

2-2013

Fisheries & Tourism Fact Sheet Series: Tourism and Your Lobster Fishing License

Maine Sea Grant

Lobster Institute

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Repository Citation

Maine Sea Grant and Lobster Institute, "Fisheries & Tourism Fact Sheet Series: Tourism and Your Lobster Fishing License" (2013). *Maine Sea Grant Publications*. 93.

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FISHERIES & TOURISM

FACT SHEET SERIES

Tourism and your lobster fishing license

Licensing is nothing new to commercial lobstermen, but those who might also want to run lobstering tours may have questions about licensing. This document reviews basic requirements and limitations of licensing as they relate to carrying paid passengers on lobster tours. Although this fact sheet targets the lobster industry, those targeting groundfish and other species also may want to consider the tourism market.

Captain's license

An appropriate captain's license (Merchant Mariner Credential) is required if customers are paying. Consult the fact sheet, "Want to get your captain's license?" for more information.

Class II or III lobster license

Using your commercial fishing license while running a tourism trip is legal in Maine. Those with a Class II license may have *one* helper (such as a paying customer or volunteer) in addition to the licensed lobsterman, while Class III license-holders may have *two* helpers in addition to the licensed lobsterman. *Note that you must also hold the appropriate captain's license from the U.S. Coast Guard.* For example, if a holder of a Class III license who also holds a "six-pack" captain's license has a group of six paying customers on a tourist trip, any two of those customers may help to handle gear and lobsters at any given time (customers can switch roles so that they all have a chance to participate). It is legal to sell lobsters landed during such a trip to the customers.



Cathy Billings

Demonstration lobster license

An alternative licensing option is a *marine harvesting demonstration license*, available for \$26 from the Maine Department of Marine Resources (DMR). The license carries a \$15 surcharge for first-time applicants, but commercial fishermen who provide proof of licensing and landings are exempt from the written test and the surcharge. Fishermen are allowed up to 20 trap tags under the demonstration license, and the number of lobster traps allocated to a vessel declared for a demonstration license may not exceed 20, regardless of the number of demonstration license holders fishing from the vessel. Additional requirements include:

- ▶ completion of a lobster and crab fishing examination,
- ▶ all traps used under this license must be tagged and buoys must be marked with “DL” and the license number,
- ▶ marking the vessel with a fluorescent orange semicircle at least 12” in diameter, displayed so as to be visible from both sides of the vessel. The symbol is available from DMR’s Licensing Division, and
- ▶ most importantly, *a vessel identified as a demonstration vessel may not be used for the commercial harvest of marine organisms unless otherwise provided by the DMR.* The demonstration license does not allow your customers to handle traps and other gear, although you can let them return lobsters back to the water. *All* catch from the traps must be returned to the ocean; no landings are allowed. Because of this, no lobsters may be retained for sale to the customers.

What other regulations on the gear or the lobsters apply?

Whale-safe gear, escape vents, minimum and maximum sizes, and all other gear and catch regulations will apply, just as they do in the commercial fishery.

Finally, consult the “Maritime law, liability, and insurance” fact sheet for details on how best to protect your business and personal assets from actions in case of accidents or injury of customers.

Resources

See Maine Revised Statutes Title 12, section 6810-A, mainelegislature.org/legis/statutes/12/title12sec6810-A.html, and DMR Regulations Chapter 110, maine.gov/dmr/lawsandregs/regs/index.htm, for more information on licenses and restrictions.

You can also contact your local Marine Patrol Officer in Boothbay (Division I) 207.633.9595 or Lamoine (Division II) 667-3373, maine.gov/dmr/bmp/homepage.html ■

This fact sheet is part of a series intended to provide resources for fishermen and aquaculture farmers who seek to augment their earnings through tourism. More information, including the legal research upon which these fact sheets are based, can be found at seagrant.umaine.edu/fisheries-tourism.

Produced by Maine Sea Grant and the Lobster Institute with funding from the National Sea Grant Law Center.

February 2013



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