

Summary of Comments

Chapter 25.08(A)(4) Double Tagging in Zone B & Zone C

A public hearing was held in Ellsworth on December 7, 2009. The comments presented at the public hearing were opposed to the proposed rulemaking whereas the written comments received were from both opposed and those in support. The list of hearing attendees and names of those persons who submitted written comments is followed in this document by the individual summarized hearing and written comments received by the close of the comment deadline. The individual summarized comments are prefaced with the hearing introductions presented on the background and enforcement by Deputy Commissioner David Etnier and Colonel Joseph Fessenden.

Hearing Attendees:

David Tarr, Brooklin
Brad Billings, Deer Isle
Merle Pert, Blue Hill
Chris Heanssler, Deer Isle
Randy Eaton, Brooklin
Ben Weed, Deer Isle
Fred Harrison, Deer Isle
Robert Jones, Jr., Deer Isle

Mike Sherman, Brooklin
John Candage, Blue Hill
Hilton Turner, Stonington
Richard Duffy, Brooklin
Randy Perkins, Brooklin
Tim Pert, Penobscot
Roland Tarr, Blue Hill
Scott Heanssler, Deer Isle

Bob Jones (?)
Z. Heanssler, Deer Isle
Johnson Boyce, Stonington
Brad & Suzanne Billings
Brian Eaton, Deer Isle
Lewis Black, Blue Hill
Ferrell Williams, Deer Isle
Fred Hersom (?)

Written comments in support:

Carlton Joyce, Swans Island
Jason Joyce, Swans Island
Christopher Sawyer, Frenchboro,
F/V Little Devils
Randall Sawyer, Frenchboro
Richard Davis, Swans Island
Eric Jones, MDI
James Dow, Bass Harbor
David Lemoine, Swans Island
Wyatt Beal, Seal Cove and Zone B
Council member, District 7,
Frenchboro
Joshua Applin, Swans Island
Joe Staples, Swans Island
Steve Harper, Zone B, Lic 344, Zone
B Council member, District 5,
Frenchboro, Tremont (Bass Harbor)
Scott Harper, Zone B, Lic 71481
David Black, Zone B, Lic 12979
Frank Hopkins, Zone B, Lic 4697NC
Thomas E Joy, Zone B, Lic 3359
Clyde Harper Jr, Zone B, Lic 70388
Del J Rinaldi, Zone B, Lic 9658
Mike Connors, Zone B, Lic 7137
Stewart Murphy, Zone B, Lic 4814
Parker Murphy, Zone B, Lic 10997
Richard Thurlow, Zone B, Lic 8276
Brian Gordius, Zone B, Lic 4270
Dillon Harper, Zone B, Lic 344A
Jason Gordius, Zone B, Lic 8338
Eric Eaton, Zone B, Lic 9192
Gary Hodgdon, Zone B, Lic 6250
Greg Lewis, Zone B, Lic 98280
James L Dow, Zone B, Lic 8942
Howard Power, Zone B, Lic 7531
Philip Donovan, Zone B, Lic 6871
David Farley, Zone B, Lic 12712
Dennis Tozier, Zone B, Lic 7768
Maurice Seavey, Zone B, Lic 7235
John Varnum, Zone B, Lic 8295
Carl Butler, Zone B, Lic 1560
Charlie Dillion, Zone B, Lic 72343
Chris Goodwin, Zone B, Lic 1703
George Lawson Jr, Zone B, Lic
71704
Shawn Stanley, Zone B, Lic 9114
Steven Carter, Zone B, Lic 8436
Jon Crossman, Zone B, Lic 4696

Wayne Sawyer, Zone B, Lic 1242
Justin Sprague, Zone B, Lic 1051
George Seavey, Zone B, Lic 2270
Dean Wass, Zone B, Lic 9201
Travis Stanley, Zone B, Lic 3851
Lewis Bishop, Zone B, Lic 1943
Vaughn Clark, Zone B, Lic 7404
James Bracy, Zone B, Lic 418
Troy Lewis, Zone B, Lic 768
Sherman Stanley, Zone B, Lic 2996
John Stanley, Zone B, Lic 13070
William E. Soukup, Zone B, Lic 1834
Carroll Lunt, Zone B, Lic 5675
Matthew B. Rankin, Zone B, Lic
1731
Robert Hudson, Zone B, Lic 6945
Brian Davis, Zone B, Lic 724
Joshua R. Lawson, Zone B, Lic 7570
David R. Lawson, Jr., Zone B, Lic
4088
Steve L. Carter, Zone B, Lic 8436A
Jon Chipman, Zone B, Lic 7511
Wayne Rich, Zone B, Lic 7813
George Dow, Jr., Zone B, Lic 5041
Kermit Pauly, Jr., Zone B, Lic 0901
Ronald Johnson, Zone B, Lic 5773
Robert Lee, Zone B, Lic 11594
Stanley Black, Zone B, Lic 7994
David Schlaefer, Zone B, Lic 2488
Everett Beers, Zone B, Lic 99330
Morgan Black, Zone B, Lic 2550
Wayne Davis, Zone B, Lic 8083
Robert Davis, Zone B, Lic 7212
Wyatt L. Beal, Zone B, Lic 99738
Zach Lunt, Zone B, Lic 6402
Nate Lunt, Zone B, Lic 6404
Christopher H. Sawyer, Zone B, Lic
70156
Mariner Beal, Zone B, Lic 4330
Myron Lenfestey, Jr., Zone B, Lic
7201
Jay Fiandaca, Zone B, Lic 4946
Timothy Wiggins, Zone B, Lic 5089
Roman Rozenski, Zone B, Lic 2344
John Desjardin, Zone B, Lic 4819
Travis Lunt, Zone B, Lic 214
David W. Lunt, Zone B, Lic 1377
Joseph Lunt, Zone B, Lic 1377A

Michael Sawyer, Zone B, Lic 6577
George Sawyer, Zone B, Lic 3110
Alfred W. Pettegrow, Zone B, Lic
4462
Phil Dziezyk, Zone B, Lic 3882
Thomas P. Lawson, Zone B, Lic
7298
Andrew Mays, Zone B, Lic 1092
Corey Pettegrow, Zone B, Lic 5476
Myron G. Sprague, Jr., Zone B, Lic
8268
Galen Staples, Zone B, Lic 9931
Dwight Colbeth, Zone B, Lic 72507
Eric Staples, Zone B, Lic 9931E
Lester Stanley, Zone B, Lic 12526
Howard Dentremont, Zone B, Lic
14611
Kevin L. Staples, Zone B, Lic 10461
Thomas Reidel, Zone B, Lic 834A
Richard Davis, Zone B, Lic 621A
Carroll Staples, Zone B, Lic 497A
Adam Joy, Zone B, Lic 7386
David Lamoine, Zone B, Lic 621
Seth Joy, Zone B, Lic 3739
Spencer Joyce, Zone B, Lic 551
Dale Stockbridge, Jr., Zone B, Lic
3342A
Troy May, Zone B, Lic 4253
Leonard May, Sr., Zone B, Lic 6877
Travis Alley, Zone B, Lic 6877B
Leonard May II, Zone B, Lic 6877A
Belva Staples, Zone B, Lic 2209
Joe Staples, Zone B, Lic 497
Theodore Turner, Zone B, Lic 7306
Galen B. Turner, Zone B, Lic 8470
Galen A. Turner, Zone B, Lic 2948
David Joyce, Zone B, Lic 6780
Paul G. Joy, Zone B, Lic 7754
Gary W. Turner, Zone B, Lic 71179
Cindy Turner, Zone B, Lic 1293
Carlton E. Joyce, Zone B, Lic 4208A
Jason Joyce, Zone B, Lic 729
Rachel Johnson, Zone B, Lic 8364
Isaac Stinson, Zone B, Lic 7541
Dusty Staples, Zone B, Lic 7077A
Donald Staples, Zone B, Lic 5052
Vernon Johnson, Zone B, Lic 6917

Written comments

opposed:

Chris Heanssler, Deer Isle, Zone C, Lic 4625
Richard Bubar Sr, Zone C Lic 4025
Dana A. Billings, Zone C, Lic 8795
Ben Billings, Zone C, Lic 11676
William Smith, Zone C, Lic 70457
Clayton Joyce, Zone C, Lic 6074
Leroy A. Weed, Sr., Zone C, Lic 9051A
Hilton Turner, Zone C, Lic 1727
Lee Poppianne, Zone C, Lic 9983
Jaler (sp?) Wallace, Zone C, Lic 4069
Matt Shepard, Zone C, Lic 7144
John R. Williams, Stonington, Zone C, Lic 7054
Richard Parke, Zone C, Lic 2619
Brad Billings, Zone C, Lic 12487
Frank Gotwals, Zone C, Lic 72917
Kyle Jones, Zone C, Lic 0571
Benjamin N. Heanssler, Deer Isle, Zone C, Lic 1161
Vance Gove, Jr., Zone C, Lic 5746
Joshua D. Gray, Zone C, Lic 3561
Jared Gove, Zone C, Lic 7035
Joshua Gove, Zone C, Lic 9846
David Tarr, Brooklin, Zone C, Lic 4286
Brian W. Eaton, Deer Isle, Zone C, Lic 8623
Keaveny Tyler, Zone C, Lic 1419
Steve Redman, Zone C, Lic 2872

Randall Eaton, Zone C, Lic 6899
Heath Steele, Zone C, Lic 1136
Jacob M. Rebar, Zone C, Lic 5622
Pearl Billings, Jr., Zone C, Lic 4721
James Haskell, Zone C, Lic 3451
Eugene R. Herson, Zone C, Lic 2430
Arlon Larrabee, Zone C, Lic 5328
Raymond W. Hutchinson, Zone C, Lic 74091
Carl Gray, Zone C, Lic 10410 EZZ
James Jones, Zone C, Lic 8866
Joe Wallace, Zone C, Lic 1359
Forrest H. Dow, Zone C, Lic 9487
Charles MacDonald, Zone C, Lic 6859
Jon Eaton, Zone C, Lic 4886
Benjamin M. Weed, Zone C, Lic 7795
Michael Sherman, Zone C, Lic 2038
Zachary Heanssler, Zone C, Lic 2058
Nathaniel Lane, Zone C, Lic 9982
Joseph Conden, Zone C, Lic 2192
Kazia Chapman-Cevasco, Zone C, Lic 6237
Randall Betts, Zone C, Lic 6667
Michael MacDonald, Zone C, Lic 6868
Wilbur MacDonald, Zone C, Lic 7282
Barry MacDonald, Zone C, Lic 9009
Benjamin Jay MacDonald, Zone C, Lic 9944

Jeffrey Eaton, Zone C, Lic EEZ 11306
Garrett Steele, Zone C, Lic 3022
Robbie C. Gray, Zone C, Lic 9953
William Grant, Zone C, Lic 6860
Wade Dow, Zone C, Lic 4017
Derek Jones, Zone C, Lic 0570
Donald Trundy, Zone C, Lic 1372
John Stevens, Zone C, Lic 3831
Gary Steele, Zone C, Lic 5682
Frank E. Jones, Zone C, Lic 8516
Leonard Gross, Zone C, Lic 4836
Matthew Knowlton, Zone C, Lic 7453
Darryl Knowlton, Zone C, Lic 9213
Joel Billings, Zone C, Lic 4380
James Eaton, Zone C, Lic 3979
Scott Heanssler, Zone C, Lic 5798
James Ferrell Williams, Zone C, Lic 5841
Stuart Bray, Zone C, Lic 9568
Adam R. Eaton, Zone C, Lic 9435
David Heanssler, Zone C, Lic 6285
Devin Bray, Zone C, Lic 9570
Lawrence Bray III, Zone C, Lic 99514
Peter Eaton, Zone C, Lic 4419
Scott Kerran, Zone C, Lic 9072
Jeremy Tyler, Zone C, Lic 1273
Christopher Haskell, Zone C, Lic 5007
Jonathan Pratt, Zone C, Lic 3926

Hearing

David Etnier introduction, background:

This is a new issue for these two zones in particular. It is not something you've devoted a lot of time in the recent past but for those of us in the dept we've spent a fair amount of time on further to the westward particular Zone F and Zone G. Zone F being basically Casco Bay, G being from Cape Elizabeth to the NH border where this idea, this regulation of double tagging, has been on the books now for 2-3 years and has a much longer history than that in terms of discussion and earlier attempts at this regulation. Basically the issue behind this stems from about a decade ago when the zones went, after they were created, but when they went to the possibility of becoming limited entry zones. As you know the zones have a ratio of exit to entry. At that time when the law changed and went from just being zones purely to the option of having restrictions on entry. There was one word that changed in law that matters. Before that you had to just declare where you were going to "predominantly" going to fish your traps. When the legislature went to limited entry zones as a possibility they changed that word to "majority". It wasn't too long after that when that law became the reality and the first zone, might have been F, went forward with a ratio of exit to entry folks translated majority, understandably to 49% and 51%. The reason it went to majority as a word was because if you're going to have limited entry zones you needed to have some means of identifying and verifying and tying someone essentially to a zone to a fairly large extent. The way it plays out is you have to fish by the law that is on the books, it's been on the books now for a while, you have to fish the majority of your traps in the zone that you declare on your license. You can fish the minority of your traps in any other zone you want. But you do have to fish the majority where you declare it to be.

This regulation before you tonight, I gather from talking with Sarah Cotnoir, is the result of a Zone B vote, unanimous vote a while ago, at their request because of some concerns they had, evidently, I wasn't there, concerns they had with folks from Zone C fishing in Zone B, the near shore offshore, they wanted this brought forward. As a result of that vote and that request from them that is what we're doing tonight for this process for you folks to weigh in. As Laurice says the Commissioner doesn't make the final decision on this regulation, it is made by the DMR Advisory Council, which is an appointed group of people that meet month or so.

A couple other issues, the zone lines do extend and always have extended all the way to the EEZ, Exclusive Economic Zone, far offshore essentially. The original regulations setting up zones have

them that way and they remain that way. That has been a huge issue between Zone F and Zone G. I think there may be some similarity from what, I don't have much knowledge of these tow zones B & C, but I do down there and maybe there is some similarity with the issues there where the fella's from Casco Bay had some degree of historic fishing off what is now Zone G and wanted to fish more of their traps than just the minority of their gear off there. The idea of stopping the zones at a closer distance to shore and having this majority minority issue only apply, say within the state's 3-mile territorial limit has been raised repeatedly via in the legislature four times. The first time being in 2000 and 3 other times subsequently; it initially came about because of the F & G discussion that started way back than and never got any traction in the legislature. It has been voted down 4 times within the legislature to stop the zones at some distance from less than the EEZ.

A couple other things to remember, no matter what happens with this regulation tonight, if it dies or at the final vote of the DMR Advisory Council probably in February, or it passes as written, if there is a concern as I've heard through second or third hand that there is concern about the near shore and offshore fishing areas historically and otherwise from B and C the logical or appropriate way to have that discussion is to have it through the zone councils. If you and C would like to see a change from the that boundary line that you see up there on the chart in some manner or other that has been the books now for quite a while, if you want to see the line itself change or if you want to do what some other zone have done, including Zone F and Zone G they have a buffer. They've adopted a buffer. That means either side of F and G can fish 100% of their traps in that buffer area. The boundary lines themselves are flexible, they are established by the Commissioner and he can change them. Generally a lot of them have been on the books now quite a while and generally the Dept is reluctant to change them unless there is pretty near consensus agreement [by] the two abutting zones that the change is something they are both going to want and will agree on reasonably. But if there are issues, no matter what happens with this regulation that arise tonight and from either C or B in terms of how that lines there runs either inshore or off shore and there is some desire to change it or perhaps install some sort of buffer the way to work through that is through the zone councils and their meetings are coming up. Zone B is meeting on the 14th of January at 6pm at the MDI High School. Zone C is meeting again on the 20 of January, 6pm, at the Bucksport High School. No matter what happens, this won't be decided by then but either way it is a good place to have the discussion next.

I wanted to mention, going back to the F and G issues, I say this was attempted at least once regulatorily down in F and G and failed, [three times] and what finally made it pass [the forth time] or helped it pass in the final vote 2-3 years ago now, was a couple of significant changes to the concept and they are incorporated in what is before you today. Two things, one is that these double tags, the second tag you'd have to buy if you were to fish in the other zone, either way both B and C, they would be sold at cost which is a dime, what it costs the Department to get them. More important, something that didn't come around until the last time this was voted on down there was that the second tag be removable, detachable. Unlike your primary tag you can't snap and unsnap. These are meant to be detachable to aid in shifting of gear or moving traps in and around and replacing traps and what not. So those are the two major changes I think lead to the double tagging finally passing down in F and G. To this day I can tell you that the guys in F still hate double tagging and the guys in G by and large pretty pleased with it. I will turn this over to Col. Fessenden to fill you in on the enforcement issues they saw play out there and perhaps to some degree here in B and C.

Col. Joe Fessenden, enforcement issues:

Basically I came from Casco Bay, spent 20 years down there as a marine patrol officer before I went to Augusta. I'm real familiar with the fishing habits of the fishermen, especially in Zone F, Portland harbor, Casco Bay. I knew at that time that the winter bottom for those fishermen was off York County. The lobsters would head off to the southwest and that is where the guys would fish. The guys that fished the wintertime they wouldn't fish in Casco Bay they'd fish down off the southwest, off Zone G, which is York County. So when this regulation went into effect, the fishing your traps in your home zone, and all that came in to play I knew it was going to be a problem. We actually tried to enforce this without a double tag. We tried to go out and basically document somebody who had more than 400 traps outside their home zone. It is almost impossible, especially in the winter time. We're not dealing with this in the middle of the summer time. Typically we're talking January, February and March. Very difficult time for us to get out and to try to find over 400 traps outside their home zone is very, very difficult, almost impossible. We did do this in a few cases, we documented a few violations, two I can think of came from here in Zone B. But it wasn't in the middle of the winter. It was [Lt. Talbot: ...early fall and didn't involve hauling all 800 traps either], right, very difficult cases to document. One case I think we seized the traps and the other case we seized the tags in the traps. More recently that is what we're doing now. Instead of seizing 400 traps we're removing the tags from the traps and using those to count and if you find more than half the tags not in the home zone we're documenting a violation. Anyways this was proposed down

in Zone G and Zone F several times. It went in front of the legislature, it was defeated, but basically, law enforcement, our hands are tied. This law has been in effect right along, been a requirement, nothing changes there. You're supposed to have more than half your traps in your home zone. That is the way it is. Short of getting complaints and being able to document that complaint, and document a good violation, which means our officers have to go out and actually count buoys. That's a difficult thing, lots of times we will tag the buoys and it takes all day long to come up and find all 400 traps so it is a very difficult process. This double tag really is the only way for us to enforce it. It has worked well down in Zone G even to the point that the Zone F fishermen, the compliance rate is very high now. There are very few Zone F fishermen I believe fishing more than half their gear down in Zone G now because of it. So I would say the compliance rates are very high. Before the regulation compliance was probably pretty low. Because that is where the winter bottom is and a lot of guys just don't fish out to 12 miles, a lot of cases guys are fishing 25-30 miles off shore. So it is a huge area. Actually the 25600 line is this line right here, is probably 30 miles from shore. We've got Zone G and Zone F fishermen fishing that far offshore in the winter time; with the double tagging it has made a big difference. We went out last winter and we picked up 70 traps that were not double tagged with one of our bigger boats. It was an easy case, went out there and found the gear, 25 miles off shore; it was a good day, picked up 70 traps, brought it in; pretty easy case for us to document; so without the tag it would be impossible. So that is why the fishermen in Zone B want it I guess. We actually brought this up at the Advisory Council several times. David was there and they asked about the success we've had with enforcing it and they saw we could enforce it and I think that is why it has come down to Zone B down here. It is not like Marine Patrol is pushing it. But if you're going to have it, and the concern is people fishing more than half their traps outside their home zones the only way to enforce it is through double tagging.

Individual summarized comments:

David Tarr, Brooklin

I don't think I'm an old man, but maybe I am, these zone lines weren't in existence when I started fishing. They were spelled out they weren't supposed to be confining you to an area. I think most of the offshore fishermen when these zone lines were created didn't assume, didn't know about the line running so far offshore. It seems to me that, I fish traps in Zone B, and I move my traps a lot. I move them, people will tell you my boat is loaded with gear all the time. I'm moving traps all around all the time. And it is an inconvenience for me to snap a tag in and out and make sure that it is right and keep an eye on the sternman and make sure that they are doing, staying in compliance with a tag. I know how many traps I fish in Zone B. I keep it straight. As far as these tags costing money. It says here somewhere that it is going to be at the Department's cost. [L. Churchill: "at cost"] Whatever, I remember reading a quote from George Lapointe when these zones were coming at us. We were going to pay the cost to buy these tags is what our initial zone tags were going to cost us. I don't know what I paid for them this year. Forty cents, something like that. It is not the cost. I got a catalog at home that I could order some from for a lot less than that. So I have no faith in the Department of Marine Resources (DMR) to hold that price at what it is, it is going to change. No one can see how this will affect us down the road because somehow this will come back to slap somebody in the backside. It's bound to. Either you're going to say no more tags in Zone B for one reason or another. I have no faith in the Department of Marine Resources to handle this and have it come out anyway that suits me. It is so frustrating. When I started fishing I was able to fish more than I do now. It costs me around \$100 for licenses. I'm paying around \$2,000 now, I'm trying to support a family and you're got your hand right in my pocket. Every time I try and do something I'm jumping through some more hoops so I can go to work in the morning. I'm just tried of it. I'm definitely opposed to this.

Brad Billings, Deer Isle

I haven't yet heard what is the majority of the complaint from Zone B inside the 3-mile line or from outside the 3-mile line? Does anybody know or is it just Zone B in general is asking for this to be done or [do] they have a specific area that they are mostly concerned about. [Lt. Talbot: It is Zone B in general.] I have fished a portion of it mostly outside; have very little contact with the majority of Zone B fishermen. I do stay outside of them as a rule and always have. That is where my question was coming from. If it was me personal or somebody else it doesn't make any difference if they was concerned inside or that was where my question was coming from.

Merle Pert, Blue Hill

I fish the area down the middle of the line right in the middle of the area I fished for 50 years. I don't know how many I fish on either side because part of the year I fish on one side and the rest of the year I move gear where the lobsters go. They go t more to do with where I fish than I have or the DMR has because

I've got to make a living. I'm 70 odd years old and when you're 70 they give you a free license. I've made out my application for my free license today and my check I wrote was \$488 dollars to get my free license and I don't need another \$165 on top of that. That is the main concern. There are others but...

Chris Heanssler, Deer Isle

Is anybody [illegible] of this and if so have they [illegible] in federal waters. I have a federal permit and I pay \$15,000 for. [LC: Your primary question is for those waters outside of 3-miles have there been any convictions.] Right and if they have been convicted have they fought it in court with a good lawyer? We're talking federal waters here. I have a federal permit and I can fish Area 1. At the same time someone from New Hampshire (NH) can come up here and fish every one of these zones. [Col. Fessenden: There have been convictions but they didn't go to trial.] Meaning what? [Lt. Talbot: They plead guilty, and didn't fight it.]... [Col. Fessenden: ...actually we have suspended licenses down in Zone B, suspended 2 different peoples licenses.] But the way the rules are written though can't someone with a NH license come up here and fish across all these zones? [Col. Fessenden: Yes]

Randy Eaton, Brooklin

When did the state start taking jurisdiction of the federal waters? I understood that the federal, I mean that the state waters went to the 3-mile line. I'm the same as Chris, federal permit, fish in federal waters, spent \$15,000 for a permit and you have to have e-perbs and everything else. How does the state they can't control what's inside the 3-mile limit what are they doing outside? You say the legislature... [Col. Fessenden: The federal lobster management plan gives the State of Maine the authority to be more restrictive in managing lobsters. That is what these zone councils and all this stuff that is more restrictive. But the state can be more restrictive and all these zone councils and all this stuff is more restrictive.] But what jurisdiction do you have in the federal waters? [Col. Fessenden: Under the rules of construction, under state law, allows us that authority out to the 200-mile limit.] But how can the state? [Lt. Talbot: Because under the rules of authority, because you're a Maine resident and hold a Maine license and land in the State of Maine it comes under that.] [Col. Fessenden: ...non-resident and why I answered the question about the NH person; the NH person comes up and as long as they fish outside 3 miles, they're fishing under their federal (permitted) authority; but a Maine resident fishing outside 3 miles, fishing under Maine authority and that law has gone all the way to the supreme court.] Then why do I get a federal permit? Tell me why I bought a federal permit? [Col. Fessenden: You need a federal permit to be able to fish outside of 3 miles. If you didn't have a federal permit you could not fish for lobsters outside of 3 mile limit. That's why you spent \$15,000.] then why shouldn't I be required to do the federal stuff once I drop below the 3-mile line, it doesn't make any difference what the zone I'm in, that's my question. [Col. Fessenden: Because the state has put in more restrictive regulations, laws than the federal.] Who in the h*** is the state to put it, it's us. It's the people, is it not, that is who runs the state. [Lt. Talbot: The legislature, your representatives who put...] Ain't worth....

Ben Weed, Deer Isle

I believe like a lot of the other fella's in here that state waters are state waters. Below that 3-mile line are federal waters. I believe myself that the zone lines should not even exist below the 3-mile line. Around Mount Desert Rock, Seal Island, fine. But below the 3-mile line I don't think so. I've written a letter.

Fred Harrison, Deer Isle

I oppose the double tagging. Because as David says we shift a lot of gear, move a lot of gear all the time. In and out of the zone, whatever. So I oppose the tagging. And the other thing if some of these guys are going further outside than [illegible] ...hold licenses is in Zone B. Most of these guys are going further than they are. So if they are worried about us fishing in Zone B won't they come out and join us then if that's what they think we're doing. They're not fishing it and if they are worried about it worry about what is up in side or whatever. If they're not going to come out side don't b**** about not coming outside. I oppose it.

Robert Jones, Jr., Deer Isle

I'm opposed to this double tagging. I don't believe in any of these lines. I've been through all this with the ground fishing and we all see where that is now. The 3-mile line is far enough to be a zone line. I've been fishing illegal for years. I never realized that there was such a thing as the zone being past the 3-mile line. I'm going to write a letter before the 17th. There is no problem over there in Zone B that I can see. It's been peaceful. We've been fishing there for years and it almost seems like no one is going to be happy until there is trouble. I think everybody has got enough trouble. I don't think we need this, the double tagging or the zones outside.

Mike Sherman, Brooklin

I'm against double tagging. How many here tonight are against...I just want you guys to know. I also have a problem with the enforcement issue. I think the State of Maine Warden Service should be protecting our fishermen instead of working against the State of Maine fishermen. The way it is now and your hands are tied, I know, but I don't see any representatives here tonight but if they were here I would certainly say to them that we need some rules changed because NH fishermen shouldn't be coming up here off the State of Maine when we pay taxes and we buy licenses in the State of Maine and they get to fish here anywhere they want and we're required by law to fish half in one zone and less than half in the other. That seems to me to [be] not fair, not fair to us. The legislature in their infinite wisdom has handcuffed you guys. Not fault of yours.

I fish probably a couple hundred traps in Zone B. The rest of them are in Zone C, in shore, I don't go offshore. I believe that is probably where it all started was the in shore problem, with all the traps in one little area where the lobsters are. But if we go to this double tagging I believe there maybe more traps and more conflicts than there is now with the Zone C fishermen going over to Zone B. Because I'll buy 392 tags and if I buy the tags I'm going over.

Chris Heanssler, Deer Isle, continued (2)

I've got a couple more comments. Another reason I think this is going to be a total nightmare. We leave the bay and before we even get to the 3-mile line...from Black Ledge to the 3-mile line we can't even put one trap over there. All the other zones up and down the coast they can fish like half their gang over there like we're talking about. But because this is the Swan's Island zone I can't even put one ***damn trap over there. So that's another reason this is unfair. Outside the line we have a gentlemen's agreement that is working with the Swan's Island guys...no one's losing any gear. It's been working for years. Now, think about this all of us that's fish the easter'd we've got to pick up and go somewhere. We've got to go to the wester'd. Well, the guys behind us to the wester'd...I've got a lot of respect for these guys...great guys...how fair is it going to be to us to go over there and dump on them? This is going to be felt all the way to the guys from Vinalhaven. They don't need it. Everyone's spread out...everyone's getting along...leave it to hell alone. We don't need it. Think about this...this is the last thing we need to be doing right now is putting fishermen against fishermen. Let's take the millions of dollars we've lost the last couple of years in price fixing and all this bull**** and fight over that. Just leave it the hell alone and let's just go to work.

John Candage, Blue Hill

I like to go on the record to say I'm against the double tagging and I'm also feel strongly that those zone lines should stop at 3-mile limit. It's just too restrictive when you throw in people from Massachusetts or New Hampshire.

David Tarr, Brooklin

I just want to encourage anyone that has something...they should at least step up to the microphone and say they're against this or for it...whatever they are. The other thing I wanted to point out Col. Fessenden pointed out this other zone having this trouble and you made the comment that you knew there was going to be trouble because it was their traditional fishing ground...and it's the same thing we're running into here. I come out of my harbor and I'm looking at a line that when I started fishing I was allowed to go across that line. I'm still allowed to go across that line but now I'm getting kind of handcuffed and I'm going to have to jump through hoops to fish where I've always fished. It's just not right. I'm definitely against double tagging and it has to do with traditional fishing bottoms. You just can't draw a line on a chart and make everybody happy. It's never going to happen. But everyone stand up and go voice their opinion.

Hilton Turner, Chairman, Zone C

These lines don't affect myself but they affect a great deal of fishermen I represent. I'm opposed to double tagging just because I know it's a convenience. I've heard all the stories. I'd also like to know who brought this up...where this began? I don't see anyone here that's not from Zone B. We're all Zone C. Is there another meeting from Zone B...or is this it? [Sarah Cotnoir: No...this is it.] Where are all the complainants? [David Etnier: ...I wasn't there but there was a vote of the Zone B council a couple months ago...a while back...on the record then.]

Richard Duffy, Brooklin

It used to be years ago when we fished everyone got along. One spell I didn't fish, I built boats. There was very little trouble years ago and I think it was much more...a lot more pleasurable. It was a lot more fun to be fishing. As time goes on it gets less and less...it's a job. I'm not saying like that and it pays

more than a lot of other jobs. But as far as the enjoying it getting up every morning and liking it...it's going by. And it's all because of the State rules and regulations. Everytime you put a line...make a rule and regulation it cause conflict between the fishermen, the warden...I know it's not your guys faults. You have to follow the rules but we feel like its you're against us instead of working with us and the more this comes up...and this won't be the end of it...if they get this, it will be something else. Just as soon as they get this, there will be another one come up to make our life harder. So I'm against the double tagging.

Randy Perkins, Brooklin

I fish out of Naskeag. I'm against this. We don't need any more rules. We've got enough going on our boats now. We've got enough stuff to keep up with I really feel. Richard's right. It's pitting us...every one of these rules that they come up it's making that harder for us to get a living and we're getting along that much less out there because it's tightening...people that we're used to. We work this year for a dollar less than we worked for last year and that was our dollar...nobody mentions that much. It's making things different out there because every body's scrambling like hell to get few lobsters. It's just tightening things up...stuff like this isn't helping I feel.

Robert Jones, Jr., Deer Isle continued (2)

If I was a Zone A fisherman what's to stop me from fishing right across Area 1. It says the only people that needs these tags is C & B. So someone from Zone A can fish 800 traps right up across the doorway here? [David Etnier: No...under current law that no zone can do that. Every one is bound by that majority, minority issue. But you are correct in saying that this regulation that's before us tonight only applies to B & C... No other zone is mentioned in it. So the double tagging only applied...it would apply to both B & C when they're fishing in other...] Mr. Jones: Zone A can still fish in... [David Etnier: They could fish the minority of their gear in Zone B.] So how is that right? How is it right that they don't...they don't have to have their 400 tags counted?

Tim Pert, Penobscot

I'm opposed to the double tagging. Basically what I've always kind of thought of is when I filed for my taxes you put in self-employed fisherman and the more I go through and look in the mail box everyday I find something else that I have to regulate to or a meeting that I have to go to, to fight for something that I never would have imagined fighting for...the less I feel like I'm self-employed...the more I feel like I'm working for the State of Maine and everybody else and it's frustrating. I fish by myself. I fish almost 800 traps. I work many, many hours. I work hard and doing stuff like this about taking traps...taking the tags out...putting them in...it's just one more step that I have to do that I really shouldn't have to do. I try to follow the rules just as good as I can. I don't know...just frustrating I guess.

Roland Tarr,

I can't hear you. I have no reason to speak. I'm opposed to double tagging and I don't think the Department is really concerned about the resources for nothing as they are the amount of money that they can make from it. We're talking about the Hallowell Mafia makers. The rest of us have to tighten our belt to get by with what we get. But you folks seem to think there's an unlimited supply of money out there and there isn't.

Mike Sherman, Brooklin, continued (2)

I'm still opposed. Next time we have one of these meetings...and we have two sides fighting I'd like to see the other side here. We don't know who we're fighting against I guess...kind of frustrating. I grew up in Brooklin and moved to Blue Hill but spent half my childhood in Bass Harbor. I know the old guys. I fished with them and we never had this problem. I guess I don't understand and I'd like to see them...discuss it someday with them. I thought I was going to tonight.

Brad Billings, Deer Isle, continued (2)

Still opposed. Due to the nature of the removable tags, we all know things happen...snarls, gear being hauled whatever...if I can take my tags out it makes common sense that somebody else could take my tags out and I could potentially be getting set up for not having tagged gear. A situation happened a year or so ago, I had some traps that were removed from where I was fishing them, placed northeast of Mt. Desert rock inside the no trawl zone. A warden calls and says I got closed vents. I didn't have closed vents. I wasn't fishing up there...was no trawl zone. I don't go up on that area. That's where the gear was found...that's where my fine came from...that's where I went and retrieved my traps. I'm not pointing fingers but things do happen. So, if somebody can take my tags out, then that's almost setting...there in the beginning because maybe they don't want to cut your traps off if all they've got to do is take the tags out, call one of you guys and say oh look we know that there's too many traps...you come out and tag at

me...boom...there's no tags I'm in trouble and I was trying it the right way to start with. It's just the possibility that could happen...strange things happen.

[Lt. Talbot: There's always that possibility Brad and the few who ever were to encounter that whether the double tagging goes into effect or not, I've had complaints and comments over the years that people feel their regular tags are cut off. But the thing to do is...we've never prosecuted anybody on that. The thing to do is if you ever were to encounter that is to call us immediately just as soon as you discover that. We know...you can't...don't keep on fishing it...don't say well I'm going to let a few more days go or a week or so. You need to notify us so that we know something potentially is going on. Like I said I've never in Division II and since I've been Lieutenant here for 10 years plus, we've never prosecuted anybody because of that...because somebody didn't tag their own gear.]

Tim Pert, Penobscot, continued (2)

When you said that you tried to do the double tagging for the whatever, Zone F and G, and you went ahead with it and it failed three times you said. [Correct] What was the reasoning for after it failed to keep going and once you...it was already opposed three times...why did it have to keep coming? If this one gets opposed we're probably going to be dealing with this again six months from now...a year from now...two years from now. Are we just prolonging what's going to happen inevitably anyways?

[David Etnier: Tim, if I could...my recollection from the F & G issues was that G wanted the double tagging because the issue for them...as you've heard...was the guys from F fishing offshore G in winter primarily and they were very persistent over time bringing it forward in their zone council...bringing to the Department...bringing to the legislatures. They didn't let it die and unlike this hearing here they actually showed up at the hearings in support of what they were asking for...which in that case was double tagging down there. They took the bull by the horn and ran with it repeatedly and kept bringing it up and eventually it was amended as I mentioned to you to being a dime and being detachable and the final decision again was by the DMR Advisory Council not by the Commissioner. But they thought...it appears to be enough of an issue here...enough complaining...been consistent now for years and all this really does...this language here before you is frankly enable Patrol to enforce the law that's on the book far more easily. It's not impossible to enforce as the Colonel mentioned but its damn near impossible to enforce...very hard to enforce as it is. I think that's why it finally changed was those two changes and their persistence frankly.]

Randy Eaton, Brooklin, continued (2)

Still opposed to double tagging. Don't you think that maybe the fishermen could work this out a lot better than any legislature, DMR or anybody else if there is a problem because all you're going to do is get more money out of us and make enemies out of us? The fishermen can always work a lot better if you decide you're going to go work with somebody who'll take care of it. But when you guys get involved things are going to get a lot worse.

Ben Weed, Deer Isle, continued (2)

Still opposed. My kind of feeling is I don't know...I don't think there is a problem. I haven't going fishing out there for five years since I graduated high school but there's never been a problem and I think this is just...when these lines were drawn like I say I don't think a lot of us knew but the guys who was fishing out there realized how far they went and the rule about you have to fish your majority of traps in this zone, I think you're just making a loophole...for say B or F & G...those guys where we've always fished for years...they're just...I think it's creating a loophole for them to say, look they shouldn't be here...let's kick them out. It's already a law...let's kick them out. You, just make our piece of the pie bigger. I don't think that's right and I still think they ought to stop the 3-mile line and let the fishermen...if they have a problem with it...Zone B or whoever it is...I do feel that they ought to be here too to discuss it to work with each other rather than have a meeting here...have a meeting there. I think the two sides ought to sit down and straighten this out. Thank you.

John Candage, Blue Hill, continued (2)

Earlier in the meeting...my hearing isn't too good...but earlier in the meeting I thought I heard a description that something about a buffer line that F & G put together? [David Etnier: That's correct.] I was interested to know how much area that entailed. [David Etnier: Mr. Candage there are several buffers between several of the Zones, D & E have a couple, F & G has a huge one, the biggest there probably is, D & C has a couple. They are up to the two zones to determine what makes sense between the two of them. F and G's buffer...is quite large...(Col. Fessenden: 7-8 miles wide) and runs all the way offshore. It was negotiated between those two zones over time and either one of them can fish 100% of their gear in that buffer area without any question. They don't need to double tag even though there is double tagging down there, no one has to double tag within that buffer. Col Fessenden: That took care of

a lot of the problems. The buffer did but not the offshore. The inside 3 mile stuff...] So they had the buffer zone inside 3 mile line? [David Etnier: It runs offshore; it follows the F & G boundary line all the way offshore but it still doesn't address that offshore fishing area because that is off Jeffrey's, which is much further to the wester'd. So you have to go out and do a dogleg to capture where the guys from F would like to fish more of their gear in the winter. Col. Fessenden: ...it started inshore there...it would be easier on us too.] I guess my question is how did the buffer zones come into existence? Did two zone councils get together and establish it? [David Etnier: yes, in a nutshell. It was a lot of meetings. Terry Stockwell back then and Patrol had to haggle at a lot of meetings, joint meetings between the two councils as to what would work. We've tried subsequently to address the F issues with other buffers but haven't flown. We don't really have a dog in the fight as to where these buffers are as long as the two zones agree on them we're good with it. Getting them to agree at this point is the hard part, as you can imagine.]

Merle Pert, Blue Hill, continued (2)

Is Zone B going to be double tagged also or just Zone C? [L. Churchill: If this went through that side would have to do the same thing. David Etnier: When they fishing in Zone C they would have to double tag, correct.]

Written comments (Opposed):

Form letters opposed to the proposed rulemaking were received. The form letter read as follows:

I, NAME, Zone C fisherman with license number ###, am strongly opposed to the Zone B/C double tagging proposal. Enforcement of the 49/51 rule would have adverse effects on Zone C fishermen, both on shore and off shore.

I am concerned with the following issues (check all that apply or add your own comments):

- Cost of tags [1]*
 - Losing historical fishing grounds [2]*
 - Impending congestion in Zone C [3]*
 - Zones extending outside the three mile line [4]*
 - Creating conflict between fishing communities [5]*
 - Imposing additional regulations during difficult economic times [6]*
 - Diminished value of federal permits due to restrictions [7]*
 - Double tagging rule benefits a few people in Zone B but imposes burden on many in Zone C [8]*
- Additional Comments and Signature*

This letter was received from the following persons prior to the comment deadline. Some persons checked off all boxes while others did not check any and may or may not have added a written comment. Therefore the list of issues has been numbered and the corresponding numbers listed with each persons name below following their license number who checked a respective issue box. The additional comments have been added below the respective name.

Benjamin M. Weed, Zone C, Lic 7795 [1-8]

Please do not pass the double tagging. This will impact a lot of people in a bad way. We all don't need problems.

Separate written comment provided at hearing from Benjamin Weed, Deer Isle, F/V Majestic:

Recent discussion leading to double tagging in zone B. Zone. Zone lines should stop at the three mile line, because they are state lines and should remain in state water, and NOT extend into federal waters. A state lobster license is not valid in federal waters therefore the state lines should not even exist in federal waters. I hold a federal permit for area ONE, which permits me to fish in that area.

Federal permit holders have the RIGHT to fish in all of the declared area. When boats with federal permits leave state waters they all merge together to fish their traditional grounds and should not have to worry about state lines and double tagging.

Chris Heanssler, Zone C, Lic 4625 [1-8]

My name is Chris Heanssler and I am a Zone C commercial fisherman. During the summer I fish in Jericho Bay, and I fish in federal waters during the rest of the year. The federal waters that I choose to fish in are inside what the state of Maine now considers to be Zone B territory. Enforcement of the 49/51 rule would have serious adverse effects on the way that I fish.

When I leave the bay, I'm not allowed to fish the three miles of bottom from Black Ledge to the three mile line. The area that I fish borders the Swan's Island fishermen's area, and I'm not allowed to set one trap in their state waters; that is three miles of nice bottom that I'm already not allowed to fish in.

Outside of the three mile line we have a gentlemen's agreement with the Swan's Island fishermen. 12520 is the bearing that we use to the 50 fathom curve. We stay west of that line, they stay east. It is simple and we all respect that agreement. Nobody is losing gear and we are all working together and getting along fine.

Zone C is a small area for the amount of fishermen at aggressively fish its federal waters. With our current set up, we are all spread out and getting along. If all of us who now fish to the east are forced to move half of our gear to the west, it will be a disaster that will be felt all the way to Vinalhaven. A move like the one you are considering by enforcing the 49/51 rule would create conflict with the fishermen to the west, fishermen who I have great respect for. This move would be very unfair to so many people and benefit only a handful. I used to fish miles of bottom that are now closed to me, but that's just the way it is. Zone C fishermen are some of the most aggressive in the state, and we shouldn't be penalized for working hard in a small area.

I paid \$ 15,000 for my permit, a permit that allows me to fish all of Area 1. I question that enforcement of this rule would even hold up in court with strong legal representation. With all of the hardships facing communities right now, would challenging this rule in courts be a prudent way to spend taxpayer money? Don't forget, while you are trying to divide Maine's fishermen, New Hampshire fishermen are allowed to fish federal waters off Maine's entire coast, in all seven zones, with more traps than us, keep all the oversized lobsters, and its all legal! Come on!

Enforcement of the 49/51 rule would be a nightmare of our local marine patrol. Does the marine patrol really want to spend all winter offshore? Consider all of the complaints that the marine patrol deals with during the summer months when fishermen are congested into the bays. Enforcing this rule would pack us in together offshore. Currently we are spread out and getting along just fine.

I don't think that we need any lines anywhere, but unfortunately we do because of the zones. These zones should end at the three mile line. We are in federal waters fishing with federal permits. These waters were federal a long time before the state of Maine staked claim to them.

I am 100% compliant with the new whale rope regulations. I have spent thousands on the whale rope and will have to continue doing so because it does not hold up as well. I am employing two people and paying them well. I do not get assistance for heating oil or food; I am self sufficient. I do not have health insurance because I cannot afford it while paying for the ever increasing costs of being in this business. I am just trying to run a business and raise a family. Please leave me alone and let me do that. As I explained earlier, we have a gentlemen's agreement that is working. The charts don't show it, but the whole state has these "gentlemen lines". We do not need additional lines. I know that the biggest push for the enforcement of 49/51 comes from Swan's Island. They see us aggressively fishing outside of their area with more gear than they are allowed; that is not my fault and I should not be penalized. Those fishermen want both sides and the middle: their "conservation zone" where they control the fishery, and now they want the adjacent federal waters to themselves. I know they complain that they have a disadvantage with a 475 trap limit, but that is not my fault. My suggestion is to drop the zone, go to 800 traps, and go to work.

With all of the obstacles in this fishery such as whale rope, rampant price fixing, the impending bait crisis, and the increasing costs of doing business, this rule is the last thing that we need. In times like this we should be working together. Don't try to divide us or pit fisherman against fisherman.

I am willing to discuss options with anyone and come to a resolution on this issue that avoids hard feelings within our fishing communities. We are all in the same boat, fighting for survival in one of the only fisheries on the east coast where a guy can still work hard and make money. Let's work together to protect it and share it. Thank you for your consideration

Richard Bubar, Sr., Zone C, Lic 4025 [1-8]

State has no rules past the three mile line, Federal rules apply should not be double rules Area 1 in effect.

Dana A. Billings, Zone C, Lic 8795 [none checked]

I feel the Lobster Zone lines should not go beyond 3 mile line.

LeRoy A. Weed, Jr., Zone C, Lic 9051A [2-8]

Leave it alone. No good gona come outa it.

Richard Parke, Zone C, Lic 2619 [1-8]

Promise was made that tag cost would be limited to 20 cents so as to cover office staff and related costs, well that was a big lie. Look how tag costs have doubled. This double tag gimmick is all about DMR revenue shortage and this crisis is fake. I want tag costs to be returned to 20 cents and other license fees rolled back also. History proves that 10 cent double tag would also increase in cost later on. Promise also made that zone concept would never be used to negatively impact fishermen, that's another big lie.

Brad Billings, Zone C, Lic 12487 [none checked]

Stemming from recent events on Matinicus the Vinalhaven fishermen have been forced east away from Matinicus and into our area! We in Zone C have and will continue to fish in Zone B with no conflicts. Should we be forced back to the west a conflict is eminent with Vinalhaven fishermen. Increased problems will be created by the double tagging! Please just let us FISH! Please look at the Zone C-B boundary line and realize that we live and work on that line! As both sides struggle to survive we should keep the state out of this issue and let the Zone Councils work this out as that is what they are designed to do! A state imposed ruling will put both sides of the zones against each other and cause discontent amongst both zones.

Frank Gotwald, Zone C, Lic 72917 [4,5]

As a zone council member, I am concerned by the existence of zones causing new sources of contention in an industry which desperately needs to come together and confront the numerous problems we already face.

Kyle Jones, Zone C, Lic 0571 [1-8]

I feel as a fisherman that we are being slammed by too many Bulls*** laws. I strongly disagree with this new zoning with B/C. There are going to be major consequences, mainly fighting among fishermen and buying 800 more tags to fish the same areas that I have fished for years. Why now?

Benjamin N. Heanssler, Zone C, Lic 1161 [1-8]

The line going beyond the 3 mile limit needs to be addressed before it should be enforced. I feel the cost of tags would be a tax for fishing on the edge of zone C/B.

David Tarr, Zone C, Lic 4286 [1-8]

Due to the dog leg the B/C line takes around Swans Island, extra conflicts arise because traditional "C" grounds are located in "B". Inshore it impacts Brooklin, Blue Hill and Surry fishermen. Offshore it effects Stonington, Deer Isle and Brooklin fishermen.

Randall Eaton, Zone C, Lic 6899 [1-8]

All this is going to create is more conflict between fishermen. I don't believe the state has any jurisdiction in federal waters regardless of what the legislature says. Aren't they supposed to work for us not against us?

Forrest H. Dow, Zone C, Lic 9487 [1,3,4]

I believe that there should be double tags for anyone fishing traps in another zone, not just B and C. Many of the fishermen fishing outside the three mile line do not think the 49% rule applies to them.

Charles MacDonald, Zone C, Lic 6859 [1-8]

I think this is just another attempt to earn the Department of Marine Resources more income out of the already financially strained fishermen's pockets.

Zachary Heanssler, Zone C, Lic 2058 [1-8]

The zone B/C line is a major problem for me because we shouldn't have zones outside the 3 mile line. The double tagging and lines are going to cause major issues that are noted above. I am 17 years old just getting into lobstering and more regulations are going to make it harder and harder to make a living in this industry.

Nathaniel Lane, Zone C, Lic 9982 [1,2,3,4,6,7,8]

How can a state zone EVER go into federal waters? The 3 mile line is the end of the zone and it is my LEGAL right to fish anywhere in zone A1 because federal rules are superior to state rules!

Robbie C. Gray, Zone C, Lic 9953 [1-8]

I have a federal permit which it says I can fish in 1A. If the state laws go past the 3 mile limit why do I need a federal permit. We need to go where the lobster are. I don't believe in the state zone. I have a state of Maine license but I can't fish. Where ever.

John Stevens, Zone C, Lic 3831 [non checked]

We pay too much now for tags.

James Eaton, Zone C, Lic 3979 [2-7]

Laurice, I don't know if you remember me or not. I own Sunshine Seafood in Stonington. We have talked several times. I also have lobstered for over 40 years. I realize that the way the law is written now that the Zone C people that I know are breaking the new laws by fishing more than 49% of their traps in the relatively new Zone B. When I first started fishing, we would chase the migration cycle north and south out to approximately the 3 mile line and head southeast and eventually end up on the Canadian line or what is now the Area 3 line. I would fish Jan., Feb. and March, April in Area 3. Several years ago the state of Maine said I could no longer fish in Area 3. I don't know why. They simply stated that was the law - taking most of the Gulf of Maine away from me. Then they set up the zones and for several years, these zones only went to the 3 mile line That worked pretty well. There isn't a lot of fishermen that fish beyond the 3 mile line anyway. Then for some reason the state took jurisdiction beyond the 3 mile line and the zones went with this. I don't know if Zone C stops at Area 3 or if it goes to the 200 mile line. The problem of the overlap between Zone B and Zone C is that this is traditional fishing ground for around 20 fishermen to fish mostly Zone B offshore from Nov 1st July 4th. This is nothing new! We have not changed our ways. The state has changed theirs. I feel like a native American Indian losing land every time the government decides to push. In my lifetime I've gone from having the whole Gulf of Maine to an area 3 miles by 5 miles and am expected to make the same income. I know that I will lose and you will win but that doesn't make it right.

Scott Heanssler, Zone C, Lic 5798 [1-8]

The C/B west line cuts right though historical fishing grounds that I have fished for 20 years. We have a gentlemen's agreement that has been working good for a few years.

James Ferrell Williams, Zone C, Lic 5841 [1,2,4,5,6,7,8]

No fisherman from Zone B showed up at the 12/7/09 meeting in Ellsworth to speak in favor of double tagging. If they are not the one's pushing this, then why is the DMR singling out the B/C zone line to implement this. Sounds a little discriminatory to me. If it's good enough for B/C zones, then it should be implemented on all the other zones equally!

David Heanssler, Zone C, Lic 6285 [1,2,3,4,5,8]

I'm fishing my traditional territory since I was a kid and fished with my dad 50+ years ago. 90% of my gear is in Zone C in Summer. 80% is in B in the winter. Maybe we need a gray area.

Peter Eaton, Zone C, Lic 4419 [1-8]

I believe due to the average age of the fishermen in Zone C versus Zone B, this will effect younger Zone C families in the future. State tags were never supposed to limit us or cost more than 10 cents. Removable tags will cost more than 40 cents and can be removed by anyone. I'm sure that there are problems on all zone borders, and due to historical fishing grounds these lines beyond the 3 mile line are not realistic for Zone C to make a living in the fall and winter months. Population between Zone C and Swans Island needs to be taken into consideration.

Ben Billings, Zone C, Lic 11676 [1-8]

William Smith, Zone C, Lic 70457 [1-8]

Clayton L. Joyce, Zone C, Lic 6074 [1-8]

Hilton Turner, Zone C, Lic 1727 [none checked]

Lee Pappianne, Zone C, Lic 9983 [none checked]

John Wallace, Zone C, Lic 4069 [1,2,4,6,8]

Matt Shepard, Zone C, Lic # 7144 [1-8]

John R. Williams, Zone C, Lic 7054 [1-8]

Vance Gove, Jr., Zone C, Lic 5746 [non checked]

Joshua Gray, Zone C, Lic 3561 [1-8]

Jared Gove, Zone C, Lic # 7035 [non checked]

Joshua Gove, Zone C, Lic # 9846 [non checked]

Brian W. Eaton, Zone C, Lic 8623 [1-8]

Keaveny Tyler, Zone C, Lic 1419 [1-8]
Steve Redman, Zone C, Lic 2872 [1-8]
Heath Steele, Zone C, Lic 1136 [non checked]
Jacob M. Rebar, Zone C, Lic 5622 [non checked]
Pearl Billings, Jr., one C, Lic 4721 [non checked]
James Haskell, Zone C, Lic 3451 [non checked]
Eugene R. Herson, Zone C, Lic 2430 [1-8]
Arlon Larrabee, Zone C, Lic 5328 [8]
Raymond W. Hutchinson, Zone C, Lic 74091 [non checked]
Carl Gray, Zone C, Lic 10410 EZZ [non checked]
James Jones, Zone C, Lic 8866 [non checked]
Joe Wallace, Zone C, Lic 1359 [2,3,4,6,7,8]
Jon Eaton, Zone C, Lic 4886 [1-8]
Michael Sherman, Zone C, Lic 2038 [1-6]
Joseph Conden, Zone C, Lic 2192 [1-8]
Kazia Chapman-Cevasco, Zone C, Lic 6237 [1,2,3,4,5,7]
Randall Betts, Zone C, Lic 6667 [1-8]
Michael MacDonald, Zone C, Lic 6868 [1-8]
Wilbur MacDonald, Zone C, Lic 7282 [1-8]
Barry MacDonald, Zone C, Lic 9009 [1-8]
Benjamin Jay MacDonald, Zone C, Lic 9944 [1-8]
Jeffrey Eaton, Zone C, Lic EEZ 11306 [1-8]
Garrett Steele, Zone C, Lic 3022 [1-8]
William Grant, Zone C, Lic 6860 [6,8]
Wade Dow, Zone C, Lic 4017 [1,3,8]
Derek Jones, Zone C, Lic 0570 [1-8]
Donald Trundy, Zone C, Lic 1372 [non checked]
Gary Steele, Zone C, Lic 5682 [1-8]
Frank E. Jones, Zone C, Lic 8516 [1-8]
Leonard Gross, Zone C, Lic 4836 [1,6,8]
Matthew Knowlton, Zone C, Lic 7453 [1-8]
Darryl Knowlton, Zone C, Lic 9213 [1-8]
Joel Billings, Zone C, Lic 4380 [non checked]
Stuart Bray, Zone C, Lic 9568 [non checked]
Adam R. Eaton, Zone C, Lic 9435 [1-8]
Devin Bray, Zone C, Lic 9570 [non checked]
Lawrence Bray III, Zone C, Lic 99514 [1,2,8]
Scott Kerran, Zone C, Lic 9072 [1-8]
Jeremy Tyler, Zone C, Lic 1273 [1,4,5,6]
Christopher Haskell, Zone C, Lic 5007 [non checked]
Jonathan Pratt, Zone C, Lic 3926 [2,3,4,5,6,8]

Note: Twelve (12) additional form letters were received following the close of the comment deadline with similar comments to those received prior to the deadline.

Written comments (Support):

Carlton Joyce, Swans Island

I am in favor of the double tagging proposal. As a 70 year old Swans Island Lobsterman, I have seen the Offshore fishing grounds that Swans Island has depended upon for years, fished more heavily each year by zone c fisherman. The law states that no-one may take any more than 49% of their gear to fish in another zone, and many of the zone c fisherman fishing Swans Islands traditional winter bottom, are doing so with all 800 traps. They already have offshore bottom in zone c, so they are not going to be put out of business if they have to comply with the law.

Jason Joyce, Swans Island

Just wanted to let you know I am in favor of the double tagging. The current law is being followed by Swans Island fishermen when we venture into zone c waters, but some of our neighbors to the west do not. I have seen Swans Island's disadvantage, taken advantage of by the zone c fleet for a few years now, and support the double tagging so that the DMR can enforce this law. Living on an Island, we depend on fishing 100%, and if we do not receive some sort of enforcement on this, then that is when tempers begin to flare on the water. There is enough of a struggle these days to make a living with all of

the things coming at us, and when we are taken advantage of by having zone c fishermen with 800 traps in our back yard, and we can only fish 475....well, I guess it is understandable why Swans Island feels strongly about this.

If the shoe was on the other foot, and Swans Island had twice as many traps as the zone c boats, and we were fishing all 800 outside their 3 mile limit, I am sure they would see things differently. Not all the fisherman from zone c are doing this, some are doing the right thing, but an awful lot are not following the law that is un-enforceable without double tagging.

Christopher Sawyer, Frenchboro, F/V Little Devils

I'm a lobsterman in zone B that sees other lobstermen come in from zone C to fish this zone. I can count about 10 guys that come in from zone C that might be fishing over the 49% of their gear along with mine. How is it okay for them to come over and do that during my peak time of fishing when I can't go up in the bays with them and fish the good weather with over 49% of my gear? Each year there seems to be more of them coming over and doing the same. It needs to stop now or it isn't going to be a good outcome in the near future.

I was at the Swan's Island meeting and the wardens themselves said they cannot enforce this as it is right now, but implementing the double tagging would be a lot easier and more effective for them. If the lobstermen in zone C were fishing the right amount of gear in zone B then it would not be an issue. The cost for the extra tags amounts to nothing. If it were the other way around, I would support it, if that's where I wanted to fish. Thank you for your time.

Randall Sawyer, Frenchboro

I am writing in regards to the meeting which took place December 7, 2009. Although I was not able to attend, I hope my voice will still be heard. I think it unfair that lobstermen from Zone C are able to come over into Zone B and fish over 49% of their trap gear. I believe the double-tagging should be enforced if this is to continue.

Richard Davis, Swans Island

I am in favor of double tagging traps fished in another zone. It would create an easier way to enforce the 51-49% ratio. Wardens really have no easy way to enforce this rule as the system is now. I realize this would create a slight increase in expense for the fishermen but the clarification in this issue would be worth it. Removable tags would be a plus as some gear works it way back and forth between zones.

Eric Jones, MDI

I am writing this letter to speak in favor of double tagging in zone B. This would make the marine patrols job much easier to enforce an already existing law. With the exception of a small fee the only downside to double tagging would be to those who are currently breaking the law. It would seem to make sense that the state should require double tagging to anyone who wishes to fish in two zones.

Parts of zone B have seen a dramatic increase in the amount of traps from other zones. While there has always been crossing of zone lines it has steadily increased over the last few years. I hope that you will consider this law and in doing so give the marine patrol the tools that they need to do their job.

James Dow, Bass Harbor

I regret that I didn't know about the meeting for B/C Double Tagging. I would like to stress how very important this provision is. There are Zone C fishermen who definitely fish more than there 49% in Zone B. Double Tagging is the only way to enforce this law effectively! There has been some heavy friction among fishermen on this matter that this provision will solve. I have spoken with many fishermen from Bass Harbor and surrounding areas who agree. Some of whom you will hopefully hear from.

David Lemoine, Swans Island

I believe that double tagging is the only way to enforce the 51/49 rule. I fear that some fishermen that fish right on the line may suffer some from this. However, with larger entrance/exit ratios being put in place in zone B to reduce effort while zone C is still an open entrance zone, there needs to be some way to keep zone B's effort reduction attempts from being overcome by outside pressure. All this does is make it possible for the current rule to be enforced.

Wyatt Beal, Seal Cove and Zone B Council member, District 7 Frenchboro

I feel there is a need for a double tagging system for the Zone B & C line. I believe the double tagging system will help enable Marine Patrol to enforce the 49/51% trap rule.

The reason I feel so strongly about this is because there is more than one boat from Zone C that is fishing more than 49% of their traps in Zone B. Also, it seems to be more boats and more gear coming from Zone C each year.

Joshua Applin, Swans Island

I'm writing in regards to zone B & C double tagging. I'm a lobsterman on Swans Island, I fish in zone B-S.I. I think double tagging is the only way to enforce the 51% to 49% law of fishing the majority of your gear in your own zone. It's impossible for Marine Patrol to enforce this law the way fishermen tag traps at the present time.

Joe Staples, Swans Island

I am in agreement with this rule. It is the only logical way to enforce the 51/49% rule. The Marine Patrol can't be expected to enforce the rule without double tagging. I fish in both zones and have no problem with paying for these new tags and I don't think any law abiding fisherman would have a problem with it. The only ones who would have a problem with it are those who have something to hide.

Carroll Staples, Swans Island

I just wanted to let you know that I am in full favor of double tags for zone c fishermen it has been needed for some time now. In the fall I can think of 10-20 fishermen from zone c that fish 75 to some as much as 100 percent in zone b. This rule would give the marine patrol a much needed tool to regulate these fishermen who are already in violation of the laws in place.

This is not just a fall and winter issue. I fish in the summer months with many zone c fishermen in zone b. In the last 5 years they have pushed and crowded both Bass Harbor and Swans Island. Passing this law would end many gear conflicts.

I fish out of Swans Island but am unique in the fact that I do not fish in the 475 trap limit area this means that in July and part of August I fish more traps in zone c than any other zone b fishermen. I myself would be more than willing to double tag my gear that is fished in zone c. I don't feel as though I have anything to hide, I do not exceed the 49% limit. I think if there is opposition from zone C it should speak for its self. It would shock you if you knew the amount of zone c trap gear in zone b. Please help us out and the marine patrol give us all legal tools to fight with.

A petition letter was received that read as follows and signed by the following names:

We the under signed, Zone B Licensed Lobstermen, feel the need for a "Double Tagging System" on traps for the Zone B and C line. We feel this would help Marine Patrol to enforce the 49% Rule. Thank-you.

Steve Harper, Zone B, Lic 344, Zone B Council member, District 5, Frenchboro, Tremont (Bass Harbor), and

Wyatt Beal, Seal Cove and Zone B Council member, District 7 Frenchboro

Scott Harper, Zone B, Lic 71481
David Black, Zone B, Lic 12979
Frank Hopkins, Zone B, Lic 4697NC
Thomas E Joy, Zone B, Lic 3359
Clyde Harper Jr, Zone B, Lic 70388
Del J Rinaldi, Zone B, Lic 9658
Mike Connors, Zone B, Lic 7137
Stewart Murphy, Zone B, Lic 4814
Parker Murphy, Zone B, Lic 10997
Richard Thurlow, Zone B, Lic 8276
Brian Gordius, Zone B, Lic 4270
Dillon Harper, Zone B, Lic 344A
Jason Gordius, Zone B, Lic 8338
Eric Eaton, Zone B, Lic 9192
Gary Hodgdon, Zone B, Lic 6250
Greg Lewis, Zone B, Lic 98280
James L Dow, Zone B, Lic 8942
Howard Power, Zone B, Lic 7531
Philip Donovan, Zone B, Lic 6871
David Farley, Zone B, Lic 12712
Dennis Tozier, Zone B, Lic 7768
Maurice Seavey, Zone B, Lic 7235

John Varnum, Zone B, Lic 8295
Carl Butler, Zone B, Lic 1560
Charlie Dillion, Zone B, Lic 72343
Chris Goodwin, Zone B, Lic 1703
George Lawson Jr, Zone B, Lic 71704
Shawn Stanley, Zone B, Lic 9114
Steven Carter, Zone B, Lic 8436
Jon Crossman, Zone B, Lic 4696
Wayne Sawyer, Zone B, Lic 1242
Justin Sprague, Zone B, Lic 1051
George Seavey, Zone B, Lic 2270
Dean Wass, Zone B, Lic 9201
Travis Stanley, Zone B, Lic 3851
Lewis Bishop, Zone B, Lic 1943
Vaughn Clark, Zone B, Lic 7404
James Bracy, Zone B, Lic 418
Troy Lewis, Zone B, Lic 768
Sherman Stanley, Zone B, Lic 2996
John Stanley, Zone B, Lic 13070
William E. Soukup, Zone B, Lic 1834
Carroll Lunt, Zone B, Lic 5675
Matthew B. Rankin, Zone B, Lic 1731

Robert Hudson, Zone B, Lic 6945
Brian Davis, Zone B, Lic 724
Joshua R. Lawson, Zone B, Lic 7570
David R. Lawson, Jr., Zone B, Lic 4088
Steve L. Carter, Zone B, Lic 8436A
Jon Chipman, Zone B, Lic 7511
Wayne Rich, Zone B, Lic 7813
George Dow, Jr., Zone B, Lic 5041
Kermit Pauly, Jr., Zone B, Lic 0901
Ronald Johnson, Zone B, Lic 5773
Robert Lee, Zone B, Lic 11594
Stanley Black, Zone B, Lic 7994
David Schlaefer, Zone B, Lic 2488
Everett Beers, Zone B, Lic 99330
Morgan Black, Zone B, Lic 2550
Wayne Davis, Zone B, Lic 8083
Robert Davis, Zone B, Lic 7212
Wyatt L. Beal, Zone B, Lic 99738
Zach Lunt, Zone B, Lic 6402
Nate Lunt, Zone B, Lic 6404
Christopher H. Sawyer, Zone B, Lic 70156
Mariner Beal, Zone B, Lic 4330
Myron Lenfestey, Jr., Zone B, Lic 7201
Jay Fiandaca, Zone B, Lic 4946
Timothy Wiggins, Zone B, Lic 5089
Roman Rozenski, Zone B, Lic 2344
John Desjardin, Zone B, Lic 4819
Travis Lunt, Zone B, Lic 214
David W. Lunt, Zone B, Lic 1377
Joseph Lunt, Zone B, Lic 1377A
Michael Sawyer, Zone B, Lic 6577
George Sawyer, Zone B, Lic 3110
Alfred W. Pettegrow, Zone B, Lic 4462
Phil Dziezyk, Zone B, Lic 3882
Thomas P. Lawson, Zone B, Lic 7298
Andrew Mays, Zone B, Lic 1092

Corey Pettegrow, Zone B, Lic 5476
Myron G. Sprague, Jr., Zone B, Lic 8268
Galen Staples, Zone B, Lic 9931
Dwight Colbeth, Zone B, Lic 72507
Eric Staples, Zone B, Lic 9931E
Lester Stanley, Zone B, Lic 12526
Howard Dentremont, Zone B, Lic 14611
Kevin L. Staples, Zone B, Lic 10461
Thomas Reidel, Zone B, Lic 834A
Richard Davis, Zone B, Lic 621A
Carroll Staples, Zone B, Lic 497A
Adam Joy, Zone B, Lic 7386
David Lamoine, Zone B, Lic 621
Seth Joy, Zone B, Lic 3739
Spencer Joyce, Zone B, Lic 551
Dale Stockbridge, Jr., Zone B, Lic 3342A
Troy May, Zone B, Lic 4253
Leonard May, Sr., Zone B, Lic 6877
Travis Alley, Zone B, Lic 6877B
Leonard May II, Zone B, Lic 6877A
Belva Staples, Zone B, Lic 2209
Joe Staples, Zone B, Lic 497
Theodore Turner, Zone B, Lic 7306
Galen B. Turner, Zone B, Lic 8470
Galen A. Turner, Zone B, Lic 2948
David Joyce, Zone B, Lic 6780
Paul G. Joy, Zone B, Lic 7754
Gary W. Turner, Zone B, Lic 71179
Cindy Turner, Zone B, Lic 1293
Carlton E. Joyce, Zone B, Lic 4208A
Jason Joyce, Zone B, Lic 729
Rachel Johnson, Zone B, Lic 8364
Isaac Stinson, Zone B, Lic 7541
Dusty Staples, Zone B, Lic 7077A
Donald Staples, Zone B, Lic 5052
Vernon Johnson, Zone B, Lic 6917