



MAINE

Lobstermen's Association, Inc.

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To: Senator Tepler, Representative Hepler, and members of the Marine Resources Committee
Fr: Patrice McCarron, executive director
Re: Against LD 1790 An Act Regarding Lobster Management

May 6, 2025

The Maine Lobstermen's Association (MLA) opposes LD 1790 to require the Maine Department of Marine Resources (DMR) to submit legislation regarding changes to the lobster gauge necessary to comply with the Atlantic States Marine Fisheries Commission (ASMFC) lobster management plan.

Prior to 2022, the Legislature had sole authority over changes to the legal size of lobster landed in Maine. In anticipation of new management measures forthcoming from the ASMFC under Addendum 27, the 130th Legislature wisely changed the law to allow the Commissioner of Marine Resources to adopt rules regarding the minimum or maximum size of lobster to comply with the ASMFC lobster management plan. The reason for giving this limited authority to the DMR Commissioner in 2022 is simple. The state of Maine must implement the conservation measures required under the ASMFC lobster management plan. If this is not done in a timely manner, the state risks becoming non-compliant, which could lead to the shutdown of the fishery. LD 1790 seeks to reverse that decision and return authority back to the Legislature.

The 2022 law allowing the DMR to implement gauge changes required by ASMFC is working. When a gauge increase was proposed under Addendum 27, DMR followed the established rulemaking process, including two in-person public hearings. The proposed gauge change was ultimately [repealed by ASMFC](#) based on strong opposition from the lobster industry. This proves that the current process not only works, but that it ensures the voices of Maine's lobstermen are heard and respected.

The MLA does not see any benefit to requiring the Commissioner to bring legislation forward if a change in lobster size is required by ASMFC. Both the state's rulemaking and legislative processes provide ample opportunity for public input through hearings and written comments.

However, lobstermen are more familiar with the DMR and receive regular updates from the department on upcoming meetings, regulatory processes and outcomes.¹ State rulemaking also moves more quickly than the legislative process, which is critical to remain compliant with ASMFC implementation deadlines.

The MLA strongly believes that the current system is working and should remain in place. Shifting authority back to the Legislature adds unnecessary bureaucracy which could risk harming the very fishery we all aim to protect. The MLA asks that you to vote ***ought not to pass*** on LD 1790.

For reference, I have attached MLA's comments on the original bill, LD 1742 An Act to Ensure Compliance with the Interstate Fishery Management Plan for American Lobster, which was approved by the 130th Legislature.

Thank you for your consideration.

¹ See www.maine.gov/dmr/news. May 1, 2024 [Message from DMR Commissioner Regarding Addendum XXVII](#); August 8, 2024 [American Lobster Board Initiates Addendum to Postpone Implementation of Addendum XXVII Measures and Approves Addendum XXX](#); December 18, 2024 [Notice of Proposed Rulemaking Chapter 25.76 Lobster Minimum Size](#); January 10, 2025 [Statement to Maine Lobster Industry from Commissioner Keliher Regarding Decision to Pull Lobster Gauge Regulation](#); February 4, 2025 [Statement from Commissioner Keliher Regarding ASMFC Motion to Begin Process to Repeal Gauge and Vent Size Changes](#); February 7, 2025 [Message from Commissioner Keliher: Industry Encouraged to Attend Meetings to Discuss Lobster Management](#); March 19, 2025 [American Lobster Board Approves for Public Comment Draft Addendum XXXII to Repeal Gauge and Escape Vent Measures of Addendum XXVII](#); April 1, 2025 [American Lobster Board Releases Draft Addendum XXXII for Public Comment: Draft Addendum Considers Repealing Gauge and Escape Vent Measures of Addendum XXVII](#); May 6, 2025 [Statement from Commissioner Wilson Regarding Lobster Industry Survey](#).



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To: Senator Miramant, Representative McCreight and members of the Marine Resources Committee

Fr: Patrice McCarron, executive director

Re: Neither for Nor Against LD 1742 An Act to Ensure Compliance with the Interstate Fishery Management Plan for American Lobster

February 1, 2022

On behalf of the Maine Lobstermen's Association (MLA), I offer this testimony neither for nor against *LD 1742 An Act to Ensure Compliance with the Interstate Fishery Management Plan for American Lobster*.

This bill comes before the Marine Resources Committee less than one week after the Atlantic States Marine Fisheries Commission (ASMFC) voted to approve draft Addendum XXVII to the Lobster Fishery management Plan (FMP) for public comment. The goal of this addendum is "to increase resiliency of the Gulf of Maine/Georges Bank lobster stock." ASMFC has documented a decline in lobster settlement and recruitment and is recommending management action to protect the lobster stock. A summary presentation on this addendum from ASMFC's January meeting is available on the ASFMC website at http://www.asmfc.org/files/Meetings/2022WinterMeeting/AmLobsterBoardPresentations_Jan2022.pdf

The management options under consideration in this draft addendum will affect the three lobster management areas which span the Gulf of Maine, including Lobster Management Area 1 where Maine lobstermen fish. Of relevance to this bill, ASMFC has put forward at least four options that would increase the minimum size of lobster landed in Maine, and possibly change the maximum gauge. LD 1742 would allow the Commissioner of Marine Resources to adopt rules to make changes to the minimum or maximum size of lobsters when necessary to comply with the ASMFC Lobster FMP. This is important because if Maine does not comply with the Lobster FMP, the lobster fishery would be found out of compliance and is then at risk of being shut down.

The timing of this bill has raised concern with lobstermen. The majority of Maine's lobster industry does not yet know that ASMFC has proposed these changes. Those who are aware

have not had a chance to review the ASMFC's draft plan in any detail. The science has not yet been presented to the industry so they have many questions about how ASMFC reached its conclusion regarding the health of the lobster stock. They point out that lobstermen significantly curtailed fishing activity in 2020 due the pandemic, and many have reported a record or strong year of landings in 2021. They also have questions about the impacts of an increased gauge on the lobster market.

They fear that if the Legislature adopts LD 1742, an increase in the legal minimum size of lobster becomes a foregone conclusion.

In our discussions on this bill, lobstermen have raised two overarching concerns with moving authority to make changes in lobster gauge size from statute to rulemaking. First, changes to the lobster minimum and maximum size are in statute for a reason. These are hallmarks of Maine's lobster conservation program that were purposely put in statute to ensure that any proposals to change the lobster gauge are subject to a full legislative process.

Second, while this bill limits the Commissioner's authority to change the lobster minimum and maximum size only to comply with ASMFC, lobstermen worry about setting a precedent for the lobster gauge to be managed through rulemaking. The fishing industry may not always have a Commissioner whom they trust and lobstermen worry that this authority could be expanded or abused by a future Commissioner.

The MLA offers a few thoughts on potential alternatives as you consider this bill, recognizing that if ASMFC makes any change to the lobster gauge, the state will need to act quickly to implement these measures to remain compliant with the lobster management plan.

The Committee might consider creating a bill to serve as a placeholder that could be quickly adopted by the Legislature in the event that ASMFC makes changes to the minimum or maximum gauge.

Alternatively, rather than create a new authority in rulemaking that is specific to lobster minimum and maximum sizes, the Committee might consider revising this bill to create a broad authority in rulemaking that covers any changes to any fishery management measure that may need to be adopted to comply with an ASMFC FMP.

The MLA understands the importance of the state being able to comply with changes to an ASMFC managed fishery in a timely manner, but urges this Committee to explore other options as it addresses this issue.

Thank you for your consideration.