



MAINE

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Testimony of Patrice McCarron
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In Opposition to
LD 896 An Act To Improve Lobster Licensing

Before the Committee on Marine Resources
April 6, 2015

Senator Baker, Representative Kumiega, and members of the Joint Standing Committee on Marine Resources, my name is Patrice McCarron. I am the executive director of the Maine Lobstermen's Association (MLA), an industry-based trade organization whose mission is to advocate for a sustainable lobster resource and the fishermen and communities that depend on it.

The MLA opposes LD 896. Like many of the lobster bills submitted this session, this proposal attempts to address a symptom of the larger issue of if or how the lobster entry system should be reformed. The lobster fishery is a healthy, sustainable and lucrative fishery so it is natural that people want to be a part of it. However, we have a limited entry system in place that has evolved over the past 20 years when co-management was established through the creation of the zone council system. Fundamental to this system is the requirement that any new entrant complete the Apprentice Program; and that a council of lobstermen elected by their peers has the authority to set the rate of entry into each of the seven lobster zones based on the amount of effort retired from the zone.

The Apprentice Program should be viewed as a professional training requirement, much like those established in other trades. It not only ensures that a potential entrant learn how to fish and implement all of the conservation requirements of the fishery, but that a person understand the local culture and operational aspects of the fishery. Bringing a high level of knowledge or skill to the table does not negate the need for the Apprenticeship; it is the standard of entry to the lobster fishery for all regardless of skill. Fortunately for those seeking to enter the lobster fishery, there is ample opportunity for anyone willing to work hard to be employed as a sternman on a lobster boat in almost any harbor along the coast where one can be sponsored by a Captain, log the necessary hours and become a part of the local fishery.

Unfortunately, bills like LD 896 are vehicles to create loopholes for entry into the lobster fishery. But who should have that privilege and why? As proposed in LD 896, it would be those lucky enough to be a family member of a current lobsterman, broadly defined in the bill, or a retired Marine Patrol Officer. The MLA has a lot of respect for those who serve in Maine's Marine Patrol, but what makes them more deserving of a lobster license than say, the Commissioner, the Senior Policy Director, or a faithful state employee with 30 years of service?

And with regard to family transfer, why is a family member of a lobsterman more deserving of a license than someone who has sterned on a boat for 20 years, or a commercial fisherman from Alaska who has relocated to Maine, or a local who simply wants a career change?

The fact of the matter is that the lobster fishery has long waiting lists in place in 6 of the 7 lobster zones. Those on the list have done all the right things; they have jumped through all the appropriate hoops and logged their time. It would be incredibly unfair to keep our Apprentice and Limited Entry programs in place while creating loopholes for others to enter. In the case of retired Marine Patrol Officers, they would get a pass on the Apprentice Program; in the case of family members, they would get a pass on the waiting list. From MLA's perspective, both are loopholes and neither is fair.

And, just a little bit of background on the concept of family transfer in particular. Over the years, this Committee has reviewed many proposals seeking the transfer of lobster licenses within families. These various proposals have included LD 307 in 2011, LD 585 in 2009, LD 1147 in 2005, and LD 969 in 2001. Over the years none of these bills were passed and none were supported by the MLA or the state.

In addition to the basic question of fairness raised when creating a loophole for entry into the lobster fishery, other concerns have been raised over the years with regard to license transfer. Any transfer of licenses, even between family members, is a move towards privatizing access to the fishery. This is a fundamentally different approach to managing our fishery and the devil is in the details when adopting this management approach. It could set the industry on the slippery slope of setting a high cost of entry to the fishery; for example access to the lobster fishery in Canada can cost as much as \$1 million depending on the market. Further, family transfer in particular raises the constitutional issue of advantaging one group of people over all others in terms of their opportunity to access the fishery.

For those who argue that aging lobstermen need the ability to sell their business in order to retire, or need the ability to transfer it to a family member in the case of illness or disability, the MLA asks what protections do you have in place to hedge against these difficult circumstances? For better or for worse, it is the responsibility of each individual to prepare for these difficult events by planning for our own retirements, purchasing life insurance or having some sort of contingency plan in the case of a disability. I know that in my family I am not able to transfer my job or my ability to earn an income to my husband or my children should something happen to me.

Finally, regarding the logbook provision of LD 896, the MLA Directors believed that this had some merit. The MLA was intrigued by the concept that lobstermen not have to do the mandatory logbook program more than 4 times in any 10-year period. However, rather than limit the number of times a person gets picked to fill out the logbook in a set time period, the MLA Directors suggested that every harvester should contribute equally to the program by requiring the logbook to rotate through all lobstermen on a set schedule, rather than choosing lobstermen to participate at random.

In closing, the lobster fishery is a sustainable, lucrative fishery. Given that entry to the fishery is limited, there will always be pressure to create loopholes. The MLA asks that you not create any loopholes, but instead support the DMR's effort to engage industry stakeholders in creating a Lobster Management Plan through which a comprehensive review and potential reform of the entry system can be conducted.

The MLA strongly urges you not to support LD 896. Thank you for your consideration.