

DEPARTMENT OF MARINE RESOURCES

CHAPTER 25 - LOBSTER AND CRAB

25.97 Management Framework for Island Limited Entry Program

A. Definitions

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

(1) "Established island resident lobster license holder" means a person who:

- (a) has a permanent physical place of abode on the island, as demonstrated through payment of property taxes on land and buildings or a signed lease, and
- (b) holds a current Class I, II, or III lobster and crab fishing license at the time the island limited entry process under Chapter 25.97(B) is initiated.

(2) "New island resident lobster license holder" means a person who is issued a Class I, II, or III lobster and crab fishing license through the island limited entry program. The person remains a new island resident lobster license holder until they have documented 8 years of residency and lobster landings on the island. To document residency, the person must complete a statement of domicile provided by the Department of Marine Resources, establishing that they are domiciled on the island, including meeting all of the following criteria:

- (a) has a permanent physical place of abode on the island, as demonstrated through payment of property taxes on land and buildings or a signed lease. Individuals residing with a parent on the island may provide evidence that the parent has paid property taxes or has signed a lease.
- (b) If registered to vote, is registered to vote on the island where the person has a permanent physical place of abode, if the island is a municipality.
- (c) has registered their motor vehicle on the island, if the island is a municipality;
- (d) has provided an island address for their driver's license, if the person holds a driver's license;
- (e) has registered their boat on the island, if the island is a municipality;
- (f) has paid their boat excise tax to the island, if the island is a municipality; and
- (g) has listed an island address as their home mailing address on their Maine Income Tax Return.

(3) "Year-round island community" means the following islands: Swans Island, the Cranberry Isles, Frenchboro, Vinalhaven, Matinicus, North Haven, Isle au Haut, Islesboro, Great Diamond Island, Little Diamond Island, Long Island (Casco Bay), Chebeague Island, Cliff Island, and Peaks Island.

B. Island Limited Entry Referenda Procedures

(1) Petition Process for Initiating Island Limited Entry Referenda

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

- (g) Based on the feedback received from the Lobster Management Policy Council, the interim island committee may amend the number of licenses proposed before the referendum is conducted.

(2) Island Limited Entry Referenda

- (a) The referendum question shall be mailed to all eligible license holders identified as established island resident lobster license holders.
- (b) The referendum ballots will include a postage-paid return address at the Department of Marine Resources.
- (c) The interim island committee may submit a proposed island limited entry program to the Commissioner if it is approved by two-thirds of those voting in the referendum.
- (d) If a referendum to establish an island limited entry program fails to obtain the approval of two-thirds of those voting in the referendum, no further referenda will be approved for a minimum of 24 months from the date that the ballots of the previous referendum were due.

(3) Voter Qualifications

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

(4) Adoption

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

C. Island Limited Entry Program Procedures

(1) Island Waiting List

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

(2) Licenses Issued

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

(3) Requirements of New Island Resident License Holders

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

(4) Residency Requirement Waivers

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

D. Island Limited Entry Program Committee

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

(1) Composition: The Committee shall be composed of five members, as follows:

- (a) Three established island resident lobster license holders, and
- (b) Two new island resident lobster license holders

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

(2) Election: The Committee shall be elected by established island resident lobster license holders and new island lobster license holders. Member(s) shall be elected for two-year terms. Members may be re-elected.

(3) Meetings of Members: The Committee shall meet at least annually, or more often as needed to address issues of importance concerning the island limited entry program. Committee meetings shall be open to the public.

Basis Statement

Chapter 25.97 Management Framework for Island Limited Entry Program

These adopted regulations establish the procedures under which an island limited entry program could be created, including the petition process, referenda, and adoption procedures. The regulations identify which year-round islands qualify; define residency and residency exceptions for temporary absences from an island for medical or educational purposes; establish the waiting list procedures; establish how the number of licenses to be issued would be calculated; and describe the requirement for an island limited entry program committee for participating islands.

Several island communities informed the Department of their concerns regarding the impacts of the limited entry system in the lobster fishery on the sustainability of their communities. In short, licenses not renewed by members of the island community become part of the pool available to the zone, and the next license issued may not be to a resident of the island. This could result in an attrition of licenses from island communities with few employment alternatives, impacting the island economy and the very sustainability of the community. The solution passed by the legislature in 12 MRS §6449 allows island communities to establish a limited entry program that is specific to their needs of their community and the local lobster resource. The regulations establish the procedures the island communities would follow if they choose to implement an island limited entry system.

The following changes were made in response to the comments received:

- Clarification was provided that the interim island committee has the authority to make a change in the number of island licenses proposed, based on feedback from the Zone Council. This is the purpose of the consultation with the Zone Council, to allow feedback and changes prior to holding a referendum.
- The minimum length of time that an island would have to wait to hold another referendum on the subject if their original referendum failed was shortened from 36 months to 24 months to assist an island that wants to establish this program with its successful adoption.
- The rule was changed to state that in the initial year of establishment of an island limited entry program, the Department may issue licenses at the conclusion of the rule-making, rather than wait until February 1. In subsequent years, licenses will be issued concurrent with Zone entry, by February 1.
- Clarification was provided that if there are not two new island lobster license holders, the Island Committee may contain less than two new island lobster license holders.

Summary of Comments

Chapter 25.97 Management Framework for Island Limited Entry Program

Public hearings were held in Ellsworth, Scarborough and Rockland on July 19, 20 and 22, 2010 respectively. These were attended primarily by members of the lobster fishery in attendance for several separate hearings on lobster regulations. The hearing attendees are listed followed by the summary of comments and responses then the individual summarized hearing and written comments. A separate document is available that summarizes the questions and answer periods held during each hearing.

Ellsworth Hearing Attendees:

Daniel MacDonald, Isle au Haut
Steve Philbrook, Islesford
Jack Merrill, Northeast Harbor
Rick Alley, Islesford
David Thomas, Islesford
Samuel H. Hyler, Islesford
Luke Abell, Islesford
Richard Howland, Islesford,
Chris Heanssler, Deer Isle
Matthew Lane, Swans Island
Erik Greenlaw, Swans Island
Zeke Freelove, Swans Island
Brian Eaton, Deer Isle
Jen Litteral, Rockland, Island Institute
Bruce Fernald, Islesford
Kenneth Lemoine, Swans Island, Zone B Swans Island
Amanda LaBelle, Rockland, Island Institute
Jon Carter, Hulls Cove, Zone B Council
DMR: Dep. Comm. Etnier, D. Gilbert, Major Talbot, L. Churchill

Scarborough Hearing Attendees:

Jodie M. Jordan, Cape Elizabeth, Zone G Council
Gregory Griffin, Cape Elizabeth
Howard Gray, Scarborough
Steve Taylor, Kittery, Zone G Council
Marianne Tracy, Cliff Island
Kim and Andy Smith, Kittery Point
David Provencher, Scarborough
DMR: Dep. Comm. Etnier, D. Gilbert, Lt. Cornish, L. Churchill

Rockland Hearing Attendees:

Shlomit Auciello, Camden, reporter for Herald Gazette & Village Soup
Gerry Cushman, Port Clyde, Zone D Council
Sen. Chris Rector, Thomaston, District 22
Amanda LaBelle, Rockland, Island Institute
DMR: Dep. Comm. Etnier, D. Gilbert, Sgt. Sonksen, L. Churchill

Written comments received:

Ted Turner, Swans Island
Frank B. Abel, Waldoboro
W. William Anderson, South Trescott
Jennifer Litteral, Rockland, Island Institute, Policy Director

Summarized comments and responses

1. Zone B has Swans Island, Islesford, Cranberry Island and Frenchboro communities that could take large numbers out of the Zone B number base that could leave people on the waiting list for almost forever. This will make it that much more difficult to obtain a license for folks in the larger Zone.

Response: *In 2009, there were 532 commercial lobster license holders in Zone B. If all of the islands listed above chose to participate in the limited entry program, it could remove a significant number of license holders from the Zone B "pool" of licenses. This is because when island license holders retire their licenses, it would allow for island entry and their tags would not be included in the Zone B entry calculation. However, should*

the Zone B Council determine that this is causing a problem – slowing down entry into Zone B by too great a degree - the Zone B Council could address it by lowering their exit/entry ratio to some number less than what is currently in place (5:1).

2. The 3 year wait to re-voting should be shorter at the beginning when this starts up, such as 12 months or shorter than 36 months.

The 36-month minimum time period between program applications or revisions as described in B2d and B4d should be shortened to 12 months until an island has successfully established a program. After an island has established a program, a 36-month minimum time period for changes to the program is appropriate.

Response: *The Department agrees that 36 months is a significant length of time to have to wait before an island could hold another referendum to demonstrate support for an island specific limited entry program. Part of the reason for selecting 36 months was to be consistent with the minimum time between referendums required for a Zone seeking to establish limited entry. It was also to try to ensure that the interim island subcommittee that is attempting to establish the island limited entry program has done the necessary work of communicating with the rest of the island community before proposing establishing the system, as well as determining the appropriate number of license that would have support. Recognizing that this is a new program, the Department supports amending this time period to 24 months, instead of 36 months. The Department does not consider the goal to be that all islands will necessarily establish these programs – if an island community rejects establishing an island specific limited entry system, that decision should be respected.*

3. The initial interim committee should have more of a say in who is allowed to be on the island waiting list. There are different situations for every island. It's not one size fits all. The committees that are representing each island should have more say on the order in which people get put on these waiting lists

Response: *The interim committee was suggested as a means to create a group with whom the Department could work, to support an island that wished to establish an island specific limited entry system. Just as Zone Councils do not get to have a say regarding who would get to be on the Zone waiting list and in what order, the island committee should not get to decide who is allowed to be on the island waiting list, or in what order. As long as people meet the basic eligibility criteria (having completed the apprenticeship program), their opportunity to get a license should be equal, and not based on the discretion of a group of existing license holders deciding who will get to fish alongside them.*

4. We strongly suggest a change to the wording of section C1b and C1c to allow island communities to develop programs that give preference to established island residents applicants. This could be accomplished by giving priority to those applicants who completed their apprenticeship with an island license holder from the same island through which they are applying.

Response: *It would be possible to amend these regulations to specify that individuals who completed their apprenticeship program with an established island license holder have preference (that is, would be placed higher on the waiting list) than individuals who did not apprentice with an established island license holder. However, making this change would be considered a substantive change that would require going back out to public hearing. In the interest of getting this program in place so that islands may begin the referendum process, the Department is not going to make this change at this time. It may be appropriate to allow islands to include in their referendum a question about whether or not the island community wants to give preference to those who have completed their apprenticeship with an established island license holder – this could be the topic of a future rule-making.*

5. Use tags instead of licenses as an entrance exit ratio for the island waiting list(s).

Response: *The statute that authorizes island specific limited entry programs specifies that licenses will be used for the purpose of determining island entry.*

6. Could the 5 person island committee be made of “up to two” new island residents instead of the required two? Some island may only have one new island resident lobster license holder.

Response: *Yes, it is correct that in initial years, an island may not have two new island resident lobster license holders – the regulation is amended to reflect this recommendation.*

7. Students should be excluded from the target number selected by an island just as they are not counted in the larger zone exit entrance ratio.

Response: *This comment is referring to students who are island residents and who obtain their commercial license without going on the waiting list. The purpose of this program is to establish an appropriate number of licenses for an island community and to maintain that number. If students who became commercial license holders were never counted as established island license holders, the number would continually creep upward. When an island is considering whether or not to establish an island specific limited entry program, they should consider the number of upcoming students who may obtain licenses, and factor that in to their discussions regarding the appropriate number of licenses for their community.*

8. How will this limited entry affect the people that are on the waiting list now? If you give out lobster licenses to island residents and skip over people that have been on the list for years, how can that be fair. I have been on the list for over five years and have seen the regulations change 3 times, which has effected how fast or slowly I will get my license. You never grandfather people that are on the list, you just keep making it harder and harder to obtain a license.

Response: *This change to limited entry will not make it harder for people who are currently on the waiting list to get a license. Individuals who accept an island license will not be taking a license away from someone on the Zone waiting list – there will simply be a separate limited entry system for certain islands. The existing Zone waiting list will continue to operate in the same way that it currently does.*

9. Regarding the issuance of licenses as described in C2, in the initial year of entry into the program, an island's licenses should be issued upon completion of the rule making process rather than waiting until February 1 of the subsequent licensing year.

Response: *The Department agrees that this would expedite the ability of islands to establish and use this program, and supports this amendment to the rule.*

Individual summarized comments

Dan Macdonald, Isle au Haut, Fisherman and 3rd Selectman

I've **very much in favor** of this because I believe that in limited entry zones, even though my zone has not limited entry at this point in time. **The islands will definitely be at a serious disadvantage and lose licenses over time. We need a way to maintain our population and in Isle au Haut's case we plan on increasing our residency if possible.** I'm definitely in favor of the rule.

Jack Merrill, Northeast Harbor

Most of us have more **questions** about how this is going to work or how an island can make this operate. **I don't think there's any opposition**, so it's a question of how it is going to work and how is each individual island going to be able to make it work.

Jon Carter, Hulls Cove, Zone B

I didn't come here to make a comment but after what I heard here tonight I have to be **against** this. I'm in danger of what it could do to the people who are on the Zone B waiting list. **Where we have Swans Island, Islesford, Cranberry Island and Frenchboro communities we would be taking large numbers out of our number base that could leave people on the waiting list for almost forever.** They are on there now, you heard the comments, some guys will never get their license. **You're going to make it that much more difficult if you do it this way.**

Kenneth Lemoine, Swans Island

Regarding Jon Carter's remark, I would believe **they could change the ratio back to 3:1 from 5:1**, which was voted for. I may be wrong but this started at least 2 years ago on maybe on Swans Island, they've been discussing it and trying to get this going. And it is slow. **I don't agree with the 3 years on re-voting; that is totally wrong; especially at the beginning because you're going to find bumps, things to change.** I feel comfortable with it as myself as a fisherman and as a resident of Swans Island for a long time. As chair of the **trap limit committee they are in favor of this.** I don't think I've heard any opposition, I'm sure there is, but no one has said that to me. He is in favor of the rule.

Dep. Comm. David Etnier (DE): On the 3 years, do you think there should be no delay or shorter duration?

K. Lemoine: Shorter, **12 months, especially at the beginning** because there are always changes. In our area everything changes fast. You might make a decision this year you regret.

Jack Merrill, Northeast Harbor

I would like to see this go forward, I'm **for it**. In regards to what Jon Carter said there are two things he is **missing. One is if you move people on to the island list and they get licenses they are coming off the [Zone B] waiting list so they are bumping other people up faster.** They are moving them on that list quicker. [Second point, will get back on this.]

Richard Howland, Islesford

I think it should be up to the committees to be able to interpret this how we want because each island is so different. With Isle au Haut they are trying to attract new residents so maybe they would have someone that have been in apprenticeship off island come out there but with Islesford and Cranberry Island maybe have a residential apprentice. Somebody that has completed their apprenticeship on the island so they don't get screwed by somebody just jumping on board this and sending their paperwork in a day earlier and getting their license and these guys who have been here 10 years, that's the whole point, is building a community and keeping the fishery going. I think that is very important. **I really think the committee should have more of a say in who gets to go on this list.** Not to discriminate against anybody but this a serious thing. **There are different situations for every island. It's not one size fits all.**

Steve Philbrook, Islesford

I think any time you make a law you start discriminating no matter what. Every time you make a law you have to make laws to close the laws for those who want to break the laws etc. I want to say I'm really **in support of this.** As soon as I saw the limited entry program come into place I saw that as almost the final nail in the coffin of the island communities. Where there are only 13 left. I appreciate the work that everybody has done and the committees on this I think you've come up with an excellent product that hopefully will work out well. I know there's going to be bugs to find out but thanks for all your work.

Zeke Freelove, Swans Island

I'm very much **in support of this** of course because it benefits me. I think it is a very important thing, it should go through. I've been on the island for 10 years. I've been coming there since I was a little boy. I bought a house out there and I've married a girl from the island and I'm not going to lie, I've been waiting on the list for so long I've already set a limit and if I hit a certain age and I don't have it I'm going to have to move off. I can't make it being a sternman anymore. I have been ten years. I have to work 3 jobs just to pay the light bill on Swans Island.

My sister lives in Machias and my light bill is I pay for in a month is what she pays all year. I really hope it goes forward.

Bruce Fernald, Islesford

I **support this** but from what Jon Carter said I do have a bit of reservation. Like just from the guy moving off the island after 8 years. I question any negativity and this is one thing of the trap tag thing that can get a lot of hostility going. I think we can try to figure out how to work around it or do something with it so it doesn't create a negative situation. It is the last thing we need. There's enough negativity in the lobster business as there is. If we can try to work on this and do something about it I think we will be better off. I don't know what it will be but we got to try to figure it out.

Dave Thomas, Islesford

I am in favor of this. I agree with Steve Philbrook when this limited entry first started I viewed it as a nail in the coffin of not just islands but small communities. I would **hate to see 30-50 years from now all the licenses congregated** in the Rockland, Vinalhaven, Stonington area or Southwest Harbor, Bass Harbor, the Portland area and the rest of the coast being sold to the highest bidder because nobody could afford to live there anymore. I think this is **one of the tools in the tool box to help us avoid that.** I see Jon Carter's dilemma. I do believe that if you remove the number of fishermen that live on Swans Island, Frenchboro, Cranberry Isles, you can run some sort of comparative analysis on how many traps there are, how many trap tags there are in Zone B and the **ratio can be changed.**

Rick Alley, Islesford

I'd like to speak in favor of this. I think it will be a good thing for the **outer islands.**

Jack Merrill, continued

I remembered what the second thing I was going to say to Jon Carter, which is if you've got all the island communities that are part of Zone B that is a lot of fishermen and he's representing them as well. We need to work together obviously. A lot of Zone B are island communities. So **this bill is to help us keep going.**

Sam Hyler, Islesford

I'm on the Zone B waiting list so **I'm in favor** of this. I'm close but I've been on it for 7 years and only number 2 so it's not that far off. I just want to reiterate what Richard Howland said. That **these committees that are representing each island should may be have a little bit of say on the order in which people get put on these waiting lists** based on whether they've apprenticed on the island or if they are an apprentice from away, totally new, never stepped foot on the island before. Just to give people who have been waiting a long time a little bit more of a chance to get a license because if they get bumped out and they've already waited 10 years it could be 5, 10, 20 more.

Steve Philbrook, continued

I want to put on record that Danny Fernald telling about the trap tags to perhaps encourage representatives or whomever is representing us to consider the **tags versus licenses as an entrance exit ratio on our island waiting list.**

Marianne Tracy, Cliff Island

[Regarding] the formation of the committee of 5, **what if you only had one new island resident lobster license holder on island for that committee? [Could it be "up to two" new island residents instead?]**

Kim Smith, Kittery Point

I'm in support of this. But I'm not in support of the students taking off the ratio. I think they should be excluded because the islands sustain their livelihood by children. Besides fishing quote unquote they have babies to keep the island going for their schools and I feel that the student license should be exempt from the entry exit or the goal number that each island has. What will happen is there just won't be enough room for people to live out on an island and that will eventually control the population anyway because

there's only so much housing on each island. DE: To clarify, the people under 18 are exempted from anything to do with the waiting lists as it relates to islands. A hundred of them could move on to an island and the young ones are free to go fish on islands, they're not restricted in way. K. Smith: I understand, it is when they turn 18 that they become a problem for anybody else trying to move onto the island. They are a student so if they get their license at 17 they are not included in that number [say] 25, only if they are 18? DE: No, they are included. Deirdre Gilbert (DG): Regardless of their age, if they are a class 1, 2 or 3 license holders they would count. K. Smith: I really feel the students should be excluded from it, that it should really be looked at, people that are looking to transfer zones or people that are on a waiting list and are willing to live out there for 8 years instead of a child that's been raised out there and now they have done their dues and they have their qualifications to get their license I don't feel that they should be included in the number.

Gerry Cushman, Port Clyde, Zone D Council
Zone D voted in support of this rule.

Sen. Chris Rector, Thomaston, District 22

From my perspective this is the implementation of the law that we passed with an **intention of providing island communities one more way to ensure their viability, long term.** It is sort of nice to see the rulemaking and implementation and you said it was going to be involved and complicated.

Written comments

Ted Turner, Swans Island

I want to have a say on the Island Limited Entry. On Swans Island at this time the only jobs are fishing. The fish farm is gone now, and there is a little work as a carpenter if you have the skill. We need people to be able to live here, put kids in school and keep the town alive. Swans needs to be its own zone and keep the number of people fishing. You can't work on the main land because of the ferry. Swans can't have anymore people move off because of no work. The kids can get a license when they turn 18 that may help. People here now aren't having the big families they had. When I was a kid 3 of the big families [were] 24 kids, that kept the school full. Now most families [have] 1 or two kids.

I have a propane gas license, the class B truck license plus the lobster license. I'm helping my granddaughter with her lobstering now and if she wants, the gas and truck license too. I plan on doing the license with my daughter to.

I hope you are careful on the few on the waiting list not to drive them off Island because of no work. **I think the ones that put the time in should get their license, then if you want the one out for one in instead of this everything in limbo stuff.** You just better be careful with this, there's a lot of us getting old now.

Frank B. Abel, Waldoboro

I just read an article in the Herald Gazette retorting on the new proposed lobster regulations as they may apply to island residents. **My [question] is how will this limited entry effect the people that are on the waiting list now.**

If you give out lobster licenses to island residents and skip over people that have been on the list for years, how can that be fair. I have been on the list for over five years and **have seen the regulations change 3 times, which has effected how fast or slowly I will get my license.** You **never grandfather** people that are on the list, you just keep **making it harder and harder to obtain a license.**

W. William Anderson, South Trescott

For my comments on Chapter 25.97 Management Framework for Island Limited Entry Program. I have been watching this since it was introduced as a bill and while I never commented on it then. I will comment now.

In my view every harbor is an Island and the success and stability of all is dependant on good management of effort. Poor management of effort in the lobster fishery has lead to very high levels of effort in the herring fishery, waste in other areas and of other resources as well.

Carl Wilson has his sample island of Monhegan where he has been conducting experimentation.

Spencer Appollonio had his Swans Island experiment some said not having a license limit here has been a problem.

Criehaven Island has a limited number of births which means land ownership on the Island. I support this thinking.

Other islands have their areas and fishermen. Recently one has had serious problems on the Island itself among fishermen on the Island with increasing fishermen and traps being the possible problem. This Island has public dock allowing unlimited access so no limit on amount of effort as on Monhegan and Criehaven.

When I started and for much of my career there were gentlemen's agreements about where different harbors fished and even where boats from each dock in a harbor would fish. Boats from one dock in harbor fished to west of the harbor, boats from the other dock fished east of the harbor up to a point. Until around 2000 these lines were accepted. What I describe above was fishing going on inside 150 feet of water. Fishing outside was limited due to technology that was just developing as I entered (he fishery. The number of boats in different harbors changed over the years but fishing areas close to shore were accepted. Not today.

Carl Wilson has done some work on trap density and this is where I feel we should be moving. Trap tags should become a more valuable thing to own because of its earning capability. Like traps used to be. Not something you buy or build so you can fight with your neighbor over space.

It has long been my concern that if something is ever done to actually take traps out of the water as licenses and tags are retired they could end up concentrated in certain parts of a zone leaving some traditional harbors without trap tag allocations while other harbors far away have to many. Zone A is a huge area.

There has been all this talk of the need of having working waterfront a place to fish from what about a ability to fish, trap tags. Monhegan gets so many trap tags, Criehaven is allocated so many. In the Maine's clamming industry, you have town licenses then you have to offer some to people out of town. I am not saying that towns should takeover lobster management only that the inshore areas are already divided up for some fisheries.

I see that Monhegan is a Plantation, Matinicus Island a Plantation, Criehaven a Township, Swans Island a Town I believe. Cutler is a Town, Trescott a Township, Lubec a town. So what is the difference? **I would think we would want to keep traps spread out and in the days of high energy costs have local people have a chance to fish in the waters off their town.**

I know that no fisherman is supposed to own his own dock but on Criehaven you do not fish there if you do not. I do not agree with how they enforce this and maybe there should be a few out of town boats with some Criehaven tags. I do think this is a good example of holding effort at a sustainable and profitable level.

I have been listening to talk of limiting effort in fisheries and fisheries management for most of my life. After talking with you it sounds like even for zones where zone councils decided that effort reduction was needed licenses have been reduced no traps have come out of the water. **Possibly we need a new approach to effort management in the lobster fishery.** One that prepares us for the day fuel get to five dollars a gallon. One that gives some recognition to the needs of owning waterfront property to be able to fish. One that will allow fishermen to continue to own and maintain working waterfront as they currently do and need to.

I am watching and concerned about what I see below Cape Cod. Of course they do allow dragging for lobsters and have not historically supported v-notching or having an oversize measure. **But for any of these measures to be effective they need to be supported by the whole industry not just a few in the industry.**

Jennifer Litteral, Rockland, Island Institute, Policy Director

I am writing to provide the following comments on behalf of the Island Institute with regard to Chapter 25.97 Management Framework for Island Limited Entry Program:

- **The 36-month minimum time period between program applications or revisions as described in B2d and B4d should be shortened to 12 months until an island has successfully established a program. After an island has established a program, a 36-month minimum time period for changes to the program is appropriate.**
- We strongly suggest a change to the wording of **section C1b and C1c** to allow island communities to develop programs that give preference to established island residents applicants. **This could be accomplished by giving priority to those applicants who completed their apprenticeship with an island license holder from the same island** through which they are applying.
- Regarding the **issuance of licenses as described in C2, in the initial year of entry into the program, an island's licenses should be issued upon completion of the rule making process rather than waiting until February 1 of the subsequent licensing year.**

Thank you for considering these comments.