh Watts  
Robin Amorello–In loving memory of Sherri Cook  
Antonina Pelletier–In memory of Sherri Cook  
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Jeanne Rapone–In memory of Sherri Cook

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☐ First-time Member $200  
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☐ Harvester $250  
☐ Harvester Family* $325  
☐ Junior Harvester (under 18) $125  
☐ Senior Harvester (over 65) $125  
☐ Retired Harvester $50
* family memberships are for spouses and children under 23 living at home

Individual Membership Levels:
☐ Sternman $50  
☐ Lobster Friend $100  
☐ Lobster Lover $250

Name:______________________________________________________________
Address:___________________________________________________________
City/State/Zip:______________________________________________________
Phone:__________________ Cell:__________________ D.O.B:____________
Email:______________________________________________________________
(Please include to receive weekly e-news updates and lobster, bait, & fuel prices)
Boat Name:________________________________________________________
Lobster License #:_______________ Zone & District:_______________
Family Members:___________________________________________________
*Yes, I want to add my sternman for $50!
Name:__________________________________DOB:__________________
E-mail:__________________________________ Phone:__________________
Address:_________________________________________________________
City/State/Zip:_____________________________________________________
Lobster license # (If applicable):______________________________

Payment info: Pay with: ☐ Visa ☐ MasterCard ☐ Check: # __________ Total amount $ ________
Credit Card #:______________-______________-______________-__________  Exp. date:____________ CV code:____________
Billing town/state/zip:____________________________________________________________________________________

2 storer St, Suite 203, Kennebunk, ME 04043   www.mainelobstermen.org   207-967-4555
MARKETING UPDATES

Resources for Home Cooks
The MLMC launched new resources for Home Cooks online to provide consumers everything they need to know about buying, preparing, cooking and storing Maine Lobster in all its product forms. It includes 20 news recipes with photos and some videos to make Maine Lobster more approachable. We will use social media and digital advertising to promote these resources.

Buyer’s Guide
The MLMC has a comprehensive new guide for wholesale customers buying Maine Lobster. The guide includes information on product forms, freezing techniques, sustainability information and more. We will share it with target wholesalers through email marketing and digital advertising.

Retail Promotions
The MLMC is introducing a pilot program designed to increase demand for Maine Lobster among grocery customers. We are working with dealers and their retail customers to create custom marketing programs using a variety of different marketing tools including in-store signage, visual materials and digital advertising.

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*LSU Ag Center Test results
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Could It Be You?

More than 1 out of 3 American adults — have prediabetes.

Most adults with prediabetes don’t know they have it.

With prediabetes blood sugar levels are higher than normal but not high enough yet to be diagnosed as type 2 diabetes.

Prediabetes increases the risk of:

- Heart disease
- Stroke
- Blindness
- Nerve damage
- Kidney disease
- Limb amputation

If someone has prediabetes, losing weight by eating healthy and being more active can cut their risk of getting type 2 diabetes in half.

For those who ignore prediabetes their risk for type 2 diabetes goes up — type 2 diabetes increases the risk for serious health complications:

- Heart disease
- Stroke
- Kidney disease
- Limb amputation

You can prevent type 2 diabetes

- See your doctor to get your blood sugar tested
- Join a CDC recommended diabetes prevention program
- Cut healthy
- Be more active
- Lose weight

Learn more from CDC and take the PREDIABETES RISK TEST at www.cdc.gov/prediabetes/basic/prediabetes.htm

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Mandatory reporting is coming, so get ahead of the curve and put a product on board that takes care of compliance, adds value to your business, and is enjoyable to use.

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### MLA Member Discount Directory

#### Vessel Insurance

**Smithwick & Mariners Insurance**  
Falmouth, ME – Discounted vessel insurance plus 5% discount with proof of CG approved Drill Conductor course w/ in the last 5 years. Wooden boat, Builders coverage, no lay up period, discounted electronics deductible, and automatic coverage of researchers and more! Call Scott Smithwick 207-370-1883

#### Lobster & Seafood

**Crazy Lobster & Shellfish**  
Port Chester, NY – 20% off off the entire site: www.crazylobstershellfish.com

**Cape Porpoise Lobster**  
Cape Porpoise, ME – 10% off picked lobster meat. 800-967-4268

**Winter Harbor Fishermen's Coop**  
Winter Harbor, ME – 10% off picked lobster meat. 207-963-5657

### Fishing, Marine & Industrial

**Hamilton Marine**  
Scarborough, ME – 10% discount on parts and service.

**North Atlantic Power Products**  
Exeter, NH – 10% discount on parts and service.

#### Accounting

**Back River Tax Accounting**  
Brunswick, ME -- Free initial consultation and review of previous tax returns. 207-607-7118

**Back River Financial Group**  
Farmingdale, ME -- Free initial consultation and review of previous years tax returns. 207-622-3772

### Automotive

**Newcastle Chrysler-Dodge-Jeep**  
Newcastle, ME – 10% discount on all parts and service.

**Weirs Buick - GMC**  
Arundel, ME – Purchase a new GMC and get a free Bullet Liner. Must show MLA card 877-861-0070

### Bait

**Bessy Bait, LLC**  
Seabrook, NH -- 5% discount per drum on multiple drum purchases (must show current MLA card).

**Old School Pig Hide Bait**  
Cutler, ME -- $1 off per bucket (must show current MLA card).

### Boat Builders/Repairs

**SW Boatworks**  
Lunenburg, ME -- $1000 discount for hull or top on a 38' CB or 44' CB.

### Electronic Equipment

**Deckhand Electronic Logbook**  
Bellingham WA -- Discounts & Specials for MLA members. Call for more info.

**Neutronics, LLC**  
York, ME -- 5% off of purchases.

### Fuel

**Atlantic Edge Lobster**  
Boothbay Harbor, ME – Fuel discount for MLA members.

### Gifts

**Maine Camp Outfitters**  
Sunset, ME – 10% off all apparel and promotional product orders.

**Maine Lobstermen's Association**  
Kennebunk, ME – 10% off all apparel

### Hotels

**Hampton Inn, Ellsworth** – (Ellsworth, ME)

**Hampton Inn, Downtown-Waterfront** – (Portland, ME)

**Hampton Inn, Rockland/Thomaston** – (Rockland, ME)

**Residence Inn by Marriott** – (Scarborough, ME)

Discount: Special rates for MLA members and Business Supporters. Please contact the MLA for booking information, or mention MLA when booking.

### Hydraulics

**Coastal Hydraulics**  
Seabrook, NH – 10% discount on all in stock items for MLA members.

**Hews Company, LLC**  
South Portland, ME – 10% off hydraulic components & Cable Craft cables.

### Legal Services

**Law Office of Crystal Tarjic**  
(Port Clyde, ME) – 10% off all legal services for MLA members.

### Museums & Entertainment

**Penobscot Marine Museum**  
Searsport, ME – Free admission for MLA members.

**Maine Maritime Museum**  
Bath, ME – Free admission to MLA members.

**Mount Desert Oceanarium**  
Bar Harbor, ME – Free admission to commercial fishermen and their families.

### Cross Insurance Arena

Special discounts to shows at the Cross Arena in Portland! Use promo code GFRIEND at checkout. Order by phone, online, or in person at the box office. Info at www.mainelobstermen.org

### Newsletters

**National Fishermen, North Hollywood, CA** – Special annual subscription rate for $12 for 12 issues. 800-959-5073

### Propellers

**Accutech Marine Propeller**  
Dover NH– 10% off propeller repair. Discounts vary. 603-617-3626

**New England Propeller Inc**  
Plymouth, MA – Discounts on marine propeller, shafting, and related items, sales & repairs. 508-746-8804

**Nautilus Marine Fabrication, Inc.**  
Trenton, ME – 5% Discount on propeller reconditioning. 207-667-1119

### Refrigeration Services

**Applied Refrigeration Services**  
Windham, ME – $250 off new installations. 207-893-0145

### Safety Training & Equipment

**Liferafa Services, LLC**  
York, ME – 5% off liferaft repack with proof of MLA membership. 207-363-0220

**McMillan Offshore Survival Training**  
Belfast, ME – 25% discount on USCG Drill Conductor training. 207-338-1603

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**Sea Rose Trap Co**  
S. Portland – 5% off list price on traps. Must show MLA card. 207-730-2663

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NONPROFIT ORGANIZATION PETITIONS NMFS FOR CLOSURES

By Melissa Waterman

On June 18, the Pew Charitable Trusts sent a petition to Secretary of Commerce Wilbur Ross and the National Marine Fisheries Service (NMFS) requesting emergency rules in a broad stretch of the Gulf of Maine and in Massachusetts waters to protect North Atlantic right whales. The petition comes as NMFS is drafting its new Biological Opinion under the Endangered Species Act on whether the continuation of the American lobster fishery poses a threat to the recovery of the endangered right whale population. A draft was to be published in July; NMFS now anticipates its draft Biological Opinion may be completed by late summer or early fall.

The petition asks the Department of Commerce to close four areas to all vertical lines: 1) year-round closure in an area below Nantucket, 2) a seasonal closure offshore of Mount Desert Island (August to Oct), 3) a seasonal closure offshore of Jeff reys Ledge (May to July), and 4) a large seasonal closure along the Area 1/Area 3 line (October to May).

In a letter accompanying the petition Peter Baker of Pew Charitable Trusts and attorney Purcie Bennett-Nickerson wrote of the vulnerability of the right whale population. “Specifically, we request that you designate one year-round closure south of Martha’s Vineyard and Nantucket, and three seasonal offshore closures in the Gulf of Maine in which the use of vertical lines in the American lobster and Jonah crab fisheries is prohibited.... The proposed areas have been scientifically identified as posing the greatest risk of entanglement to the critically endangered North Atlantic right whale.”

The petition further encourages Commerce to put in place other restrictions in addition to closures. “We also request that through the permanent rulemaking the Secretary consider and implement additional measures that would complement vertical line trap/pot closures. Alternatives for such measures should include trap reductions and vertical line limits that cumulatively, with vertical line closures, will reduce take below the legal thresholds, including alternatives identified through the 2019 scopeing to initiate rulemaking under the MMPA [Marine Mammal Protection Act].”

The petition is a method for Pew Charitable Trusts to pressure NMFS to move more quickly on the Biological Opinion, as well as bring the possibility of ropeless fishing to the foreground.

DRIFTERS ON THE LOOSE

Press release

Scientists at the Wells National Estuarine Research Reserve, the University of New Hampshire, New Hampshire Fish and Game Department, and Saint Joseph’s College of Maine are trying to determine how warming ocean waters might influence the movements of female lobsters carrying eggs and how changes could impact the settlement of larval-stage lobsters in inshore nursery grounds. The working hypothesis is that females will seek colder water and thus move further offshore. This might, in turn, influence where their larvae are transported by ocean currents. To address this question, the research team is deploying ocean drifters designed to mimic how lobster larvae will drift from four different locations that range from 2 to 16 miles from the coast of New Hampshire.

A total of 24 drifters were released in late June. These drifters are largely submersed, with their top floating just above the surface. Each drifter is equipped with a GPS unit and an orange flashing light. Lobster larvae are typically in the water column for about 30 days before they settle to the bottom. Therefore, it is important to make sure the drifters also spend at least a month in the water. If lobstermen see one BEFORE August 1 of this year, they are asked to leave it in the water. If you see one AFTER August 1 the researchers would like it returned to them. There is a phone number on the unit to call or text; project staff will come to pick the drifter up.

The research team is made up of Jason Goldstein and Ben Gutzler (Wells National Estuarine Research Reserve); Joshua Carloni (New Hampshire Fish and Game Department); Win Watson and Tom Lippmann (University of New Hampshire); and Steve Jury (Saint Joseph’s College of Maine).

“Maine has strongly opposed these closure proposals over the past couple of years, and they were soundly rejected by the Atlantic Large Whale Take Reduction Team. Unfortunately, Pew is trying to resurrect them without any rational scientific basis,” commented Patrice McCarron, executive director of the Maine Lobstermen’s Association.

PROPOSED VERTICAL LINE CLOSURES

Downeast transit area: August to October

Offshore migration corridor: October to May

Western Gulf of Maine feeding area: May to July

Southern New England feeding area: Year round

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Email: marinhyd@midcoast.com
# DMR Aquaculture Lease Applications for July (as of 6/18/2020)

<table>
<thead>
<tr>
<th>Name of Applicant/ Company</th>
<th>Site</th>
<th>Town</th>
<th>Size</th>
<th>Product</th>
<th>Lease type</th>
<th>Duration</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Experimental Lease Applications</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maradon Brewer</td>
<td>Sellers Rock, E Penobscot Bay</td>
<td>Deer Isle</td>
<td>4 acres</td>
<td>Scallops</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Site Review Complete 6/29/20</td>
</tr>
<tr>
<td>Robert Brewer</td>
<td>Sellers Rock, E Penobscot Bay</td>
<td>Deer Isle</td>
<td>4 acres</td>
<td>Scallops</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Site Report Complete 6/10/20</td>
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<tr>
<td>Deep Blue Aquaculture</td>
<td>W of Hag Isl, Penobscot bay</td>
<td>Deer Isle</td>
<td>3.36 acres</td>
<td>Scallops</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Comment Period closed 3/26/20</td>
</tr>
<tr>
<td>Downeast Institute</td>
<td>Near Mud Hole Pt, East Bay, Mud Hole Cove</td>
<td>Beals</td>
<td>4 acres</td>
<td>Shellfish</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Public Hearing Held 6/2/20</td>
</tr>
<tr>
<td>Victor Daily</td>
<td>E of West Pen, Blue Hill Bay</td>
<td>Mount Desert</td>
<td>1 acre</td>
<td>Shellfish</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Public Hearing Scheduled 6/9/20</td>
</tr>
<tr>
<td>Ferda Farms LLC</td>
<td>E Lesser Cousmo Isl, New Meadows River</td>
<td>Bremen</td>
<td>3.46 acre</td>
<td>Shellfish</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Comments closed 6/16/2020</td>
</tr>
<tr>
<td>Hermit Island Oyster Co., LLC</td>
<td>Hermit Isl, Smal Pk Hbr, New Meadows R</td>
<td>Phippsburg</td>
<td>0.76 acres</td>
<td>Shellfish</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Comment Period Ended 6/1/20</td>
</tr>
<tr>
<td>George &amp; Lucas Morrill</td>
<td>NW of Muscle Ridge channel, Penob. Rus</td>
<td>So Thomaston</td>
<td>4 acres</td>
<td>Marine Algae</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Lease is granted 6/3/20</td>
</tr>
<tr>
<td>George &amp; Lucas Morrill</td>
<td>NW of Tommy Isl, Penobscot Bay</td>
<td>So Thomaston</td>
<td>4 acres</td>
<td>Marine Algae</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Lease is granted 6/3/20</td>
</tr>
<tr>
<td>Massed Round Inc.</td>
<td>Bartlett Narrows, Blue Hill Bay</td>
<td>Mount Desert</td>
<td>3.55 acres</td>
<td>Shellfish</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Public Hearing Postponed as of 11/1/19</td>
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<tr>
<td>Massed Round Inc.</td>
<td>N of Thomas Isl, Frenchman Bay</td>
<td>Bar Harbor</td>
<td>3.58 acres</td>
<td>Shellfish</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Comment Period Ended 8/24/19</td>
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<td>Saltwater Seafarms LLC</td>
<td>app ndi Dennis Bar, Newenach River</td>
<td>Scarborough</td>
<td>3.15 acres</td>
<td>Shellfish</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Comments due 4 pm 6/20</td>
</tr>
<tr>
<td>Sea Bass Fisheries &amp; Habitat</td>
<td>E of Western head &amp; L’I’r B &amp; Culver Hbr</td>
<td>Culver</td>
<td>4 acres</td>
<td>Fishinh</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Comments due 4 pm 6/3/20</td>
</tr>
<tr>
<td>Sea Staff LLC</td>
<td>N of Li'l Chebeague, W of Indian Pli</td>
<td>Chebeague Isl</td>
<td>3.9 acres</td>
<td>Marine Algae</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Public Hearing held 11/6/19</td>
</tr>
<tr>
<td>Jeffrey Schroader</td>
<td>Broad Cove, St George River</td>
<td>Cape Elizabeth</td>
<td>4 acres</td>
<td>Shellfish</td>
<td>Experimental</td>
<td>3 yrs</td>
<td>Comments closed 2/13/20</td>
</tr>
<tr>
<td>Darling Marine Center, U Maine</td>
<td>Lome's Cove, Damarcissa River</td>
<td>South Bristol</td>
<td>3.79 acres</td>
<td>Mixed</td>
<td>Scientific-Exp</td>
<td>3 yrs</td>
<td>renewal approved 6/16/2020</td>
</tr>
<tr>
<td><strong>Standard Lease Applications</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maine Island Aquaculture</td>
<td>Marsh Cove</td>
<td>North Haven</td>
<td>15 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Scoping Session - Postponed as of 6/16/20</td>
</tr>
<tr>
<td>Black Stone Point Oyster LLC</td>
<td>Damarcissa River</td>
<td>Damarcissa</td>
<td>12.98 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Public Hearing POSTPONED</td>
</tr>
<tr>
<td>Acadia Aqua Farms LLC</td>
<td>Gogions Ledge, Frenchman Bay</td>
<td>Bar Harbor</td>
<td>48 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Lease is granted 6/16/2020</td>
</tr>
<tr>
<td>Walter Coffin</td>
<td>NW of Indian Head, Reconv产能</td>
<td>Freeport</td>
<td>16 acres</td>
<td>Oysters</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Lease is denied 6/3/20</td>
</tr>
<tr>
<td>Christopher Dickerson</td>
<td>809 H SW Hog Island, Damarcissa River</td>
<td>Damarcissa</td>
<td>1 acre</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Site Review pending as of 10/19/19</td>
</tr>
<tr>
<td>Peter B Francisco</td>
<td>E of Middle Ground, New Meadows River</td>
<td>West Bath</td>
<td>5.5 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Public Hearing scheduled for 3/10/20</td>
</tr>
<tr>
<td>Frenchman Bay Oyster Co.</td>
<td>W 0 S of Ingalls Pli, Sullivan Harbor</td>
<td>Sorento</td>
<td>3.85 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Site Review pending as of 10/17/19</td>
</tr>
<tr>
<td>Glidden Point Oyster Co.</td>
<td>West shore, S of Jacks Pli, Damarcissa River</td>
<td>Newcastle</td>
<td>5.5 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>10 yrs</td>
<td>Public Hearing Postponed 3/20/20</td>
</tr>
<tr>
<td>Glidden Point Oyster Co.</td>
<td>Dodge Lower Cove, Damarcissa River</td>
<td>Edgecomb</td>
<td>8.22 acres</td>
<td>Oysters</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Lease renewal approved 6/16/2020</td>
</tr>
<tr>
<td>Harriscott Oyster Co.</td>
<td>S of Bowman Isl &amp; Stockbridge Pli, Casco Bay</td>
<td>Freeport</td>
<td>7 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Site Review Pending as of 12/11/19</td>
</tr>
<tr>
<td>Brian Harvey</td>
<td>W of Haynes Pli, Pli, Casco, Western Bay</td>
<td>Trenton</td>
<td>6 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Site Review Pending as of 2/27/20</td>
</tr>
<tr>
<td>Timothy Johnson</td>
<td>E of Crewe Isl, Middl Bay</td>
<td>Harpswell</td>
<td>2.67 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Hearing Notice</td>
</tr>
<tr>
<td>Love Point Oysters, LLC</td>
<td>Sd of Winsden Park, Casco Bay</td>
<td>Casco</td>
<td>4.78 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Site Review Pending as of 1/13/20</td>
</tr>
<tr>
<td>Love Point Oysters, LLC</td>
<td>S of Crab island, Casco Bay</td>
<td>Freeport</td>
<td>4.15 acres</td>
<td>Oysters</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Site review Pending as of 2/20/20</td>
</tr>
<tr>
<td>Maine赵美福 Naoms</td>
<td>E of Wolfe's Neck, Reconv产能 Cove</td>
<td>Freeport</td>
<td>9.88 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Site Review Pending as of 12/13/19</td>
</tr>
<tr>
<td>Maine Oyster Seafood</td>
<td>E of Lane’s Isl, Casco Bay</td>
<td>Yarmouth</td>
<td>5.48 acres</td>
<td>Oysters</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Site Review Complete as of 6/2/20</td>
</tr>
<tr>
<td>Amanda mortar</td>
<td>E of Lane’s Isl, Inner Casco Bay</td>
<td>Yarmouth</td>
<td>9 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Site Review pending as of 9/30/19</td>
</tr>
<tr>
<td>Mink Sea Farms Inc.</td>
<td>E of Wiley Pt &amp; N of Ethel Pli, Damarcissa River</td>
<td>South Bristol</td>
<td>3 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Public Hearing pending as of 9/19/19</td>
</tr>
<tr>
<td>Shearwater Ventures LLC</td>
<td>E of Li'l Chebeague, Casco Bay, Long Isl and</td>
<td>Chebeague Isl</td>
<td>3.79 acres</td>
<td>Marine Algae</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Public Hearing pending as of 10/1/19</td>
</tr>
<tr>
<td>Spinney Shellock, Inc.</td>
<td>NW of Rt 95 Bridge, Spinney Creek</td>
<td>Ellistown</td>
<td>2.73 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Site Review Complete 3/18/20</td>
</tr>
<tr>
<td>Summit Point LLC</td>
<td>S of Basket Island, Casco Bay, Long Isl &amp;</td>
<td>Chebeague Isl</td>
<td>16.3 acres</td>
<td>Marine Algae</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Site Review pending as of 12/2/19</td>
</tr>
<tr>
<td>Summit Point LLC</td>
<td>NE of Uphold Isl, Casco Bay, Falmouth</td>
<td>Cumberland</td>
<td>10 acres</td>
<td>Marine Algae</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Site Review pending as of 12/2/19</td>
</tr>
<tr>
<td>Eight Crowns Farms</td>
<td>south of Crafton Island, Salt Pond</td>
<td>Blue Hill</td>
<td>7.20 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Site Review Pending as of 10/20/2019</td>
</tr>
<tr>
<td>Western Bay Oyster Co.</td>
<td>off Old House Cove, Western Bay, Spruce Pt</td>
<td>Bar Harbor</td>
<td>4.36 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>20 yrs</td>
<td>Public Hearing Postponed 3/20/20</td>
</tr>
<tr>
<td>Wolfe Neck Oyster Co., LLC</td>
<td>SE of Lanes Island, Casco Bay</td>
<td>Yarmouth</td>
<td>8 acres</td>
<td>Shellfish</td>
<td>Standard</td>
<td>10 yrs</td>
<td>Site Review pending as of 11/15/20</td>
</tr>
</tbody>
</table>

For more information, visit Maine DMR website at: https://www.maine.gov/dmr/aquaculture/index.html. Subscribe to DMR updates on aquaculture leases: www.maine.gov/dmr; scroll to bottom of page, under “Connect with Us”, click on “subscribe to email/text notifications”.

**Standard Lease:** term is up to 20 years; size is up to 100 acres; renewable; Experimental Lease, term is up to 3 years, 4 acres and non-renewable.
Standing up for Maine’s vital lobster industry and its hardworking men and women, Governor Janet Mills today urged U.S. Secretary of Commerce Wilbur Ross to deny a petition by Pew Charitable Trusts that would prohibit the use of vertical lines in the American lobster and Jonah crab fisheries in four areas of the New England coast.

In a letter sent to the Commerce Secretary yesterday, Governor Mills explained that the petition, which asks for immediate year-round closures south of Marthas Vineyard and Nantucket and three seasonal offshore closures in the Gulf of Maine to protect North Atlantic right whales, “not only fails to provide additional protections for right whales, but contrary to Pew’s assertions, it will also cause significant economic impact to Maine’s iconic lobster fishery.”

Governor Mills explained that, unlike the Pew petition, a proposed regulation currently in development intended to protect right whales has benefited from broad stakeholder input. It is my sincere hope that you will ensure that NOAA Fisheries continues to pursue development of this rule, which has been developed through the input of a diverse body, the Take Reduction Team (TRT), stated the Governor. The TRT includes fishermen who understand the operational realities posed by various measures and are working side by side with the conversation community to identify practical, safe solutions to protect right whales.

Governor Mills added that NOAA staff cannot afford to divert attention from the regulatory process to address a proposal that has the potential to harm right whales, rather than help them.

The Pew proposal will increase risk to right whales by creating a curtain effect where fishermen move gear to open waters around closures increasing density of vertical lines and therefore, increasing risk in those areas, explained Governor Mills.

Governor Mills also called into question the data and methodologies used by Pew to establish the location and timing of closures. A 2019 paper cited by Pew as a basis for location and timing of proposed closures that examines shifts in right whale prey fails to incorporate predictions of whale migration.

Pew’s assertion that the proposed closures will have minimal impact on fishing is patently untrue, wrote the Governor. Two areas proposed for closure provide critical opportunity to our harvesters and represent 15% to 24% of the area accessible to Maine fishermen during the impacted months, she wrote.

According to Department of Marine Resources data, landings revenues for Maine fishermen from two of the proposed closures are estimated to be $18.8 million during the proposed May through October closure, representing 4 percent of the $482.9 million 2019 value of Maine lobster fishery.

Maine’s lobster harvesters are concerned about the status of North Atlantic Right Whales, stated Governor Mills. My Commissioner of Marine Resources, Patrick Keliher, has been working closely with the industry to develop a plan that provides meaningful protections in the areas of greatest risk to whales, while also ensuring our fishery can continue to operate safely. We remain committed to working toward these objectives.

Gov. Mills argued that the suggested closures would do little to protect right whales while causing “significant economic impact” within the state of Maine. Photo courtesy of the Maine Office of Tourism.
tential for jeopardy or harm to the species, the biological opinion will include “reasonable and prudent alternatives” so that the permitted activity takes place in a way that will not harm the species. For lobstermen, this in effect creates a more stringent whale plan.

Recent court cases have unveiled another layer to this already complicated legal framework. Currently three court cases are pending, and the rulings to date have introduced another hurdle to the continued operation of the lobster fishery — the issuance of an Incidental Take Statement (ITS) under Section 7 of the ESA for the federal waters lobster fishery, and obtaining an Incidental Take Permit (ITP) under Section 10 of the ESA for the state waters lobster fishery.

The first case was filed in early 2017 by four environmental groups against NMFS and is moving through the Washington, D.C. district court. In April 2020, the judge ruled that NMFS violated the ESA when it issued the 2014 biological opinion on the lobster fishery without including an ITS for right whales. In the 2014 biological opinion NMFS issued a finding of no jeopardy because the vertical line rule, which required lobstermen to trawl up based on distance from shore, was scheduled for implementation.

The judge was clear that if a permitted activity such as lobstering has the potential to harm a listed species such as right whales, that NMFS must issue an Incidental Take Statement (ITS) to address how the lobster fishery would operate in a manner that averts this potential harm to right whales. In its court filings, NMFS revealed that it purposefully did not issue an ITS for right whales in the 2014 biological opinion because the lobster fishery would not have been able to proceed. The judge wrote disapprovingly of NMFS’ action, stating that “[NMFS] cannot rewrite the statute just because they do not agree with its consequences.” This case is now in the remedy phase, which will determine how to bring NMFS and, in turn, the lobster fishery into compliance with the ESA.

The other two court cases were filed in Massachusetts and Maine district courts in 2018 and 2019, respectively, by self-proclaimed whale activist Richard Max Strahan. The Massachusetts case was filed against the Massachusetts Division of Fisheries, NMFS, the Atlantic States Marine Fisheries Commission, and the Massachusetts Lobstermen’s Association. The Maine case was filed against Maine Department of Marine Resources and NMFS. Both cases were filed to Massachusetts Lobstermen’s Association. The Maine case was filed against the Maine Division of Marine Fisheries, NMFS, the Atlantic States Marine Fisheries Commission, and the Massachusetts Lobstermen’s Association. The Maine case was filed against the Maine Division of Marine Fisheries and its operations, and how this impacts right whales.

The environmental community has gained traction in making its case for much more stringent regulation of the lobster fishery, built upon closures that could only be accessed by fishermen using ropeless techniques. The Maine Lobstermen’s Association (MLA) has been leading the charge to set the record straight on the role of the Maine lobster fishery in the right whale decline. The MLA has engaged a talented legal team to advance the lobster industry’s position in the courts, and with NMFS to make sure decision makers have a full understanding of the fishery and its operations, and how this impacts right whales.

How NMFS ultimately interprets the potential for the Maine lobster industry to harm right whales could change the course of this fishery forever.
Please renew your Business Membership today
www.mainelobstermen.org/membership
or call 207-967-4555 for more information
New research suggests that the U.S. lobster industry could place fewer traps in the water and remain profitable. That finding could play a role in the debate over what should be required of Maine lobstermen to reduce the risk of entanglements to endangered North Atlantic right whales. The study was published in the peer-reviewed Marine Policy Journal. Lead researcher Hannah Myers, a graduate student at the University of Alaska's College of Fisheries and Ocean Studies, examined landings and effort data from U.S. and Nova Scotia lobster fisheries. The researchers behind the study found that while the Canadians spent fewer days at sea and fished fewer traps, the traps they pulled had almost four times as many lobsters in them. Canadian lobstermen in the Gulf of Maine caught about the same amount of lobster using seven and a half times less effort than Maine lobstermen, according to Myers.

**GREEN CRAB ENTREPRENEUR WINS CONTEST**

Jillian Robillard, a University of New England (UNE) 2020 graduate in the school's marine entrepreneurship program and daughter of a Maine lobsterman, won this season’s "Greenlight Maine Collegiate Challenge" for her Green Bait business venture.

In the final round of the televised business pitch competition, Robillard won $25,000 to expand her startup business. Robillard developed cost-effective lobster trap bait using invasive green crabs that enter lobster traps. The invasive species has wreaked havoc on the state's clam beds in recent years. She created a proprietary bait blend using the green crabs that she will sell to lobstermen at a reduced price. Besides providing a reliable, cheaper bait alternative, her product aims to preserve the coastal ecosystem as well as keep and create jobs in Maine's lobster industry. Robillard earlier created a business in her sophomore year, buying Jonah crabs directly from lobster boats and reselling the crabs wholesale. She is one of 250 students in the UNE School of Marine Programs and about 10 in marine entrepreneurship.

**DEEP-SEA CORAL AMENDMENT APPROVED BY NOAA**

A new amendment from the New England Fishery Management Council has been approved by NOAA Fisheries. The Omnibus Deep-Sea Coral Amendment is expected to take effect this summer and applies to two regions in the Gulf of Maine and the Continental Slope area south of Georges Bank. In total, the amendment will protect 25,153 square miles south of Georges Bank. In the Gulf of Maine, the new amendment will protect corals at Outer Schoodic Ridge and Mt. Desert Rock by prohibiting trawling and dredging in the area, and it also creates a new research area in Jordan Basin. The new amendment prohibits the use of bottom-tending commercial fishing gear within the area.

**TRUMP OFFERS MAINE LOBSTERMEN RELIEF SUBSIDIES**

By MLA staff

On June 24, President Trump signed a memorandum calling on the U.S. Department of Agriculture to make available to the lobster industry subsidies like those given to soybean and other agricultural farmers. Maine's Congressional delegation lobbied for such a move in a June 2019 letter to the President.

The order from Trump but directs the Agriculture Department to extend a $30 billion farm bailout program to Maine's commercial fishermen. The program previously sent cash to corn, soybean, pig and other farmers, primarily in the Midwest. The action follows years of lobbying by Maine's congressional delegation, which cited "severe financial difficulties due to unfair retaliatory tariffs" instituted by the Trump administration.

It is unclear how much aid the industry will get or how fishermen will access it. Between 2018 and 2019, the Trump administration rolled out $25 billion in similar offsets directed at Midwestern farmers hurt by U.S. trade policies. Trump also directed U.S. Trade Representative Robert Lighthizer to report by July 15 on whether China is beginning to comply with $150 million in lobster purchase commitments under the "Phase one" agreement signed by the president earlier this year.

Governor Janet Mills responded to the President's Memorandum saying, "Earlier this year, I wrote to the President asking him to marshal the resources of the Federal government to support Maine's seafood industry during this unprecedented time. My Commissioner of Marine Resources, Pat Keffer, also wrote to Peter Navarro, the President's Director of the Office of Trade and Manufacturing Policy, urging him to prioritize trade policies that will help our lobster industry regain its competitive footing. After years of hammering Maine's fishermen with shortsighted trade wars, I am pleased the President is beginning to recognize the harm his Administration's policies have caused and now wants to take steps to rectify them. This is a welcome step forward. My Administration will continue to work closely with Maine's Congressional delegation to support our hardworking fishermen and seafood producers. Their work is the lifeblood of our coastal communities and a cornerstone of our economy."
Think about the fishermen who seem to do well when prices drop or bait and fuel costs go up. They always seem to do OK while others struggle. This doesn’t mean they necessarily fish harder or always have the perfect place to set their traps. I would bet money that their secret is that they have structured their business in a way to plan and manage expenses so that the business is easier to run. With a plan in place, all they need to concentrate on every day is one thing: fishing.

You know that to make the most profit in a season you need to be efficient, you need to be safe, and you need to wear well those who work with you. You keep your boat in order. You know it doesn’t magically repair itself over the winter, your traps don’t clean and fix themselves, bait doesn’t magically appear. You have to do the work. You need to do the same with your business. A good business structure puts the parts in place to let the owners do what they love every day.

Record keeping is an essential part of a successful business. On a weekly or bi-weekly basis you need to know where your business stands financially. You should never base business decisions on the fact that you have a positive balance in your checking account. It’s all about cash flow. Will you have the money in your account when a planned expense comes in? You must train yourself to realize that abundant cash in your account does not mean that you should make an unplanned purchase.

So how do you get there? First, keep your personal expenses separate from your business expenses. You may not have started that way when you got your first boat. It is so easy to deposit those checks in your personal account, pay for bait, fuel, your sternman, and groceries — all in the same day, all from the same account.

My final piece of advice: don’t rely on your spouse or partner to be responsible for business finances.

Keep personal and business expenses separate. I’ll say that again: Keep personal and business expenses separate. The best way to do this is by setting your lobster business up a separate business entity, a topic covered in last month’s issue, and opening a separate bank account for the business. A separate checking account is all you really need once your business structure is established; everything written from that checkbook should be a business expense. Get a debit card and make as many purchases as you can through that card. Bank statements will tell you where you spent money, receipts will back it up. If you’re tech savvy, and many of you are savvier than you think, look into some of the receipt-capturing tools out there. Services like Quickbooks and Expensify have apps that allow you to snap a picture of the receipt and have it directly entered into your accounting software. It’s hard in the winter to look back at a receipt and remember why you spend $373 at Hamilton Marine — was it line or was it life jackets? The more information you can capture as you go, the better you will at running your business.

Second, hire a professional bookkeeper or accountant. Once you’ve met with your lawyer and set up the business structure that works best for you, find a bookkeeper or accountant. If you already have that person, they should be part of the discussion with your lawyer. If they are already filing your income taxes, quarterly withholding estimates, or doing any other financial management, your costs for those services may even drop in the long run. With your business now separated from your personal life, your bookkeeper may spend less time on your finances because part of the job won’t be separating (and proving) what is a business expense and what is a personal expense.

Third, work with a payroll service and pay yourself as an employee. Many lobstermen just draw money from the business as they need it to cover expenses, and some pay themselves as a contractor. However, there are many advantages to setting yourself up as an employee and paying yourself regularly through a payroll service. Federal, state, and other taxes shift on a regular basis. Trying to determine withholding rates, making sure employment taxes are paid on time and all the other details that go with having employees are too complicated to do yourself and do well. The great thing is, you can pay yourself any salary you’d like on any schedule you would like and the funds are deposited directly into your personal account. Taxes are taken care of, Social Security and Medicare are paid, and you can even set up a retirement fund or a health savings account (HSA) as a business expense and spread those costs out over the whole year. It will also eliminate that tax time terror when you realize you have not enough money in your account to cover the withholding taxes you owe.

My final piece of advice: don’t rely on your spouse or partner to be responsible for business finances. Nothing creates greater tension in a marriage or partnership than repeated questions or concerns about money. Don’t elevate the tension inherent in running a business within a family by adding another level of complexity. Either your bookkeeper or accountant is a much better sounding board for your questions and concerns and should challenge you about why you are booking certain expenses to your business. That’s their job. Your partner’s may work in the business with you, but don’t saddle them with the additional stress of being your financial manager. Work on those issues with a professional.

So, in short, track your expenses now, leave the technical process of managing the financial side of your business to professionals, and don’t saddle your life partner with the burden of keeping the books. And finally, never forget that even though your time is worth more fishing than doing anything else, you have a responsibility to yourself and those who depend upon you to manage the health of your business. Once you get started you’ll wonder why it took you so long.
"Art is a universal language. I can take a painting to Japan or Africa or Omaha and see the same reactions," explained the artist Robert Beck. "There are as many ways to view things as there are people.

Beck, a native of Pennsylvania, has spent many months in the town of Jonesport, painting what he sees there. He came to art late, leaving his career in the business world at age forty to study at the Academy of Fine Arts in Philadelphia. After he had established himself as a painter — "when I wasn't living on Cheerios anymore," he said drily — he decided he wanted to paint a fine old boat. "I called the editor at Wooden Boat magazine and told him I was looking for a classic motor yacht to paint. He told me about a sardine carrier that was being rebuilt, the Grayling. I jumped in the car to take a look," Beck said.

Something clicked for Beck during that first visit Downeast. As a young boy Beck’s family had gone to New Hampshire in the summer and ventured into southern Maine. But Brooklin, Jonesport and other small coastal towns called to Beck. "I thought, 'This is the place. It matches.' He saw a part of the world in which old ways — of building a boat, of fishing, of community — still existed but within a contemporary context. "Jonesport is like that. It is holding on to a reality that doesn’t want to let go," Beck noted.

In 2017, the Maine Maritime Museum in Bath held an exhibit of Maine paintings by Beck, titled "Over East, An Artist’s Journal." Museum executive director Amy Lent said at the time, "Museums exist to collect manifestations of history and use them to tell a story about people and events, and a way of life worth remembering and learning from. This is life on the coast of Maine, and Robert Beck has captured the soul of it with respect and has found the truth in these scenes of everyday life."