What's Going on with North Atlantic Right Whales?

By Melissa Waterman

An unprecedented number of endangered North Atlantic right whales showed up in Cape Cod Bay this winter and spring. Aerial surveys conducted by the Center for Coastal Studies in Massachusetts indicated that at times 200 of the 526 estimated existing whales could be found in the Bay, a "remarkable concentration," according to Charles "Stormy" Mayo, director of right whale habitat studies at the Center.

Yet at the same time researchers noted that the number of right whale calves born over the winter was extremely low. Just five young right whales have been seen, continuing a low birth rate that began in 2010. In an average year the number would be closer to 14. Whale scientists have declared that the recovery of the population that began in the 1990s has effectively stalled.

But why? The population of North Atlantic right whales grew by 2.8% per year from 1990 to 2010, reaching more than 500 animals. Some heralded the slow but steady increase as a success story, to the relief of lobstermen throughout the region who had made significant changes to the way they fish in order to reduce the possibility of gear entanglements.

Whale researchers keep track of right whales through photo identification. Right whales have unique growths on their bodies called callosities. Aerial surveys allow researchers to identify individuals by those callosities. "For the past four or five years we've been looking in the areas that they traditionally are found and not seeing them," said David Gouveia, Marine Mammal and Sea Turtle Program Coordinator at NOAA GARFO in Gloucester. "Are they dead or have they moved elsewhere?"

Right whales give birth in the warm waters off Georgia and Florida in the winter months. The females don't eat until they return to the rich waters of the Gulf of Maine in the early spring. That's when they can chow down on a good meal of zooplankton, specifically lipid-rich Calanus finmarchicus. Calanus finmarchicus builds up its reserves of lipids (fats) by consuming the abundant phytoplankton that bloom each year, then settles in the deep waters of the basin to overwinter, safe from predators.

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Lobster Law Enforcement Takes Center Stage

By Melissa Waterman

The Maine Lobstermen's Association (MLA) has made it possible for lobstermen in this state to say with confidence that "crime does not pay." L.D. 575 An Act to Improve Enforcement of Maine's Lobster Laws is anticipated to be passed by the Maine Legislature in June. It will likely have an emergency preamble, which would go into effect upon the Governor's signing so its provisions will be in place for this summer's fishing season. The bill will make penalties for breaking marine resources laws related to lobstering harsher for those who choose to do so. "The only ones who would be against this law are the crooks," said David Cousens, president of the MLA.

In 2016, the MLA Board of Directors decided to concentrate on the issue of cheating. Lobster landings in the state were once again sky-high; the price at the dock had also remained robust. Good money could be made by those who skirted the law, particularly in offshore waters, and that, in the eyes of Board members, was not right.

In December 2016, the MLA Board sent out an e-mail survey asking MLA members what they thought the major enforcement issues were in the lobster fishery. With those results in hand, Board members discussed the results with DMR Commissioner Patrick Keliher and Bureau of Marine Patrol Chief Jon Cornish.

With that feedback in hand, the Board then sent a modified email survey to all licensed lobstermen, not just MLA members, in the state. The survey explored the concept of setting "minimum penal-

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Summer comes swiftly in Maine. We plod through the cold months of winter and the wet months of spring, keeping our heads down and our bodies warm and then, all of sud- den, we look up and it’s full-fledged summer. The days are warm, the seasonal visitors are back, and it’s once again a great time to be in Maine.

While the outlook for the upcoming lobster season is positive, there are some clouds on the horizon for Maine’s lobstermen. Despite the fact that the overall population of North Atlantic right whales has increased significantly during the past twenty years, the whales’ birth rate has dropped sharply since 2010. In addition, the right whales have moved from some of their traditional feeding areas in the Gulf of Maine; large numbers congregate in Cape Cod Bay in the early spring. Environmental shifts may be causing these changes, yet the federal Marine Mammal Protection Act requires the government to ensure the ani- mals’ continued survival. That may in turn lead to addi- tional restrictions on fishermen to further reduce the pos- sibility of entanglement in fishing gear and injury or death, as the article in this month’s Landings reports.

Landings also looks this month at the state of the halibut fishery in Maine and in the larger Gulf of Maine. Halibut landings have jumped in the state, causing the New England Fishery Management Council to take a closer look at management for the region’s largest flounder. Halibut season is a much-anticipated early summer fishery in Maine. Fishermen are only allowed to catch 25 fi sh, all of which must be greater than 41 inches in length. But the halibut that the Maine fishermen catch affects the amount of halibut federally-licensed groundfishermen in the Gulf of Maine can catch during the year. And that could cause trouble for Maine’s fishermen.

The catch of any fi sherman, whether a lobsterman or a groundfisherman, typically makes its way into the mouth of a consumer. As Colleen Coyne, seafood expert at Food Export Northeast, notes in a column this month, many of those consumers live outside of the United States. Seafood companies interested in diversifying their markets for Maine lobster and other items can get help finding a foot- hold in many different parts of the world working with the staﬀ at this federally-supported organization.

We also hear this month from Matt Jacobson, executive director of the Maine Lobster Marketing Collaborative. Jacobson explores the ways that e-commerce – selling products, including lobster, via the Internet – has influ- enced consumer behavior. Those who shop online tend to value quality and the back story of their purchase more than do the typical larger, volume-based buyers. The qual- ity-conscious Internet shoppers have made e-commerce a multi-billion-dollar industry in a few short years.

Fishermen operate in a tough environment in Maine. The weather is cold, the temperature variable, and there is always the tide to contend with. A tough job is made worse when you find that some of your fellow fishermen are not abiding by the rules. As lobster landings have gone up, so too has the incentive to make just a bit more money by ﬂ outing some of the state’s marine resource laws. As more lobstermen have taken to ﬁ shing offshore, the ability of the Bureau of Marine Patrol to catch lawbreakers has been diminished. In order to ensure that all lobstermen play by the same rules, the Maine Lobstermen’s Association (MLA) sent a bill to the Legislature to beef up the penalty structure and the Department of Marine Resources (DMR) sent a separate bill to beef up the department’s enforcement tools, a process highlighted in this issue. Landings also features a column by Bureau of Marine Patrol Chief Col. Jon Cornish on activities within his bureau.

Many interesting people live along the coast of Maine. Some were born here, some moved to the area, and some just drifted in, compelled by qualities hard to name. This month in Landings we begin a new series called “People of the Coast,” proﬁ les of people we have encountered who bring life to the state’s coastal communities. Our ﬁ rst story is about Brian Smith, a ﬁ shing vessel safety exam- iner whose many postings in the Coast Guard ultimately brought him back to the state he was born in.

Next, we turn to the Affordable Care Act and changes to that health insurance law that are coming down the pike. No one knows at this point what fundamental alterations the U.S. Congress may make to the law in the upcoming months. However, certain modiﬁ cations have already been made, among them a dramatic shortening of the enroll- ment period for next year. MLA Navigator Alisha Keever helps us understand what these changes mean.

Finally, the MLA would like to thank the lobstermen of Prince Edward Island for hosting the MLA’s Second Lobster Leadership Institute participants in May. Ten lob- stermen had the opportunity to live and fish with lobster- men in the province and visit a processing plant and hold- ing facility, learning much about lobstering in a different country. Going out to haul with these hospitable lobster- men provided new insights into the management of lob- ster in Canada. Our thanks go out to our P.E.I. hosts and to our funders who have made this program possible.

COASTAL OUTLOOK

Thoughts from MLCA President Patrice McCarron
Maine Marine Patrol Officers have had a busy and productive winter. Although it’s been a cold spring, now that the weather has warmed up officers will begin shifting from monitoring spring fisheries — elver and smelt — to lobster, shellfish and herring enforcement. The year ahead promises to have many challenges and again we will be asking fishermen to help us to meet these head-on.

Most of our small vessel fleet is back on the water in anticipation of boating tourists arriving this month. In the interim officers are busy with training, including advanced training on identifying and prosecuting cases involving removal of eggs from lobsters, water survival training, boating-while-intoxicated refresher courses, additional drug and addiction-related courses, and whale disentanglement training. Officers were recently trained in a new records management system designed to allow them to better record investigative work and document complaints.

It was gratifying to see so many lobstermen attending the public hearing this spring concerning the very important yet contentious lobster enforcement bill.

Early this summer, Marine Patrol will be holding an Advanced Marine Patrol School for our five newest officers. Two new Marine Patrol Officers graduated from the Maine Police Academy in mid-May and will be going to the Stonington and Lubec Patrols. We look forward to getting these folks out into the field and starting them on what we hope will be a long career with the Marine Patrol. We also are in the middle of the recruitment and hiring process and hope to bring on two to three more officers in the coming months.

There have been a few high-profile marine resource cases this spring including a violation for 19 short lobsters Downeast and another for 47 short lobsters in the Midcoast area. In addition, a large-scale elver seizure took place in southern Maine, of 16 pounds of illegal elvers from out of state. In Division II, officers have documented a number of wet storage cases. In Division I, inshore patrols have documented untagged gear, no license and wet storage violations. Officers are also starting to hear trap-molesting complaints (‘Tis the season!).

Some fishermen may not realize that the Marine Patrol Bureau is often asked to wear many hats. For example, Marine Patrol has an experienced whale disentanglement team, an Honor Guard, a maritime security team which operates in combination with the State Police, a firearms team, a crisis management team, an awards committee, a dive team which works with the State Police and a hovercraft team which works with Fish and Game. Yes, we have a lot of talented officers; however, our focus has always been and will always be on the protection of Maine’s marine resources.

As I write this, Marine Patrol is engaged in a search in the Androscoggin River involving a missing boater. Searches like this as well as large-scale investigations take a great deal of Patrol’s time. We are finding that as fishing activity moves further offshore Patrol needs to invest far greater effort into what are often complex investigations involving sunken trawls, untagged gear, zone line violations and fishing over the limit. The resolution of these cases is extremely important because fishermen expect the Bureau to bring cheaters to justice. In order to make this happen Patrol needs two things. The first is trust and cooperation from the industry so that those abusing the laws can be identified; second is proper tools (offshore boats, technology) and training in order to make solid cases that will eventually lead to a conviction. It was gratifying to see so many lobstermen attending the public hearing this spring concerning the very important yet contentious lobster enforcement bill. Although there were lobstermen on both sides of the aisle, it was clear that everyone most recognized the important role that Marine Patrol plays and wanted to

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By Matt Jacobson

The year is 1990. An obscure politician and Arkansas governor named Bill Clinton announces that he will seek the Presidency. The Chicago Bulls win their first NBA championship. Neither Microsoft nor Apple is part of the Fortune 500 largest companies in the country.

The most significant event of 1990 was the introduction of the Internet. No one really knew what it could become. Today, social media platforms are commonplace. Facebook has more than 2 billion active users worldwide and 79% of all adults in the U.S. use the site. Instagram and Twitter combined host more than 1 billion worldwide users, including nearly 60% of all adults in the U.S.

As a result of these platforms and others, e-commerce has become a dominant retail force. Last year in the U.S., e-commerce grew 16% to more than $395 billion worldwide. Users, including nearly 60% of adults in the U.S. and more than 60% of adults in the U.S. use the site. Instagram and Twitter combined host more than 1 billion worldwide users, including nearly 60% of all adults in the U.S.

Here in Maine, things never seem to change. But looks can be deceiving. For the Maine lobster industry, the single biggest change has been the growth in landings. Since 1990, we have produced a 330% increase in lobster landings in our state. Lobstermen now catch 100 million more pounds per year than they did in 1990.

This growth has challenged every level of the supply chain, from lobstermen hauling more on their boats to docks having more to sort and sell. Our dealers and processors have had to create more capacity in their facilities — more trucks, more tanks, more refrigeration units, more people to move the catch. The list goes on. The complexity of our industry has grown along with the volume.

Our biggest challenge in the wake of this growth in landings is to find markets and customers willing to pay for all these lobsters. Traditionally the customer channels for Maine lobster have been well defined. Supermarket chains have always been reliable, but over time many have removed live lobster tanks from their stores. That market is more challenging now. Cruise lines have also been good customers, but price is always their largest concern. Mass-market restaurant chains have also seen growth, as well as intense competition. Price drives their buying decisions more than any other factor. At every level of the supply chain, from food distribution companies like Sysco and PFG to restaurant chains like Applebees and McDonald's, competition among the players is fierce, and consequently the price pressure on our dealers and processors is relentless.

Our marketing efforts are focused on understanding what consumers and chefs are willing to pay a premium price to get. As we compete with other proteins like fish, chicken, beef, and pork for a place on menus and plates, we look for ways to establish Maine lobster as a premium product, trying to provide some resistance to the price pressure that engulfs the food industry worldwide.

We have found that high-end chefs are “taste makers” and can influence every level of the consumer market. We know that these chefs value sustainability; the “boat-to-table” story of Maine lobstermen, the seasonality of our New-Shell lobster, and the culinary versatility of lobster that allows them to make many different dishes with it as an ingredient. Their influence goes beyond just their own restaurants and others that copy them. Consumers follow these trends in magazines, on television and via social media. The “foodie” culture drives new and different culinary experiences to their kitchens.

When you combine this new demand for lobster and the growth of the Internet and e-commerce, you wind up with a whole new sales channel that did not exist in 1990. And while there is an enormous and growing e-commerce market, the techniques and sales tactics to reach it are different from what we have used in the past.

Think about our traditional supply chain process: the fisherman’s co-op has a relationship with a dealer or two; the dealer or processor has contacts with Sysco, PFG or their competitors, as well as supermarkets, steamship lines and large-volume restaurant chains. They are all big-volume accounts and have price as their primary motivator. Volume is what these large customers require, plus a lower price and on-time delivery. These are well-established and important customers to our industry. They exert significant downward price pressure, however, and are indifferent to our story.

Internet customers are different. They are looking for the same experience as the chef “taste makers.” They want to know our story and they are willing to pay for it. One of our leading e-commerce sellers, Mark Murrell of www.GetMaineLobster, is riding this wave successfully. He has developed a predictive algorithm that can tell him why his customers buy lobster and what stimulates their interest in buying more. These e-commerce players are using the video and photo content produced by the Lobster Marketing Collaborative on-line. Mark’s company and others are using sophisticated Internet targeting practices to acquire new customers and sell more Maine lobster. Last year the e-commerce Maine lobster sales channels had sales estimated at more than $25 million.

None of this even existed in 1990! As we catch more lobster, we are going to need more sales channels to distribute our product. Thank goodness that entrepreneurs like Mark Murrell have risen to the challenge.
MAINE HALIBUT FISHERY UNDER SCRUTINY

By Melissa Waterman

No doubt about it, halibut are big fish. Henry Bigelow, traversing the Gulf of Maine in the early 1900s, noted that halibut landed by commercial fishermen had reached up to 600 pounds. Today the fish rarely grow greater than 100 pounds.

No matter the size, the halibut fishery in Maine has taken an upward trajectory in recent years, increasing from 33,000 pounds landed in 2010 to more than 107,000 pounds in 2016. The rise in landings created concern within the New England Fishery Management Council (NEFMC), which voted in November 2016 to make reexamination of Atlantic halibut management a priority for 2017.

A dilemma arises from the fact that fishermen pursue halibut in Maine waters and in federal waters outside the three-mile limit. “It’s a unique situation. Maine has a directed state fishery and then there is the non-directed federal fishery,” explained Jamie Cournane, NEFMC’s Groundfish Plan Coordinator.

“The issue is that the federal and the state of Maine’s plans are not aligned.”

The Maine halibut fishing season is brief, from May 1 to June 30. That season also applies to Maine recreational fishermen and charter boat operators. Any halibut caught must be at least 41 inches in length. Each fish must be tagged with a halibut tag purchased for $1 each from the Department of Marine Resources (DMR). Commercial fishermen and charter boat operators may land only 25 fish per season; recreational fishermen may only land five. However, there are no current restrictions on the number of fishermen who may apply for the tags nor are there limits on the pounds of halibut that may be landed. In 2016, halibut tags were issued to 858 commercial license holders in Maine, which is up from 719 the year before,” said Trisha Cheney, DMR resource management coordinator.

Vessels with a federal groundfish permit are only allowed to land one halibut per trip, while fishermen who work in state waters under a state license may land a total of 25 halibut in Maine during the state’s halibut season. Restrictions, called accountability measures, are put in place by NMFS for an entire future fishing year if halibut catches exceed a specified quota within a fishing year. These measures affect federally-permitted groundfishing vessels, not state-only halibut fishermen fishing only in Maine waters. However, the amount of halibut landed by Maine fishermen is counted when determining if the quota has been reached or exceeded.

“Within the federal management plan, there is a total catch limit and accountability measures. In Maine’s plan, there is no limit on the total number of licenses issued or the total catch within the state,” Cournane said.

Accountability measures impact commercial groundfish vessels fishing in federal waters, not those solely fishing in Maine waters. The measures include no possession of halibut, closing areas to fixed fishing gear, and requiring the use of flatfish excluder devices or separators in certain areas. The latter would effectively reduce fishing for any flounders, not just halibut, in those areas.

“In 2015, state landings exceeded the state sub-annual limit resulting in the overall acceptable biological catch for the fishery being exceeded by a small amount,” Cheney explained. “This nearly caused Accountability Measures to be triggered for the federal groundfish fishery, which would prohibit federally-permitted vessels from fishing in certain areas, including some important grounds for Maine fishermen.”

Landings of halibut in Maine are up but, Cournane said, “Linking that increase to stock status is difficult.” The Northeast Fisheries Science Center spring and fall trawl surveys provide limited data on halibut. Recent Canadian assessments of halibut stocks do show the population increasing but scientists don’t know if the Gulf of Maine stock is linked to the Maritime stock. And the Science Center does not have an approved stock assessment for halibut, Cournane said. “The 2015 stock assessment model was rejected by the scientific peer review in 2015. The peer review determined halibut is still overfished but it’s unknown if overfishing is occurring.”

Yet landings in Maine are definitely up. “One factor is effort, but typically effort increases in an open-access fishery when the catch begins to increase, as it has with the halibut fishery. The most recent Canadian halibut assessment estimated that biomass in the southern Grand Banks, the Scotian Shelf and eastern Georges Bank is currently at a record high while exploitation of the overall stock is at the lowest rate on record,” Cheney said.

Perhaps the Gulf of Maine population is increasing. Perhaps warmer water is causing the fish to move to deep areas with consistently cold temperatures, such as off Downeast Maine. DMR is working with the Nature Conservancy and the University of Massachusetts on a tag study to determine if the uptick in halibut is due to a resurgence in the Gulf of Maine population or is tied to the halibut stocks in Canada. “In addition, we are collaborating with the Canada Department of Fisheries and Oceans,” Cournane said.

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MAINE LOBSTERMEN’S ASSOCIATION UPDATE

STEAMING AHEAD

During the last week of April, Lottended the Atlantic Large Whale Take Reduction Team (TRT) meeting as one of three Maine representatives. The TRT is the group charged with making recommendations to minimize risk of whale entanglement under the Marine Mammal Protection Act. The agenda included an update on the status of the stock, an entanglement report, update on gear research and consideration of a proposal from Massachusetts South Shore lobstermen to fish modified 1700-pound weak rope to gain access to an area closed in the winter and spring months.

I have been following recent research and media reports documenting the declining health and low reproduction rates of right whales. Some scientists have gone on record singling out entanglement in fishing gear as the primary cause of the whales’ poor condition, so I knew it would be a difficult meeting. And it was.

As the TRT meeting unfolded it became apparent that many on the TRT want to hold the fishing industry solely accountable for the poor condition of right whales. They stated that climate change was irrelevant and that right whales could only recover if there were significant changes to the whale plan. They used the materials presented each day to build their case to indict fishermen and demand action.

The sad reality is that right whales have not fared well over the last few years. And it is true that entanglements in fishing gear are a problem. But to ignore the rapidly changing ocean conditions, evolving patterns of right whale behavior, lack of consistent food supply, and every other variable out there in order to blame the fishing industry just doesn’t pass the straight face test. So we challenged these team members.

How did a whale species that just a year ago was touted by the National Marine Fisheries Service (NMFS) as showing promising signs of population recovery suddenly turn out to be on the brink? Where are the peer reviews of the assumptions used to develop the new right whale population model and of the research which led to these dramatic conclusions about the fate of the right whale?

Many on the TRT pointed to the ship strike rule as a success story while impugning the effectiveness of the gear rules that fishermen have been forced to implement in recent years. They argued that entanglement rates are increasing and injuries are more severe, and reasoned that the existing rules are therefore not working. They questioned all of the whale rules – sinking rope, weak links, trawling up – as if those were no big deal for fishermen to abide by and that it is time to make more stringent regulations. They said nothing of the sacrifice and commitment fishermen have made to implement these whale rules in hopes of making the ocean safer for whales.

They never recognized that the ship strike rule was a success story because both the U.S. and Canada are in sync with each other, and that perhaps the entanglement issue has not been solved because we have only half a plan. Since only one country, the U.S., is participating, it would be impossible to solve the entanglement issue. Maine and other industry members pushed hard that Canada needs to implement a whale plan for their fishermen before U.S. fishermen consider additional whale rules.

Massachusetts South Shore lobstermen presented a proposal for an exemption to the winter closure in their area. Cape Cod Bay has become very active with right whales feeding in recent years. In 2016, over 200 individual whales were documented feeding in a single day! The South Shore proposal would have allowed lobstermen to fish gear modified by cutting endlines into 40-foot sections, joined together by a braided sleeve that breaks at 1700 pounds. Lobstermen have tested these modifications over the past few years and found that the line fished successfully.

The MLA did not support these lobstermen in their exemption request because we have been down this road before. Twenty years ago, Massachusetts lobstermen fished sinking rope in Cape Cod Bay and that gear modification was then forced upon all East Coast fixed gear fishermen. With so few options available under the whale plan, it seems inevitable that if South Shore lobstermen were to fish this weak rope in their closed area, it would only be a matter of time before the research and conservation community would force this management measure onto everyone else. In the end, there was no consensus in support of the South Shore plan and it did not move forward.

Within minutes of the South Shore exemption request failing, the science representatives on the TRT proposed that the entire Gulf of Maine lobster industry convert to 1700-pound weak endlines immediately and then phase in ropeless fishing over 10 years. No, I’m not kidding. The MLA response was, in no uncertain terms, “No.” It was a three-day battle. As has been the case since this issue started, the MLA was there to fight hard for Maine lobstermen. In the end, the fishing community could not find common ground with the research or conservation communities on a strategy to move forward. There was no consensus from the TRT coming out of that meeting. Without consensus, NMFS does not have a clear mandate from the TRT to act.

NMFS requested input following the meeting from the science, conservation and lobster industry caucuses. The message from us is simple: no new measures until Canada puts a whale management plan in place so we can truly assess the effectiveness of the whale rules. The industry also identified the need to improve research, conduct peer reviews of the current science, work to improve gear marking, and understand the baseline breaking strength of endlines in the fishery. The science community will surely come forward with demands for the lobster industry to implement weak rope and transition to ropeless fishing, and the conservation community will come in somewhere in between.

At the end of the meeting, NMFS proposed a presentation to improve data on lobster fishing effort and number of endlines fished. It is very likely that NMFS will propose new reporting requirements for lobstermen. It will likely be some sort of annual recall survey asking lobstermen how and where they fish by month, based on a spatial grid, and information on the type of gear and rope used.

If you are a lobsterman, there is cause to be concerned about the future because right whales really aren’t doing that well right now. But rest assured, the MLA will remain involved and continue to demand accountability on this issue from scientists, managers and our neighbors to the north.

As always, stay safe on the water.

Patrice
The MLA Board of directors met on May 3 in Belfast. The board welcomed Scott Smithwick of Smithwick & Mariner’s Insurance to review the MLA vessel insurance program. The MLA has partnered with Smithwick & Mariners and underwriter Great American to provide quality, affordable vessel insurance for MLA members since 1993. The program provides competitive rates, comprehensive coverage and has an excellent claims record. The MLA board made several recommendations to improve the program a few years ago and the changes have been greatly beneficial to members.

The MLA vessel insurance program has many special offerings: a discount if you take the USCG Drill Conductor course, no-cost coverage for observers and sea samplers if you carry P&I, loss of earnings coverage, crew coverage/warranty, no layup warranty, rather a credit structure if you have a layup. The board was pleased with the changes and progress of the program. MLA staff is working to inform MLA members of the benefits of this program.

NOAA is conducting another hydrographic survey in Penobscot Bay this summer. The western part of the bay was surveyed in 2016; the eastern portion is scheduled for this summer. The MLA was asked by the survey contractor, Fugro Pelagos, to organize a meeting of industry leaders to review and provide feedback on the survey area, survey methods and input on how to minimize interactions and impacts on the lobster industry. The meeting was held on May 23 in Deer Isle.

This spring has been an extremely busy legislative session. The MLA’s priority for this session was passage of two enforcement bills: LD 1379 which would allow the DMR to covertly surveille a lobster vessel if there was probable cause that a crime had been committed and LD 575 which would stiffer the penalties for intentional offenses, such as fishing over the trap limit or fishing sunken trawls. The first Marine Resources Committee work session took place prior to the MLA board meeting; both bills were voted unanimously “ought to pass” with amendments.

LD 1379 was amended to criminalize the lobster violations, thus requiring DMR to go to a judge to obtain a search warrant. LD 575 was put forward with amendments. The Committee supported amendments establishing minimum penalties for several intentional violations: a minimum 4-year suspension and possible permanent suspension for the violation of eating or stealing; a minimum 3-year suspension, up to 10 years, for fishing over the trap limit or sunken trawls; second offenses could result in permanent license suspension; a minimum 2-year suspension, up to a maximum of 6 years, for trap molesting and permanent suspension is possible. The bill adds that those convicted of sinking or burning a boat may permanently lose their license. The bills will go back to Committee for further language reviews. The Committee may combine these bills into one [which they did in late May].

The MLA is participating in an ASMF subcommittee on the Gulf of Maine and Georges Bank lobster stock to discuss future management of the stock given changing environmental conditions. The subcommittee discussed deficiencies in the current management plan and vulnerability of the industry if there is a stock decline. It made several preliminary recommendations including the need for additional research, improving offshore enforcement, developing an economic indicator and trigger mechanism, and modifying current reference points. This is a starting point for further discussion and strategy. The board noted that it is important to keep large females on bottom. A reduction in the maximum gauge could prove more beneficial than in increase in the minimum gauge if there are signs of a decline in the lobster population.

The ASMF is also moving forward with Amendment 3 to its herring plan. The Amendment is designed to give managers more tools to manage the Area 1A herring quota. Amendment 3 will be voted on by the Commission in late May. The New England Fishery Management Council (NEFMC) voted to allow lobster fishing to continue in the two proposed Gulf of Maine coral zones in Downeast Maine as its preferred alternative. The Counterferal alternative was a public hearing in late May in Maine; it will consider feedback from this and other New England meetings when the final vote takes place at its meeting in June in Portland.

Patrice McCarron and Dwight Carver attended the large Whale Take Reduction Team meeting in Providence in May. It was a very difficult three-day meeting. The scientists presented research to make a case that the health of right whales is declining and that the stress and mortality from gear entanglement is hampering their recovery. They proposed that NOAA explore more management measures requiring that Gulf of Maine lobstermen change to 1700-pound modified weak line in portions of the area closed in the winter. NOAA is considering input from all parties so there is no clear direction on how the Team may move forward. The MLA also made a presentation on the Maine lobster industry’s efforts to protect right whales at the Marine Mammal Commission’s annual meeting. The MLA Board also discussed the continued threats to lobster from pesticide use. The MLA has spearheaded efforts to keep these pesticides out of the water. The MLA got legislation passed to keep Triamin (used for brown tail moth control and very dangerous to lobsters) pushed back at least 250 yards from the high tide mark. The Maine Board of Pesticides Control (BPC) now has to approve which chemicals can be used for brown tail within 250 feet of the ocean.

There are continuing concerns about the control of brown tail moth populations, ticks and mosquitoes. Homeowners should learn about the habitat these pests prefer and clean up their yards to decrease likely habitat. It’s important for coastal homeowners to minimize pesticide use. The best thing is to hire a licensed applicator if pesticides are needed. Licensed applicators will use the product as labelled and use the proper dose. The BPC is working on a project testing for pesticide residue in coastal areas. Rather than just banning products (you could ban one, and a more dangerous one could be used instead), they are trying to identify those that persist in the coastal environment and therefore pose the greatest risk to marine species. This is still in the works, but will be the foundation for potential future legislation to keep lobster safe.

The MLA Board discussed the upcoming MLA membership renewal. The MLA budget continues to be extremely tight and the MLA is not adequately staffed to properly address the multitude of important issues facing the industry. The board will explore dues increases to more strategically position the MLA to represent the industry and effectively advocate. The ASMF is holding a shrimp meeting and a public hearing on Amendment 3 on June 7 so the next MLA meeting will be moved to Tuesday, June 6.

**ASMF ATLANTIC HERRING SECTION**

The Commission’s Atlantic Herring Section approved Addendum 1 to Amendment 3 of the Interstate Fishery Management Plan for Atlantic Herring. The Addendum includes management measures intended to stabilize the rate of catch in the Area 1A fishery and distribute the seasonal quota throughout Trimester 2 (June through September), which has 72.8% of the season’s allocation. The following measures were approved by the Section:

**Many thanks to these fine businesses, the MLA’s Keeper’s members!**

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Days Out Program (effective for the 2017 fishing season)

- The Section will separately address days out provisions for federal herring Category A vessels and small-mesh bottom trawl vessels with a federal herring Category C or D permit.
- In addition to landing restrictions associated with the days out program, Category A vessels are now prohibited from possessing herring caught from Area 1A during a day out of the fishery.
- Small-mesh bottom trawl vessels with a Category C or D permit will notify states of their intent to fish in Area 1A prior to June 1st.
- Maine, New Hampshire and Massachusetts will make days out decisions by consensus. If a consensus cannot be reached, then the default landing day scenario will be zero landing days.

Weekly Landing Limit (effective for the 2017 fishing season)

The Addendum implements a weekly harvester landing limit for vessels with a Category A permit. The weekly limit will be adjusted throughout the fishing season based on effort. Forty-five days prior to the start of the fishing season, Category A vessels will notify states of their intent to fish in Area 1A, including a specification of gear type. This will provide states with an estimate of effort to calculate the weekly landing limit. For the 2017 fishing season, the notification date was set at May 23.

New Fishery Management Plan Tools

The following measures may be considered as potential management tools prior to the start of the fishing year:

- Herring caught in Area 1A can only be landed by the respective harvester vessel (i.e. no carrier vessels)
- Herring carrier vessels will be limited to receiving at-sea transfers from one harvester vessel per week and landing once per 24-hour period

State Landing Report

NOAA has granted access to vessel monitoring system (VMS)-submitted daily catch report data for select staff in Maine, New Hampshire and Massachusetts. This will provide real-time data for the states to implement a weekly landing limit. Therefore, the implementation of a state landing report is not necessary at this time. The Section will include the option to implement a state landing report as part of the interstate fishery management program if it becomes necessary at a future date.

The Section also approved continuing use of the GSI30-based forecast system to determine spawning closures in Area 1A. This method was developed by the Technical Committee, then tested and evaluated for effectiveness during the 2016 fishing season. The modified GSI30-based spawning monitoring system tracks reproductive maturity to align the timing of spawning area closures with the onset of spawning. The modeling forecasts of spawning closures will be made available via a website.

AMERICAN LOBSTER MANAGEMENT BOARD / SOUTHERN NEW ENGLAND STOCK

The Commission's American Lobster Management Board approved moving forward with the goal of increasing egg production for the Southern New England (SNE) stock of American lobster by 5%. This goal can be achieved through selected management actions including lobster gauge size changes, trap reductions, and seasonal closures. In making its decision, the Board took into consideration extensive public comment, which overwhelmingly supported the status quo, and the fact that stock declines are largely a result of climatic changes, including increasing water temperatures during the last 15 years.

The next step in the process will be for the Lobster Conservation Management Teams (LCMTs) in Areas 2, 3, 4, 5 and 6 to develop area-specific proposals on how to proceed with further management measures.
how to achieve the 5% increase in egg production. The LCMT proposals will be submitted for Technical Committee review in June and Board consideration in August. Once area-specific measures have been approved, the Board will consider final approval of Addendum XXV.

In its deliberation on the SNE lobster stock, the Board discussed the need to consider changes to the current management goals and reference points, noting changes in the marine environment may limit the ability to rebuild the stock to 1990s levels. The Board will continue to discuss these issues, particularly as the Atlantic Menhaden Management Board recommended changes to the current management goals and reference points, not allowing for the TAC to be increased in the specific lobster areas. The Board will consider different levels of risk if the fishing mortality target is exceeded. These projections will be presented to the Board in August. Finally, the Board passed a motion to cap the New York harvest under the Episodic Events Set Aside Program to 1 million pounds, accepted the 2017 FMP Review, and approved the Fishery Management Plan for the season 2017.

2017 HERRING SEASON IS SET

Two important meetings were held in May to set the second trimester herring fishing season for Area 1A from June 1 through September 30. The ASMFC passed an Addendum to allow the Herring Section more tools to manage landings from Area 1A. As part of the new rules, herring vessels need to declare into the Area 1A fishery. Seven vessels fished in Area 1A in 2016; 18 vessels had declared an intent to fish Area 1A for the 2017 season.

The DMR held an industry meeting to get input from the herring industry on how best to structure the second trimester fishery. The owner or operator of every herring vessel in Maine attended the meeting. The DMR stated that the goal of the management process is to ensure that the lobster industry has a supply of fresh bait from Area 1A through mid-September. With only 31,000 metric tons of herring available from 1A, there was a lot of frustration about the number of vessels potentially competing for limited quota. After much heated discussion, the general consensus of the group was to allow only seven vessels to fish Area 1A at the start of the season; the season should begin on June 4 with three landing days; vessels would be limited to 10 truckloads per week.

The American Lobster Board/Gulf of Maine

The American Lobster Management Board identified preferred management alternatives in the NFMC’s Omnibus Deep Sea Coral Amendment, received a report from the Gulf of Maine/Georges Bank (GOM/GBK) Subcommittee, and discussed full implementation of Addenda XXI and XXII in federal waters. Council staff provided an overview of the Draft Omnibus Deep Sea Coral Amendment, which is considering the implementation of discrete coral zones and/or broad, minimum depth coral zones in the Northwest Atlantic. Given that this action may impact the lobster and Jonah crab fisheries, the Board requested that a letter be sent to the Council, recommending implementation of the Council’s preferred management alternatives. This includes the prohibition on mobile-tending bottom gear in the GOM, which would prohibit lobster traps, and a 600-meter minimum-depth zone in the Canyons region, which would prohibit all bottom-tending gear with an exemption for the red crab fishery.

Continued on page 10
to kick off early this summer and will run for three months. The meeting allowed lobstermen an opportunity to learn more about the survey plan, equipment and provide feedback on how to minimize conflict with lobster gear.

Fugro plans to use catamaran-style jet drive survey boats with echosounders mounted on poles, either over-the-side or at the stern, to obtain multibeam data. They also have a small aircraft fitted with an Airborne LiDAR Bathymetry (ALB) system to map data inshore of the 8-meter contour. The LiDAR system is ideally suited for mapping shallow water areas and the coastal zone. Survey operations will be based out of Stonington. MLA will work with the contractor to keep local lobstermen informed of the project plans, and provide more frequent updates once the project is underway.

Lobstermen met with NOAA officials and survey personnel to review the project’s summer routes. MLA photo.
find ways to support our efforts. It was also clear that fishermen are passionate about issues that impact their livelihoods. Many fishermen gave up a day of hauling and a day’s pay to attend the public hearing.

So how do we deter cheating? It is my experience that large fines do not have the expected deterrent effect. Unfortunately, given the complexities of catching fishermen committing serious violations such as scrubbing, trap molesting and fishing sunken trawls (no buoys), enforcement is an uphill climb. Once Patrol is successful in putting a solid case together, the most effective method of providing both due process and removing violators from the water in a relatively timely fashion is the administrative suspension process. Without this process in place we would be in a very poor position to deal with serious lobster resource violations.

The administrative suspension process does have a deterrent effect. When a violator loses his or her license and the ability to make a living on the water, in some cases for more than a year, not only is that fisherman affected, but it may cause other fishermen who are cheating to reconsider their behavior.

The lobster industry has pushed for stricter enforcement and mandatory suspensions for certain violations. The enforcement bill is definitely a step in the right direction. There is no doubt that Marine Patrol, given our small numbers, needs the support of fishermen in order to be effective. Without statutory changes, we will continue to struggle to make an impact on those large-scale issues that threaten the industry.

On a related note, I have always felt that the Department of Marine Resources (DMR) sets high expectations for its employees and that it is fortunate to have such a hardworking and dedicated workforce. When fishermen think about enforcement they generally envision uniformed officers. There are additional staff, however, within the department who play a big role in the overall success of the Bureau. The first is Deirdre Gilbert, director of marine policy. Deirdre has been in the game for quite some time and brings an unsurpassed level of knowledge and common sense to the legislative and rulemaking processes. Her work with Patrol has been exceptional. Another is Sarah Cotsoril, DMR’s resource management coordinator and liaison to the Lobster Advisory Council. Sarah has developed a strong working relationship with members of the lobster industry. She has been vital in keeping lobstermen updated and engaged in important issues affecting them. These two public servants deserve a great deal of credit for the work they perform.

In closing I want thank fishermen again for their ongoing support. Patrol will never take it for granted. As we continue to hire new officers and introduce them to their areas, please provide them with your support and allow them to earn your trust.
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**HEALTH INSURANCE AND YOU: LOOKING AHEAD TO 2018**

By Alisha Keezer

On April 18, the Department of Health and Human Services (HHS) issued a final rule to address certain issues with the health insurance marketplace and to provide flexibility to issuers to help draw healthy consumers to enroll in health coverage, improve the risk pool and bring stability to the individual markets, while increasing options for patients and providers.

This final rule also makes significant changes to the enrollment period for the 2018 benefit year. HHS shortened the enrollment period to November 1 to December 15, 2017, cutting the open-enrollment period from 12 weeks to 6. Having an open-enrollment period that begins and ends in the same calendar year is potentially beneficial because it means the effective date for all policies will be January 1, 2018, which allows everyone enrolling to receive full-year coverage. In addition, this window aligns with the traditional open-enrollment periods for Medicare and many employer-sponsored insurance plans and therefore allows for easier plan comparisons for individuals. HHS believes that a shorter enrollment period will improve the individual health insurance markets’ risk pools by prohibiting individual enrollment in late December and January.

Another change is designed to ensure more choices for consumers for 2018 and beyond. The Affordable Health Care Act requires health insurance companies to offer plans that fit into one of three levels — bronze, silver, or gold — that are designated based on their “actuarial value” (AV). Actuarial value refers to the percentage of the average total healthcare costs that a plan will cover. For example, if a plan’s AV is 60%, the plan will cover 60% of total costs, while consumers are on the hook for 40%. Therefore, lower AV plans often have higher out-of-pocket costs, such as copays and deductibles, because the plan isn’t covering as much of the average total costs. The final rule will allow insurance companies additional actuarial value flexibility to develop more choices with lower premium options for consumers.

With the shorter open-enrollment period this year, it doesn’t hurt to start thinking about your health insurance options. What might be your healthcare needs for next year? The best indicator of what you should consider for yourself and your family is how you used your plan during this year.

Create a checklist of questions for you and your family to help you consider what changes you should make, if any. Here are a few questions worth adding to your list:

- How much did you use your plan last year?
- Did you hit your deductible?
- Did you use all your no-cost benefits? Did the family members covered by your plan do the same?
- Do you anticipate that you or your family members will need major medical procedures in the coming year or are considering pregnancy?

You should use the answers to these questions to help you determine whether you need to change plan options for the coming year. For example, if you anticipate a major health need for yourself or a family member covered by your plan, you may want to consider a lower deductible and lower maximum out-of-pocket plan if that works financially for your family. Pulling together this information now will help you make the best decision when it is time to select a new plan or renew your existing plan.

Alisha Keezer is the MLA’s health insurance Navigator.

**Did you know?**

More than 75,000 people in Maine currently have health insurance coverage through the Affordable Care Act.

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In May, 2016, Carlos Rafael, the “Codfather” of New Bedford, was indicted by federal prosecutors on nearly 30 charges including tax evasion, bulk cash smuggling, and 25 counts of lying to federal regulators. In April 2017, Rafael pled guilty to illegally landing and selling over 782,000 pounds of fish and smuggling money to accounts in Portugal. Before being caught in an IRS sting, Rafael was a fishing kingpin, with 44 commercial permits, over 30 vessels, and control over a plurality of New England’s groundfish quota.

How could one person amass such a large number of permits? Within the New England multispecies fishery (otherwise known as groundfish, which comprises 13 species including, cod, haddock, and flounders), any individual, business, corporation or nonprofit can purchase permits and the landings history associated with them. As the multispecies permit is not required to be owner-operated, there are many (including Rafael) who hire captains to run their boats while focusing on the shore-side component of their business. This happened for years under the “days at sea system,” when a permit had a certain number of days you could go fishing attached to it, which then could be bought and sold. Subsequently, in 2010, the industry shifted to an allocation-based system known as “sectors,” which turned landings history into pounds of fish and created an additional incentive for increased ownership and consolidation within the fleet. Rafael had invested heavily since the 1980s in the groundfish and scallop fisheries, both on the water and on shore, to create a vertically-integrated business where he caught, landed, bought, and sold his fish. With the move to sectors and a price associated with pounds of fish, not days on the water, his vertically-integrated model presented the perfect opportunity to avoid regulatory oversight, misreport landings, and hide the profits from sales that, under the previous system, might not have been as easy to do.

Now that Rafael has pled guilty to numerous fisheries violations, the focus turns to the question of what will come of his fishing empire. In the plea deal, 13 boats and the permits associated with those boats will be forfeited. What that means is still up in the air, but there is clear language in regulations developed by the New England Fishery Management Council, and approved by NOAA, which states that if a fishery permit is vacated, the allocation is redistributed to those in the fishery. The Maine Coast Fishermen’s Association has advocated for those permits to be distributed as such, but also argues that this is not enough — Rafael must be removed from the New England groundfish fishery permanently.

Many of the permits Rafael acquired over the years came from other ports, including Maine; the majority of his permits are not a part of his plea deal. Rafael has made it clear he wants to keep these assets in his homeport, and New Bedford has also expressed its desire to keep these permits attached to the city. But to focus on one port is to ignore the far-reaching impacts that illegal actions taken by Rafael and captains operating his vessels have had on the entire industry. It isn’t an overstatement to suggest that the lies he perpetuated impacted lease prices for allocation and the price fishermen were paid for their fish after they were landed. More dramatically, because of the magnitude of the misreporting of his catch, significant portions of data collected and used in stock assessments over the past five years were incorrect. Many have argued that this missing information could be contributing to the current stock assessment issues in New England but it will be years before we know the true scientific and ecological impacts of these misdeeds. These are not issues that only impact one portion of the fleet. Any individual who took a groundfish trip, or even wanted to take a trip but couldn’t because of the cost, was harmed by these actions.

The federal response to his case will have far-reaching and long-term consequences for New England’s groundfish fishery. All New England’s groundfish fishermen have been negatively impacted by the many years of criminal activity documented in this case, and while the guilty plea brings some closure to this story, all fishermen must be accounted for in the final reckoning and outcome of the case. The rest of the groundfish permits owned by Carlos Rafael should be seized by NOAA and redistributed back throughout the fleet.

The impacts of the illegal operation Rafael ran for years are numerous and his long history of infractions demonstrates that this instance was not a one-time affair. Maine has suffered devastating blows to its groundfish industry over the past two decades. Fleet consolidation, created by boarding practices like Rafael’s, has been a major contributor to the ever-shrinking number of groundfish fishermen in this state. In the early 1990s, Maine had over 300 active groundfish vessels. This past year only 52 boats participated in the fishery. The main obstacle to success in the groundfish industry, as cited by fishermen, is a severe lack of quota and stock assessments that are out of line with what many are experiencing on the water. Taking strong and decisive action against Rafael will not solve all of the groundfish industry’s many ills, but it will make a clear statement to others in the fishery that these types of actions will not be tolerated, that accountability is important for science, for management, and for the sake of fairness.

The negative impacts this one man had on New England’s fishing industry were profound and his shadow will loom over this fishery for a long time. NOAA has an opportunity to begin the healing process. Remove Rafael from the fishery, distribute his permits throughout the fleet, and make a clean break from a dirty history based on exploiting loopholes and thumbing one’s nose at regulations. The days of the pirate fishing fleet are behind us and it is time to build towards a sustainable fishery through accountability, reliable data, and sound science.
“Calanus finmarchicus is a subarctic species found throughout the North Atlantic. It is the foundation of the Gulf food web,” said Jeffrey Runge, professor in the School of Marine Sciences at the University of Maine and based at the Gulf of Maine Research Institute in Portland. “The seed stock of Calanus finmarchicus here is largely supplied from Canada and then amplified by local production here in the Gulf of Maine.” The copepods have the ability to move up and down in the ocean but travel over time with the dominant currents, in this case the Nova Scotian/Labrador current. “When and where the right whales are likely to be is based on where the Calanus are,” Runge added.

Runge and colleagues have monitored zooplankton populations on Wilkinson Basin for 15 years. Each month they visit the area to conduct net tows, moving the seafloor to the surface, to learn what sorts of zooplankton are present. “Since 2010 we’ve seen the abundance of lipid-rich, older-stage Calanus drop by 30%,” Runge said. “This corresponds to the Atlantic Zone Monitoring Program.”

Yet the whales are flocking to Cape Cod Bay, likely in pursuit of food. “The timing is happening earlier. The overwintering copepods are reproducing earlier which could explain why so many whales are in Cape Cod Bay in the spring,” Runge said. They may be getting a long-awaited meal in Cape Cod Bay, but that doesn’t mean those right whales are in the peak of health. “They are a little on the skinny side,” commented Mayo. “They are not looking that great.” Many of the whales bear scars from entanglement in fishing gear or strikes by vessels. Mayo admits that he is amazed by the numbers of animals in the Bay this spring. “We are stumbling around trying to figure out what’s what,” he said. He compared the situation in Cape Cod Bay to a street of many restaurants. “If all of a sudden you see everyone going to one restaurant, you can say that there’s either really good food there or all the other restaurants have closed. I’m inclined to think that if there’s food in other places, the whales wouldn’t come to the Bay,” he said.

Right whales may be heading off in directions that researchers are unaware of. In April this year, a female right whale turned up in Cape Cod Bay with a new calf. The last time she had been seen was off Iceland fourteen years ago. Perhaps the right whales are choosing to visit areas where their preferred food can be found in the dense quantities they need. “Whales are more adaptable than many marine creatures, including lobster,” Mayo said. If the Calanus finmarchicus populations are failing in the Gulf of Maine, it seems likely that the whales will go to where they are not failing. "There are lots of pieces of the jig-saw puzzle and some of those pieces are missing,” he said.

Everyone seems to agree that large-scale changes are happening in the Gulf of Maine ecosystem but what, specifically, those changes mean is less clear. “We don’t have enough science to do management at the scale we need. When you think you have one question answered, ten more pop up. It’s a continual puzzle,” Gouveia said. “But under federal law we must use the best science available to recover and conserve the species [right whales]. It’s a real challenge.”

Halibut continued from page 5

“Since 2010 we’ve seen the abundance of lipid-rich, older-stage Calanus drop by 30% [in Wilkinson Basin].”
**PEOPLE OF THE COAST: BRIAN SMITH, FISHING VESSEL SAFETY EXAMINER**

By Melissa Waterman

Brian Smith is a big man, more than six feet in height. His robust build and buoyant personality fill his small office in the Rockland Coast Guard station, where he works as a fishing safety examiner for the midcoast region. “I was active Coast Guard for thirty years. Then I retired, for about a week!” Smith laughed. “I’ve been doing this job for four-and-a-half years now.”

His work is important. Fishing is the second most-deadly job in the nation, according to statistics from the National Institute for Occupational Safety and Health. “I’ve been doing this job for four-and-a-half years now. ”

Smith grew somber when he discusses how important it is that fishermen make an examination of their boat extremely easy by visiting the Fishsafe info site before scheduling a visit from a Coast Guard inspector. “It’s the best way,” he said. “You go to the site, plug in some information about your boat like length, and then go through the checklist.” He noted that in the past, before the Fishsafe info site was operating, the fail rate for safety inspections in his district was 25%. “Now it’s just 10% and I think that’s because people are using that site,” he said.

Safety inspections are mandatory for vessels fishing beyond three miles, thus Smith sees an increasing number of larger, newer boats in his work. While those fishing in state waters are not required to have an inspection, a fair number of fishermen do. “About a tenth of the exams I do are inside. It makes sense because then you can get a discount on insurance and it lessens your chances of being boarded by the Coast Guard,” he said.

Smith exudes energy as he talks about his life in the Coast Guard and the work he is doing now. “This is the best job in the Coast Guard. I get to wear civilian clothes and work with people. I guess you can tell I’m a people person!”

The plaques and pictures along the walls of Smith’s office tell the story of his career in the Coast Guard. A native of Lewiston, he started out at the Point Judith Coast Guard station in Rhode Island, interacting with the ground-fishermen then fishing from that small harbor. He moved to St. Petersburg, Florida, where he transitioned law enforcement duties. There he became chief warrant officer and eventually moved to New Orleans, Louisiana, serving on the White Holly, a buoy tender.

“Then I moved to Pittsburgh,” Smith continued in his mile-a-minute voice. Pittsburgh, Pennsylvania has a Coast Guard station due to the fact that three rivers—the Allegheny, Monongahela, and Ohio—converge there, thus there is interstate commerce among the states served by those rivers. Life was good for Smith and his family during his tenure in Pittsburgh. A high point came when Smith was designated to carry the Coast Guard flag into the Tampa Stadium for Super Bowl XXV in 1991. “There I was, standing behind Whitney Houston [in the opening ceremony]. It was something,” Smith said with a grin.

He next moved to Yorktown, Virginia, where he taught seamanship and other skills at the Coast Guard’s Coxswain “C” school. “Then I was commissioned as a warrant officer and where did they send me? Guam,” Smith said. He conducted maritime safety inspections of practically everything afloat while serving in the U.S. territory. “Cargo ships, passenger ships, cruise ships—it was great training,” Smith said. He then returned to the United States to the Coast Guard station in Portsmouth, New Hampshire from which he retired at age 48. “The Coast Guard is great because you are always in training,” Smith said. “You are always getting transferred somewhere and learning something new.”

“**The Coast Guard is great because you are always in training. You are always getting transferred somewhere and learning something new.**”

Smith’s vessel inspection schedule gets busy this time of year, when fishermen are putting their boats back in the water, and at the end of the year, when they are hauling them out. His territory extends from Boothbay Harbor to Bar Harbor. “I’m on the road a lot,” he admitted. Smith conducts safety examinations nearly for commercial fishing vessels but is also called on to do inspections of other local craft, such as the state ferries berthed at the nearby Rockland Ferry Terminal or the wooden schooners that operate during the summer months. “I’m the utility man here,” Smith joked. “I inspected seven cruise ships last year.”

Smith grows somber when he discusses how important it is that fishermen use every opportunity to keep themselves safe on board. In 2016, two lobstermen lost their lives when they became entangled in line and went overboard. “It’s not required but everyone should have a knife on them that is accessible if something happens,” Smith said.

He also emphasizes that boat owners can make an examination of their boats and seams are tight is a simple thing to check on regularly. M. Waterman photo.
Whether your sale ends at the dock or in China, global market conditions are driving the price you get paid for your lobster. Lobster is a global commodity and global market conditions, for better or worse, touch everyone in the business. For many years, Spain, France, and Italy accounted for two-thirds of foreign market consumption, until 2012 when China and Hong Kong suddenly emerged as the new top markets. For prices to rise as they did during a period of increasing landings is powerful testament to just how strong and fast those new markets developed. Market diversification is an effective tool for generating new sales, and it is also an effective strategy for managing risk during uncertain times. As Daniel Speranza of Ready Seafood, said, “We need to diversify our markets so that we are always able to move our products.”

The adage about not putting all of your eggs into one basket applies equally well to lobster. Uncertainty about how free trade agreements, such as NAFTA, and particularly CETA (Canada - European Union Comprehensive Economic and Trade Agreement), might affect the lobster business is rising. The European Union is an important market for lobster and it will remain so. Maine's lobster exporters know that by staying the course, introducing new lobster products, and by exploring opportunities in new markets they can weather downturns if trade winds blow foul.

Food Export-Northeast is a State Regional Trade Group that administers USDA Market Access Program (MAP) funding to conduct generic promotion activities to create, or boost, demand for seafood products from the northeastern U.S. Generic promotion activities are conducted on behalf of the seafood industry and without cost to harvesters or shoreside firms. Since 2004, Food Export-Northeast has provided nearly $16 million in promotion support to the region's seafood industry.

Marketing Funds

Lobster exporters use Food Export-Northeast's cost-share assistance program to showcase their products to buyers around the world. The program provides a fifty-percent reimbursement of show and travel expenses to exhibit at international trade shows. These funds are also used to make necessary label modifications, to ship product samples, and to conduct overseas product promotions.

In April, lobster exporters utilized cost-share funding to exhibit in Food Export-Northeast's pavilion at Seafood Expo Global, in Brussels, Belgium. Maine companies included Maine Coast, Greenhead Lobster, Ready Seafood, Shucks Maine Lobster, Cozy Harbor Seafood, and Calendar Islands Maine Lobster.

Cozy Harbor Seafood, of Portland, walked away with two of the three top prize honors awarded at the show. Their lobster meat, which features tail, claw and knuckle meat that has been steam-cooked and frozen with liquid nitrogen and packed in a full-color, retail-ready package, won the top award for Best Retail Product. Cozy Harbor also won the Seafood Excellence Global award for their retail-ready line of flash-frozen lobster. A strong U.S. lobster industry presence at the world’s largest seafood show and international industry recognition for production of superior products benefits the entire Maine lobster industry.

Market diversification spurs product innovation, which strengthens individual companies and the industry overall. Emily Lane, of Calendar Islands Maine Lobster, noted, “With ever-changing political and economic landscapes, both nationally and internationally, it is important to target new markets while simultaneously developing new products to meet the needs of those markets. Food Export’s programs and staff support and enhance Calendar Islands’ market focus and product innovation. Our product development and market diversification have led to our continued company growth over the past seven years.”

Market Scoping Resources

Food Export - Northeast has extensive resources to help companies develop the how-to they need to begin exporting and to help those already exporting to expand and diversify their markets. From our Food Export Helpline to webinars and market reports, most information is free and requires only a few clicks of your fingertip to access. Comprehensive research focusing on market opportunities for lobster in the Middle East, Taiwan, South America, South Korea and Southeast Asia are new additions to our library.

Researching a market’s demographic and economic indicators, its seafood consumption habits, along with a market’s current level of consumer awareness and demand for lobster is necessary groundwork for identifying new opportunities and market sectors to target. “Market diversification - and market segmentation within a market - is very important to us. In 2016, we shipped live lobster into 20 different countries, and our customer base is a combination of hotel, restaurant and catering; wholesale distribution; and retailers. This year we are targeting growth in additional markets in Southeast Asia,” said Annie Tselikis of Maine Coast.

On-The-Ground Market Exploration

Food Export-Northeast regularly conducts focused trade missions throughout the world to help companies gain in-depth, first-hand, market intelligence and to make new buyer connections. In September, Food Export-Northeast will lead a U.S. seafood trade mission to Southeast Asia. Seafood companies from the northeastern states together with seafood suppliers from the south, the west coast and Alaska will visit Singapore and Thailand to meet with buyers from those markets as well as buyers from Malaysia, Indonesia, Vietnam and the Philippines. Maine companies joining the mission include Maine Coast, Calendar Islands Maine Lobster, and Ready Seafood. The multi-partner effort is also a multi-year project. Just as we did to help develop the China and Hong Kong markets for lobster, Food Export-Northeast will conduct lobster product seminars and chef training, plus launch restaurant and retail promotions to create consumer awareness and demand.

To learn more about Food Export-Northeast's programs, activities and services, visit www.foodexport.org.
By Ann Backus, MS

Butter or margarine? Red meat or white? Food guide pyramids, heart-healthy foods, Mediterranean Diet, plant-based diet: the controversies and discussions about what to eat have increased in number and intensity in the last twenty years or so.

It appears that the American diet tends to consist of fast food - much of it fried - and of sugar, as in soft drinks and desserts. It’s no surprise then that many of us are overweight and rely on multi-vitamins to give us the vitamins, minerals, and micronutrients we need to keep our bodies functioning well.

As early as 1902, Wilbur O. Atwater wrote in a Farmer’s Bulletin that “Unless care is exercised in selecting food a diet may result which is one-sided or badly balanced – that is one in which either protein or fuel ingredients (carbohydrate and fat) are provided in excess.” He goes on to link diet to future ill-health and disability, writing, “The evils of eating might not be felt at once, but sooner or later they are sure to appear, perhaps in an excessive amount of fatty tissue, perhaps in debility, perhaps in actual disease.”

In 1917 a book on dietary recommendations, *How to Select Foods*, was written by nutritionist Caroline L. Hunt and Helen W. Atwater and published by the U.S. Dept. of Agriculture (USDA). It was based on the five food groups popularized early in the century by Hunt: milk and meat, cereals, vegetables and fruits, fats and fatty foods, and sugar and sugary foods. The book was designed to help ordinary families choose foods at the market. By the way, where is fish in this list? Included in the meat group?

Imagine! Fats and fatty foods as well as sugar and sugary foods being considered two of the important food groups!

During the Great Depression and up into the early years of World War II various food guides were issued to help families choose foods with both nutrition and cost or availability in mind. For example, *The National Wartime Nutrition Guide*, published in 1943 by the USDA specified seven food groups, one of which mentioned fish and the seventh of which was butter and fortified margarine. The group fat and fatty foods was replaced by butter and margarine; sugar and sugary foods were not discussed.

Those of us who grew up in the post-WWII era ate based on this framework of seven food groups. This generation might remember stirring a yellow gelatin capsule into the margarine to make it look more like butter.

In the decade after the war, scientific research began informing food choices as well. For example, *As early as 1902, Wilbur O. Atwater wrote in a Farmer’s Bulletin that “Unless care is exercised in selecting food a diet may result which is one-sided or badly balanced – that is one in which either protein or fuel ingredients (carbohydrate and fat) are provided in excess.” He goes on to link diet to future ill-health and disability, writing, “The evils of eating might not be felt at once, but sooner or later they are sure to appear, perhaps in an excessive amount of fatty tissue, perhaps in debility, perhaps in actual disease.”

In 1979, the USDA published new dietary guidance documents. The four groups were milk and milk products; meat, fish, poultry, eggs, dry beans and nuts; fruits and vegetables; and grain products. Mention of fats and sugars is gone. The focus was good nutrition in maintaining health and the relationship of diet to disease. We know that a diet high in fat, particularly saturated fat, and sugar leads to obesity and that salt can inflame our blood vessels and lead to cardiovascular disease.

**So what about today’s dietary guidance?**

Since 2005 we have had the USDA food pyramid. This dietary guidance framework includes five food groups and suggests that we use fats, oils and sweets “sparingly.” The pyramid encourages eating lots of vegetables and fruits – from 5 to 9 servings per day and 2-3 servings of meat, fish, eggs, nuts, etc. The breads, grains and cereals encouraged would be whole grains.

Some are turning to the Mediterranean Diet “as people like to say, ‘the Mediterranean way of life.’ This diet is based on twelve pillar foods: olive oil, yogurt, vegetables, beans, seafood, whole grains, wine, herbs and spices, fruits, coffee and tea, nuts and seeds, and chicken and eggs. The fats are largely olive oil, which is an oil classified as ‘heart healthy.’ The Mediterranean Diet also calls for cooking at home and avoiding processed foods. Others are finding a plant-based diet gives them energy and a sense of well-being. Proteins come from seeds, nuts, soy, while the carbohydrates are whole grains. Of course, fruits and vegetables are front and center.

This column is written to encourage us all, especially those of us brought up under the four food groups, to rethink our eating habits. Skip the fast food and add salads and fruits. Skip the processed food and prepare food at home. Eat yogurt, not only for the protein, but for the probiotics that resupply our gut with the good bacteria that assist metabolism and purportedly have a role in maintaining mental health.

WO. Atwater was ahead of his time in connecting diet to health, but it took until the 1980s for scientific research to provide solid evidence of the relationship of diet to health. The research continues so we will probably have to rethink our diets again in a few years.
NEW DIRECTOR FOR STONINGTON ORGANIZATION

The Board of Directors of Maine Center for Coastal Fisheries (MCCF) announced that Paul Anderson will join the nonprofit in September and fully assume executive director duties on January 1, 2018. Anderson will succeed founding Executive Director Robin Alden, who is stepping down after 14 years at the helm of MCCF, formerly known as Penobscot East Resource Center. Anderson is currently the Director of the Maine Sea Grant College Program at the University of Maine, where he has been for the last 16 years.

The Penobscot East Resource Center changed its name to the Maine Center for Coastal Fisheries in March. According to a Center press release, the Maine Center for Coastal Fisheries will “work to bring together the knowledge of local fishermen, the research findings of scientists, and the world of policy makers to create an abundant, diverse, and sustainable fishery.” The Center’s focus is on the area from Penobscot Bay east to the Canadian border, an area that comprises about one third of the Gulf of Maine, has approximately 3,000 commercial fishermen, and includes the two most fisheries-dependent counties on the East Coast.

INSHORE COD SURVEY CONTINUES IN SOUTHERN MAINE

The Massachusetts Division of Marine Fisheries’ (DMF) Industry-Based Survey for Gulf of Maine Cod (Cod IBS) began its second year in April 2017. The survey is conducted in state and federal waters from Cape Cod Bay, Massachusetts to Casco Bay, Maine. This cooperative research effort has several direct benefits to commercial fishermen, and includes the two most fisheries-dependent counties on the East Coast.

The survey’s goal is to conduct 50 randomly-selected tows that are evenly distributed throughout the survey area. The biggest challenge for the survey is the presence of fixed gear at tow sites. Although DMF makes every possible effort to avoid fixed gear, conflicts do occur. The Cod IBS is conducted onboard the F/V Miss Emily, a green-hulled 53’ trawler based out of Scituate. Each month the vessel attempts 50 randomly-selected tows that are evenly distributed throughout the survey area. The biggest challenge for the survey is the presence of fixed gear at tow sites. Although DMF makes every possible effort to avoid fixed gear, conflicts do occur. The F/V Miss Emily will be completing tows that are 200 feet wide and 1.5 nautical miles long and are as close as possible to the designated tow locations. The vessel requires a clear path that is approximately 1,500 feet wide and 1.5 nautical miles long and are requesting that all gear be temporally removed from these areas. Each morning at 6:00 AM the F/V Miss Emily will announce on VHF Channel 16 which tow locations will be surveyed that day. Updates on planned tows are available online at http://www.mass.gov/eea/agencies/dfg/dmf/programs-and-projects/ibs-tow-locations-2016.html and via text message alerts. Questions should be directed William Hofmann at (978) 281-0308 x 106.

ROBIN ALDEN WINS AWARD

The Maine Center for Coastal Fisheries’ retiring Executive Director Robin Alden received a “Hero of the Seas” award this spring, one of the Peter Benchley Ocean Awards. She was recognized for her career working at the grassroots level, engaging fishermen’s knowledge and participation to build sustainable, healthy coastal fisheries and fishing communities. One of 10 categories of award, the Hero of the Seas Award is given to “a marine grassroots activist who has made a major and long-term commitment to improving the quality of our seas and the communities that depend on them.” Alden’s four-decade career involved in commercial fisheries began when she founded and became publisher and editor of Commercial Fisheries News in 1973. She also is a co-founder of the Maine Fisherman’s Forum. From 1995 to 1997, Alden was Commissioner of Marine Resources before co-founding Maine Center for Coastal Fisheries in 2003. She has also been a founding partner of Downeast Fisheries Partnership.

Summer adventures on tap at Maine’s maritime museums

Maine’s marine museums are gearing up for a busy summer season. The Maine Maritime Museum’s newest permanent exhibit, Into the Lantern: A Lighthouse Experience, will open on June 17. The full-scale replica of the Cape Elizabeth Two Lights lighthouse tower lantern room constructed on the museum’s campus in Bath will allow visitors to see the original second-order Fresnel lens from the east tower at Two Lights. They will experience the environment of the lantern room through time-lapse video projections featuring a panorama of the Gulf of Maine changing with the weather and seasons. This exhibit is the first of its kind anywhere.

On opening day, representatives from numerous Maine lighthouse organizations will be on hand to answer questions. The museum will offer discounted cruises on the Kennebec River and lighthouse-themed games and activities for the kids. At the end of the day the museum will host a Lighthouse Lovers Cruise. For more information, visit http://www.maintimemuseum.org/events/grand-opening-lantern-lighthouse-experience.

The Penobscot Marine Museum features a new show this summer called Gone Fishing! which explores the world of Maine’s commercial fisheries through exhibits and programs. The featured exhibit, The Net Result: Our Evolving Fisheries, uses the Museum’s photo collection from National Fisherman as the backbone of show, focusing on the commercial fishing industry in the post-WWII era. As technology has changed through the years, so has the equipment used to fish. Museum visitors will have the opportunity to look through time to see how the wheelhouses of fishing vessels have evolved. Fishing weirs were once a vital part of Maine’s fishing industry; but now are few in number. This summer the Museum will have a recreated fishing weir on site where visitors can experience a weir from a fisherman’s perspective. Gone Fishing! runs May 27 through October 15 at the Penobscot Marine Museum in Searsport. For more information, visit https://penobscotmarinemuseum.org/gone-fishing.
ties” for a variety of offenses. Minimum penalties could range from none, to a monetary fine, all the way up to a permanent license suspension. The concept behind a minimum penalty would be to let a lobsterman know what the consequences would be if he or she broke a law. If it is severe enough, this could deter many from breaking the law in the first place.

The survey also asked lobstermen about their concerns with night hauling, number of crew aboard a vessel, and giving DMR the authority to suspend licenses of those found guilty of burning or destroying other lobstermen’s vessels. Four hundred lobstermen responded. The majority wanted to see stiffer penalties with a goal of making it not worthwhile to break the law.

“While the majority of Maine lobstermen are hardworking and honest individuals, there are a few bad apples,” said Patrice McCarron, MLA executive director. “Lobstermen are saying loudly and clearly that lobster laws need to be enforced. They are really concerned over DMR’s inability to catch those who violate the trap limit. I have heard from many that if this problem is not remedied, more lobstermen will reach a point of deep frustration and be tempted to set illegal traps themselves.”

An amended L.D. 575 was endorsed by the Joint Committee on Marine Resources, 11-1. The amended bill reflects the provisions of both L.D. 575 put forward by the MLA and L.D. 1379 put forward by DMR. If adopted, the new law will require the DMR Commissioner to give longer license suspensions for lobstermen who violate the laws on the first offense. Certain infractions, such as setting fire to, sinking, or damaging a vessel used for lobstering, are now grounds for permanent revocation of a lobster license. As proposed originally in L.D. 1379, most lobster violations that are currently civil offenses will become criminal acts. Those violations deemed criminal acts, such as trap molesting and fishing more than 25 untagged traps, will allow DMR to seek a warrant from a judge to place surveillance equipment on a vessel without notifying the lobsterman when it has “probable cause.”

If this new law takes effect, violators caught fishing more than the legal limit of 800 traps or fishing sunken trawls would face a minimum three-year suspension rather than one year and could possibly lose their license for up to 10 years. Scrubbing egg-bearing lobsters would result in a minimum four-year license suspension with the possibility of permanent revocation, and molesting other fishermen’s traps could result in a suspension from two to six years. The current maximum for molesting gear is three years. The proposed changes would also require the department to permanently revoke a lobsterman’s license for a second offense of exceeding trap limits or fishing sunken trawls. Lobstermen who have their license suspended for certain violations will re-enter the lobster fishery similar to a new entrant, limited to 300 traps and then building up by 100 traps per year after that. The Department may also require a lobsterman coming back in after a license suspension to have a vessel monitoring system aboard the vessel for an amount of time up to the length of their license suspension.

“This has been a major effort on the part of the MLA,” said Cousins. “We’ve had great support for doing this. Lobstermen want to see a level playing field. If you stand to lose your license for six years or have a tracker on your boat, that should be enough to stop the bullsh*t.”

June 20-22

July 23
Annual Windjammer Days, Boothbay Harbor. FMI: 504-0242.

June 26
MLCA Pizza Benefit, Bird Dog Roadhouse, Cape Elizabeth, 3-9 p.m. FMI: www.mlcalliance.org.

UPCOMING
July
The Lobster Roll Festival, noon-5 p.m., Thompson Point, Portland. www.downeast.com/lobster-roll.

July 16

July 21-23

Enforcement continued from page 1
Maine Lobster Leadership Institute in Canada
Participants in the Maine Lobstermen’s Community Alliance’s second Maine Lobster Leadership Institute visited lobstermen and seafood processing facilities on Prince Edward Island in May. The Canadian lobstermen took the Maine lobstermen out on their boats, into their homes and provided them with a sea-level view of the province’s thriving lobster industry. MLCA photos.

At a sorting facility on Prince Edward Island.

Ten Maine lobstermen and three MLA board and staff members gather before meeting with P.E.I. fishermen.

MLA director Chris Welch learns to fish with wooden traps.

Ten Maine lobstermen and three MLA board and staff members gather before meeting with P.E.I. fishermen.

Learning about the province’s lobstering regulations and markets.

YOUNG LOBSTERMEN EXPERIENCE THE P.E.I. FISHERY

Garbo depends on the hard work and stewardship of Maine lobstermen.

Thank you!

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