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REGULATIONS

Report proposes "radical" change in state fisheries management

by NANCY GRIFFIN

A recent report suggests a radical change for state fisheries management in Maine. According to the report, "Reforming Fisheries Management in Maine," prepared for the Maine Department of Marine Resources (DMR), the agency could take itself out of the day-to-day management of state fisheries by turning management over to a council made up of elected representatives. This arrangement, the consultants maintain, would be a way to avoid the "FMP" or single-species approach.



Robin Alden and Anne Hayden
photo: Nancy Griffin

FMPs are the single-species fisheries management plans now written by the federal council system and implemented through the Department of Commerce.

Anne Hayden of Resource Services in Brunswick and Robin Alden, a former Commissioner of Marine Resources based in Stonington, unveiled their report at a session during the Fishermen's Forum at the Samoset Resort in Rockport in early March.

"Maine is uniquely positioned to be a leader in how fisheries management change, because it's already a leader," said Alden. Maine was the first state to institute a lobster zone council system where harvesters may choose their own area representatives and vote to tweak some lobster fishing regulations in their region.

Alden described the alternative proposal as falling somewhere between the Atlantic States Marine Fisheries Commission (ASMFC) and the Maine Lobster Zone Council system. Each of these has representatives from all areas contributing to the decision-making, but only ASMFC has true regulatory powers. Maine's lobster zone councils may vote on trap limits and fishing days so long as their rules are more

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restrictive than the state regulations.

ASFMC has jurisdiction over several East Coast species, including lobster. The proposed new method of fisheries management would remove decision-making from the state legislature, as well as the DMR, although lawmakers would retain final authority.

The proposed system would allow the legislature to determine the principles within which a commission would set regulations. Lawmakers could then choose to refer issues to the commission for study or a decision, rather than holding hearings or taking a vote on a bill that would affect fisheries.

"The legislature had been grappling with issues around limited entry to the lobster industry for 15 years," said Alden. "It was painful. When the zone system came in, it took the issue away. It was a great relief."

Hayden and Alden were assisted in their research by University of Maine economist James Wilson, John DeWitt of Bowdoin College and John Duff of the University of Maine's Marine Law Institute.

In addition to the alternative management proposal, the report offers an analysis of current management techniques and finds them lacking.

The DMR, the authors write, blames term limits and the subsequent high turnover of lawmakers for a "loss of historical perspective and knowledge about marine resource issues." Short legislative sessions also create uncertainty and lag time between lawmaking and implementation of rules. And the species-specific advisory committee structure inhibits development of an ecosystem approach to management.

The authors interviewed state fisheries managers, industry representatives, environmentalists and others involved in fisheries policy in a number of other states, and reviewed other state statutes and journal articles. They determined that commercial fisheries are "increasingly marginalized politically" and fisheries authority everywhere is shifting from the states to federal and interstate managers, such as ASFMC.

While some of these trends make management easier for the managers, says the report, some also ignore long-term goals for fisheries, disenfranchise fishermen and largely ignore the needs of marine ecosystems.

The alternative proposal "is just a starting point" and not a finished product, Alden said. The new approach

is intended to be more adaptive to the uncertainties of fisheries than current management systems, not exclusionary and based on "ecological realities."

Some members of the audience applauded the DMR's vision in initiating the report and said they thought by-catch and habitat issues could be more easily addressed through the commission approach. Others worried that a commission would represent another layer of bureaucracy and yet another time-consuming activity for fishermen.

"If this happens," said Marine Resources Commissioner George LaPointe, "It will be because the state of Maine wants to make it happen."

-- April 2003

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