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Kaitlyn Nuzzo, Government Relations Director  
The Nature Conservancy in Maine  
[kaitlyn.nuzzo@tnc.org](mailto:kaitlyn.nuzzo@tnc.org)



***Joint Standing Committee on Marine Resources***

***RE: LD 1790 - An Act Regarding Lobster Measurement***

Senator Tepler, Representative Hepler, and members of the Marine Resources Committee, my name is Kaitlyn Nuzzo and I am the Government Relations Director for The Nature Conservancy in Maine. **I appreciate this opportunity to offer comments in opposition of LD 1790, An Act Regarding Lobster Management.**

The Nature Conservancy (TNC) is a nonprofit conservation organization dedicated to conserving the lands and waters on which all life depends. Guided by science, we create innovative, on-the-ground solutions to our world's toughest challenges so that nature and people can thrive together. Working in more than 70 countries, we use a collaborative approach that engages local communities, governments, the private sector, and other partners. We work across Maine to restore rivers and streams, partner with fishermen in the Gulf of Maine to rebuild groundfish populations, and develop innovative solutions to address our changing climate.

LD 1790 seeks to change the way Maine addresses changes to the Atlantic States Marine Fisheries Commission (Commission) Interstate Fishery Management Plan for American Lobster. Currently, any rule changes necessary to comply with the Commission are made through the Department of Marine Resources' rulemaking procedures. This bill removes the authority of the Commissioner to adopt rules to set minimum and maximum lobster sizes different than those specified in statute and instead would require the department to submit legislation on any changes to the Legislature for approval. TNC believes this change would hinder Maine's ability to meaningfully participate in the Commission process and potentially slow down the implementation of regulations needed for the long-term conservation of critically important lobster populations. We are concerned the proposed change could adversely impact Maine's lobster fishery and potentially put Maine out of compliance with ASMFCs Lobster Fishery Management Plan and federal law.

The Commission was formed in 1942 by the 15 Atlantic coast states for the purpose of protecting and managing marine fisheries. The Commission operates under a federal authorizing statute, the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) which recognizes the necessity of the states and federal government to implement regulations that ensure the conservation and sustainability of fishery resources. **All Atlantic coast states that are included in a Commission fishery management plan must implement required conservation provisions of the plan or the Secretary of Commerce may impose a moratorium for fishing in the noncompliant state's waters.**

Each state is represented on the Commission by three Commissioners – the director of the state's marine fisheries management agency, a state legislator, and an individual

appointed by the state's governor to represent stakeholder interests. Maine is represented by Commissioner Wilson, Representative Allison Hepler, and lobsterman Stephen Train from Long Island. Our commissioners work hard to ensure Maine's unique perspective is included in any deliberations and management decisions made at the Commission level.

Compliance with the Commission's management measures is not optional, and a finding of noncompliance could result in a federally imposed moratorium. Shifting the mechanism to implement changes to minimum and maximum lobster sizes from routine technical rules to legislation before the Maine Legislature would add undue delay to the process. If a decision is reached at one of the Commission's quarterly meetings, but the legislature is not in session, the delay in adoption and implementation could put our state in noncompliance. And if a Commission measure would stand to benefit fishermen in a particular fishery, they may not be able to realize that change for many months while other states are able to implement the decision and associated benefits more quickly.

Additionally, Maine's three commissioners are ultimately the voting members at the Commission level. If Maine operates under a system where we require legislative approval for these decisions, our commissioners will be at a disadvantage as compared to their other counterparts and are likely to lose our leverage in the negotiations and deliberations leading to a vote. It will be very difficult to leverage our unique perspective if the other voting states know Maine's position could change based on Legislative votes after decisions have been made. **And ultimately, even if the Maine Legislature disagrees with a Commission decision, Maine still has to comply with the federal law that underpins and validates Commission regulatory action.**

We urge this committee to consider whether LD 1790 is the best way to collect additional stakeholder input into future gauge changes that would be required by the Atlantic States Marine Fisheries Commission. If the ultimate goal of this bill is to bring additional perspectives to the process, the Committee should consider other ways to solicit input or share the public comment opportunities already included in the Atlantic States Marine Fisheries Commission fisheries decision making process. We urge the committee to vote ought not to pass on LD 1790 and appreciate the opportunity to comment.