

As a lobster fisherman, I'm part of, and most familiar with, the small boat fishery that dominates the fleet in the State of Maine. The lobster fleet averages 35'x13', and ranges in size from 16'x5' to 48'x20'. The fishery is year-round, but the smaller boats fish only through the fall as the fishery becomes an off-shore fishery during the winter. The inshore fishery ranges from literally the shoreline (less than a fathom) to 4 or 5 miles off-shore. There is a large number of Canadian-built boats so there is a mix of documented vessels and state registered vessels of various sizes, each having its own list of required safety equipment. This, and the boundary line, which ranges from the shoreline to about 20 miles from the coast, have always caused confusion for the fishing community. The passage of the Coast Guard Authorization Act of 2010, and its associated Title VI - Marine Safety, will go a long way to solving this confusion.

Fishermen members of the of our Maine Commercial Fishing Safety Council hear about real and perceived issues from fellow fishermen along the coast. Many of these issues have been discussed at length and with a lot of research and guest presenters at our meetings. One of the problems we hear over and over is drug use. This is concern as we are dealing in three dimensions when we are on the water. If a boat is holed in a collision, it doesn't come to rest like an automobile, but sinks. Drug recognition training is available, but is a DOT program, and only applies to roads. There have been many requests by fishermen for the Council to recommend that all commercial license holders be a part of a mandatory random drug testing pool. This could be required, but Department of Labor privacy requirements and the way people are notified that they must take a drug test make it a useless exercise in an owner-operator fleet.

Another issue that frustrates the Safety Council is "preemption." States cannot require fishermen to carry safety equipment in addition to what is required by the federal government, or to require that the equipment be worn in certain situations. Within, and outside of the bay that crosses the border with New Brunswick, 12 boats have been lost in the last 6 years, with 7 deaths this past winter, 5 of them in Maine. These boats were towing for scallops or urchins. The area is subject to a tidal range of nearly 19 feet, and the shape of the bay and the islands it contains make it so areas have tidal currents of up to 14 knots. These high current areas are among the best areas in the bay for the target species. If the gear hangs down, the small boats used in the fishery will sink in seconds. The State cannot require that flotation devices be worn by the crews when towing because of preemption.

No matter where I travel in the Northeast and Atlantic Canada, fishermen have the same complaint - safety equipment requirements cost us too much, especially in the current economy. However, most of the fishermen do try to be in compliance with the regulations as they realize the worth - the potential of saving their lives.