



CAUGHT IN A TRAP: TRACKING LOBSTER VESSELS 24/7

Tobias Russell and Mitchell Scacchi

AS OF 2023, ALL FEDERALLY PERMITTED LOBSTER vessels from Maine to Virginia must carry and operate a GPS tracking unit that transmits location data to government agencies once per minute.¹ These devices must be powered on at all times while the vessel is in the water, including when the vessel “is docked or being operated for personal use.”² This policy poses a physical trespass of lobstermen’s property and raises serious privacy concerns for them, imposing the warrantless, suspicionless, and continuous government surveillance that the US Supreme Court

has traditionally deemed unconstitutional under the Fourth Amendment.³

Refusing to comply can trigger severe economic and legal consequences—including financial penalties, jail time, and even federal moratoria that shut down entire state fisheries. In other words, the federal government can jeopardize the livelihoods dependent on fisheries should individuals or states choose not to follow its policy. This brief explains how the tracking mandate is implemented and enforced, the penalties for noncompliance, and the scope of the impacted lobster fishing industry.

STATE-LEVEL ADOPTION AND NONCOMPLIANCE PENALTIES

ADDENDUM XXIX (ADD. XXIX) WAS ADOPTED BY THE Atlantic States Marine Fisheries Commission (ASMFC), a federal interstate compact approved by Congress to manage Atlantic fishery resources.⁴ Add. XXIX required 10 Northeast and Mid-Atlantic states to adopt electronic tracking requirements for lobster vessels by December 15, 2023. The ASMFC adopted the policy to create a uniform vessel-tracking regime across states, ostensibly to improve monitoring, decision-making, and enforcement.⁵

The extent to which states are currently in compliance with the policy is unclear.⁶ No final compliance determination has been made publicly available, and the ASMFC has not identified any state as being explicitly out of compliance. Furthermore, a 2024 review of the Interstate Fishery Management Plan (IFMP) finds that

“all states appear to be in compliance with the requirements of the FMP.”⁷ This finding may not be reliable, however, given that state regulations in Connecticut and Virginia do not yet reflect compliant tracking requirements as of February 2026.⁸

According to state codes as of February 2026, eight states have adopted regulations requiring electronic tracking of lobster vessels in accordance with Add. XXIX.⁹ No state has adopted specific penalties for this tracking requirement. Rather, states’ general penalties for their fishery laws and rules apply to violations of this policy. Violating these regulations constitutes a misdemeanor across the relevant states, and possible punishments include fines of hundreds to thousands of dollars, suspension of an individual’s license and permit, and potential jail time of 20 days to two and a half years.¹⁰

FEDERAL NONCOMPLIANCE PENALTIES

ADD. XXIX IS PART OF A FEDERALLY ENFORCED FISHERY management plan.¹¹ Under federal law, the ASMFC is authorized to adopt fishery management plans and regulations and deem states noncompliant if they fail to implement and enforce them.¹² The secretary of commerce can then “declare a moratorium on fishing in the fishery in question within the waters of the noncomplying state.”¹³

As Table A1 in the appendix illustrates, moratoria function primarily as a deterrent rather than a regularly used enforcement tool. Since 1993, the federal government has declared 11 moratoria, all of which were withdrawn or cancelled before their effective dates, including on American lobster in 2001. Table A1 documents each of these declarations and estimates each threatened fishery’s economic value. The federal government is not shy about using declarations of moratoria to threaten valuable fisheries to enforce ASMFC rules.

If noncompliance were to trigger a moratorium on American lobster fishing, the economic consequences would be severe. Table 1 shows the economic value of the American lobster fisheries subject to this tracking requirement. These figures illustrate just how much is at stake if a state refuses to require surveillance of its lobstermen. A prohibition on harvesting a species

would, for some states, halt tens or even hundreds of millions of dollars in annual revenue. The possibility of federal enforcement therefore serves as powerful leverage, pressuring states to implement ASMFC rules even when doing so requires compliance with a tracking mandate that raises Fourth Amendment concerns.

TABLE 1. Value of American Lobster Fisheries in 2024 (or Most Recent Year Available)

STATE	EX-VESSEL REVENUE
Maine	\$536,171,172
Massachusetts	\$115,588,769
New Hampshire	\$52,982,818
Rhode Island	\$8,642,383
New Jersey	\$2,348,301
Connecticut	\$1,351,254
New York	\$1,060,799
Maryland (2023)	\$76,997
Delaware (2021)	\$49,129
Virginia	\$25,712

Source: National Marine Fisheries Service, “Fisheries One Stop Shop (FOSS): Landings by Year/State,” NOAA Fisheries, accessed February 26, 2026, <https://www.fisheries.noaa.gov/foss/f?p=215:200:14971261506325>.

Although no ASMFC moratorium has ever taken effect, Canada’s 1992 cod moratorium shows what an enforced fishery shutdown looks like.¹⁴ The moratorium resulted in the “single largest mass layoff in Canadian history,” immediately putting about 12 percent of the province of Newfoundland and Labrador out of work. High levels of unemployment and emigration continued years after the moratorium took effect.¹⁵

A fishery moratorium, economist Brian Shin and coauthors note, is an “extreme, even ‘draconian’ measure” that is likely to impose “higher food prices and hunger” on communities dependent on fishing and therefore “should be reserved only for the most dire of circumstances.”¹⁶ At the individual level, violating an ASMFC-imposed moratorium carries steep consequences: A person may face civil penalties, fines of up to \$100,000, or imprisonment for up to six months.¹⁷

CONCLUSION

PROPONENTS OF ADD. XXIX ARGUE THAT LOBSTERMEN forfeit their Fourth Amendment rights because they engage in unusually sensitive work.¹⁸ But lobster fishing is not one of the “closely regulated industries” outlined in the Supreme Court’s ruling in *Patel* (2015) that “have such a history of government oversight that no reasonable expectation of privacy . . . could exist.”¹⁹ Furthermore, no evidence exists that the lobster fishing industry represents “a clear and significant risk to the public welfare.”²⁰

As of 2017, there were 3,288 active federal lobster permits.²¹ That is over 3,000 vessels and livelihoods that

are subject to constant governmental tracking of their activities. In Maine, for example, a moratorium would impact more than 6,500 jobs and almost \$1 billion in economic output generated by lobster fishing.²² If individuals do not want to be under constant surveillance, they face penalties; if states do not want to enforce such a policy, they face the threat of federal moratoria on their respective fisheries. Policymakers interested in maintaining the economic vitality of fisheries and protecting the Fourth Amendment rights of industry participants should consider repealing this surveillance rule.

APPENDIX

TABLE A1. Notices of Declaration of a Moratorium Under the Atlantic Coastal Fisheries Cooperative Management Act

SPECIES	STATE	EFFECTIVE	WITHDRAWN	REASON FOR MORATORIUM	VALUE
Menhaden	VA	6/17/2020	6/4/2020	Statewide harvest exceeded limit	\$57,126,000
American Eel	DE	3/18/2016	3/15/2016	No 9-inch minimum, minimum pot mesh size, recreational limit of 25	\$130,000
Sharks	NJ	7/30/2010	7/30/2010	Insufficient recreational and protected species regulations	\$551,885
Tautog	NJ	4/1/2008	3/31/2008	No 25.6 percent reduction in tautog exploitation	\$2,981,178
American Lobster	RI	5/1/2001	4/17/2001	No limit of 100 lobsters per day or 500 lobsters per trip longer than five days	\$14,629,860
Shad, River Herring	SC	1/5/2001	12/12/2000	No recreational 10-fish daily creel limit	\$404,000
Horseshoe Crab	VA	10/27/2000	10/26/2000	No quota	\$116,412
Weakfish	MD	4/15/1996	3/29/1996	No mesh size restrictions in gill nets and finfish trawl nets	\$508,761
Sturgeon, Bluefish, Weakfish	NJ	4/15/1995	4/14/1995	Sturgeon: no conservation measures; bluefish: no 10-fish recreational limit; weakfish: no regulations for 25 percent exploitation reduction	\$4,051,686
Tautog	RI	6/15/2000	5/30/2000	Insufficient data to determine if state plan met fishing mortality target	\$838,827
Scup, Black Sea Bass	MD, MA	11/15/1997	11/14/1997	Scup (MD): no minimum size, commercial minimum mesh, quota limits, permitting or reporting, summer commercial closure, pot or trap limits, or roller-gear ban. Scup (MA): no permitting or reporting or pot or trap limits. Bass (MD): no commercial minimum or mesh size, pot or trap limits, or roller-gear limits. Bass (MA): no pot or trap limits	\$3,043,292

Notes: If the total value (recreational and commercial) was available, that is what is listed. Otherwise, only the available value is listed (i.e., only ex-vessel). As a result, some values may be low. Prices are not adjusted for inflation. For sharks, economic data are available only for five species: blacktip, smooth dogfish, shortfin mako, and thresher. For shad, river herring, economic data are from 1999; alewife prices are used as a substitute for river herring prices, which are unavailable. For sturgeon, economic data are unavailable.

Sources: **Menhaden:** Atlantic Coastal Fisheries Cooperative Management Act Provisions; Atlantic Menhaden Fishery, 84 Fed. Reg. 71,329 (Dec. 27, 2019); Atlantic Coastal Fisheries Cooperative Management Act Provisions; Atlantic Menhaden Fishery, 85 Fed. Reg. 34,422 (June 4, 2020); Virginia Marine Resources Commission, Office of Regulatory Management, *Establish a Reciprocal Transfer System Between the Purse Seine Reduction and Purse Seine Bait Sectors of the Atlantic Menhaden Fishery*, September 26, 2023, https://townhall.virginia.gov/L/GetFile.cfm?File=85%5C6146%5C9866%5CORM_EconomicImpact_MRC_9866_v2.pdf.

American Eel: Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Eel Fishery, 80 Fed. Reg. 57,343 (Sept. 23, 2015); Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Eel Fishery, 81 Fed. Reg. 13,777 (Mar. 15, 2016); National Marine Fisheries Service, “Fisheries Economics of the United States 2021” (NOAA Technical Memorandum NMFS-F/SPO-247, US Department of Commerce, Silver Spring, MD, March 2024), 114–16.

Sharks: Atlantic Coastal Fisheries Cooperative Management Act Provisions; Atlantic Coastal Shark Fishery, 75 Fed. Reg. 22,103 (Apr. 27, 2010); Atlantic Coastal Fisheries Cooperative Management Act Provisions; Atlantic Coastal Shark Fishery, 75 Fed. Reg. 45,002 (July 30, 2010); National Marine Fisheries Service, “Fisheries One Stop Shop (FOSS): Landings by Year/State,” *NOAA Fisheries*, accessed February 26, 2026, [https://www.fisheries.noaa.gov/foss/f?p=215:200:::.](https://www.fisheries.noaa.gov/foss/f?p=215:200:::)

Tautog (NJ): Atlantic Coastal Fisheries Cooperative Management Act Provisions; Tautog Fishery, 73 Fed. Reg. 13,864 (Mar. 14, 2008); Atlantic Coastal Fisheries Cooperative Management Act Provisions; Tautog Fishery, 73 Fed. Reg. 18,260 (Apr. 3, 2008); Atlantic States Marine Fisheries Commission, *Review of the Interstate Fishery Management Plan for Tautog (Tautoga onitis): 2023 Fishing Year* (Arlington, VA: Atlantic States Marine Fisheries Commission, March 3, 2025), 16, 21–22.

American Lobster: American Lobster; Interstate Fishery Management Plans, 66 Fed. Reg. 13,444 (Mar. 6, 2001); American Lobster; Interstate Fishery Management Plans; Cancellation of Federal Moratorium, 66 Fed. Reg. 20,202 (Apr. 20, 2001); Atlantic States Marine Fisheries Commission, *Draft Addendum XXV to Amendment 3 to the American Lobster Fishery Management Plan: Response to Southern New England Stock Decline*, October 2016, 10, Table 2; Statista Research Department, “Average Annual Price of American Lobster in the U.S. Since 2000,” *Statista*, November 29, 2025.

Shad, River Herring: Shad and River Herring; Interstate Fishery Management Plans, 65 Fed. Reg. 49,969 (Aug. 16, 2000); American Shad; Interstate Fishery Management Plans; Cancellation of Federal Moratorium, 65 Fed. Reg. 77,517 (Dec. 12, 2000); R. A. Low, “South Carolina Marine Fisheries 2000” (data report no. 38, South Carolina Department of Natural Resources, Charleston, SC, September 2001), 20; Bill Post, Ellen Waldrop, and Chad Holbrook, *Blueback Herring Sustainable Fishing Plan Update for South Carolina* (Charleston, SC: South Carolina Department of Natural Resources, March 16, 2020), 17; Atlantic States Marine Fisheries Commission, *Amendment 2 to the Interstate Fishery Management Plan for Shad and River Herring*, May 2009, 69–70.

Horseshoe Crab: Horseshoe Crab; Interstate Fishery Management Plans, 65 Fed. Reg. 61,144 (Oct. 16, 2000); Horseshoe Crab; Interstate Fishery Management Plans; Cancellation of Federal Moratorium, 65 Fed. Reg. 65,399 (Oct. 31, 2000); Industrial Economics, *Economic Assessment of Mid-Atlantic Horseshoe Crab and Dependent Fisheries Including a Qualitative Discussion of the Potential Effects of Addendum IV: Final Report* (prepared for Atlantic State Marine Fisheries Commission, February 8, 2008), https://archive.asmfc.org/files/Science/hscEconomicAssmt02_08_08.pdf.

Weakfish: Weakfish; Interstate Fishery Management Plans, 61 Fed. Reg. 6,351 (Feb. 20, 1996); 61 Fed. Reg. 14,607 (Apr. 3, 1996); National Marine Fisheries Service, “Fisheries One Stop Shop (FOSS): Landings by Year/State.”

Sturgeon, Bluefish, Weakfish: Atlantic Sturgeon, Bluefish, and Weakfish; Interstate Fishery Management Plans, 59 Fed. Reg. FR Doc. 94-30110 (Dec. 8, 1994); Atlantic Sturgeon; Interstate Fishery Management Plans, 60 Fed. Reg. 19,572 (Apr. 19, 1995); National Marine Fisheries Service, “Fisheries One Stop Shop (FOSS): Landings by Year/State.”

Tautog (RI): Tautog; Interstate Fishery Management Plans, 65 Fed. Reg. 7,508 (Feb. 15, 2000); Tautog; Interstate Fishery Management Plans; Cancellation of Federal Moratorium, 65 Fed. Reg. 34,244 (May 30, 2000); National Marine Fisheries Service, “Fisheries One Stop Shop (FOSS): Landings by Year/State.”

Scup, Black Sea Bass: American Lobster; Interstate Fishery Management Plans, 62 Fed. Reg. 48,157 (Sept. 12, 1997); Scup and Black Sea Bass; Interstate Fishery Management Plans; Cancellation of Federal Moratorium, 62 Fed. Reg. 60,731 (Nov. 13, 1997); Mid-Atlantic Fishery Management Council, *Scup Fishery Information Document*, June 2017; National Marine Fisheries Service, “Fisheries One Stop Shop (FOSS): Landings by Year/State.”

NOTES

1. Atlantic States Marine Fisheries Commission, *Addendum XXIX to Amendment 3 to the American Lobster Fishery Management Plan; Addendum IV to the Jonah Crab Fishery Management Plan: Electronic Vessel Tracking for Federal Permit Holders*, March 2022.
2. Frank Thompson v. Carl Wilson, No. 25-1007, slip op. (1st Cir. Nov. 18, 2025).
3. United States v. Jones, 565 U.S. 400, 404 (2012); Riley v. California, 573 U.S. 373, 393 (2014); Carpenter v. United States, 585 U.S. 296, 313 (2018).
4. 16 U.S.C. §§ 5101–5108.
5. Atlantic States Marine Fisheries Commission, *Addendum XXIX*.
6. Atlantic States Marine Fisheries Commission, *2024 Winter Meeting Summary*, January 2024, https://d23h0vhsm26o6d.cloudfront.net/3-2024WinterMeetingSummary_revised.pdf.
7. Atlantic States Marine Fisheries Commission, *Review of the Interstate Fishery Management Plan for American Lobster (Homarus americanus): 2024 Fishing Year*, November 2025, 17, <https://asmfc.org/wp-content/uploads/2025/11/AmLobsterFMPReviewFY2024.pdf>.
8. The 2024 IFMP review reports that “Connecticut is currently in the regulatory process to implement electronic tracking device requirements.” Atlantic States Marine Fisheries Commission, *Review of the Interstate Fishery Management Plan for American Lobster*, 13.
9. 13-188 CODE ME. R. ch. 25, § 98; 250-RICR-90-00-5.5.8; 7 DEL. ADMIN. CODE § 3755-4.0; COMAR 08.02.08.10(G); 322 MASS. REGS. CODE § 7.11; N.H. ADMIN. CODE § Fis 612.01; N.J. ADMIN. CODE § 7:25-14.16(12); 6 N.Y.C.R.R § 38.3.
10. 12 ME. REV. STAT. ANN. § 6204; 7 DEL. C. § 1304(a), (c), (f); Conn. Gen. Stat. §§ 26-157a–26-157d; COMAR 08.02.01.03; N.Y. Env’tl. Conserv. L. §§ 71-0919, 0925 (McKinney’s 2024); MD CODE, NATURAL RESOURCES § 4-1201; MASS. GEN. LAWS CH. 130 § 2; N.H. REV. STAT. § 211:17; N.J.A.C. 7:25-14.20(g)–(j); 20 R.I. GEN. LAWS 1956, § 20-1-16(a); Thompson v. Wilson, No. 25-1007, 8 n. 4 (1st Cir. 2025); 4 VA. ADMIN. CODE 20-110-70; VA CODE ANN. § 18.2-11. The general penalties of Delaware, Massachusetts, Maryland, Rhode Island, and Virginia include the possibility of imprisonment for violating relevant fishery laws and regulations.
11. 16 U.S.C. §§ 5104–5106.
12. 16 U.S.C. §§ 5104–5105.
13. 16 U.S.C. § 5106(c)(1).
14. Department of Fisheries and Oceans Canada, *Report to Parliament by the Minister of Fisheries and Oceans Respecting the Administration of the Atlantic Fisheries Restructuring Act for Fiscal Year 1992–93* (Ottawa: Communications Directorate, Department of Fisheries and Oceans, 1994), <https://waves-vagues.dfo-mpo.gc.ca/Library/361019eng.pdf>.
15. Jenny Higgins, “Economic Impacts of the Cod Moratorium,” Newfoundland and Labrador Heritage Website, 2008, <https://www.heritage.nf.ca/articles/economy/moratorium-impacts.php>.
16. Brian B. Shin, Jon M. Conrad, and C.-Y. Cynthia Lin Lawell, “On the Optimality of a Fishery Moratorium” (working paper, Cornell University, Ithaca, NY, March 2020), 2.
17. 16 U.S.C. §§ 1858(a), 1859(b).
18. Frank Thompson v. Carl Wilson, No. 25-1007, slip op. at 18, 21 (1st Cir. Nov. 18, 2025).
19. The four closely regulated industries are liquor sales, firearms dealing, mining, and automobile junkyards. City of Los Angeles v. Patel, 576 U.S. 409, 424 (2015); Marshall v. Barlow’s, Inc., 436 U.S. 307, 313 (1978).
20. City of Los Angeles v. Patel, 576 U.S. 409, 424 (2015).
21. NOAA Fisheries, “American Lobster - Permitting Information,” last updated August 21, 2025, <https://www.fisheries.noaa.gov/permit/american-lobster-permitting-information>.
22. Ryan Wallace and Charles S. Colgan, *The Economic Impacts of the Maine Seafood Sector* (Middlebury Institute of International Studies at Monterey and Maine Center for Business and Economic Research, January 2023), 13, <https://www.seamaine.org/wp-content/uploads/2023/03/FINAL-SEAMaine-Economic-Impact-Analysis-Report-2.pdf>; Melissa Waterman, “Lobster’s Claw-Hold on Maine Is Strong,” last updated July 6, 2022, <https://www.islandinstitute.org/working-waterfront/lobsters-claw-hold-on-maine-is-strong/>.

PACIFIC LEGAL FOUNDATION

TOBIAS RUSSELL is a strategic research associate at Pacific Legal Foundation, where he focuses on environmental law and supports research in other practice areas. His research helps inform litigation and legal policy efforts that advance individual freedom.

MITCHELL SCACCHI is the strategic research manager for the separation of powers at Pacific Legal Foundation. Through original research, Scacchi seeks to demonstrate how the US Constitution's separation of powers is the most fundamental safeguard of Americans' individual rights and liberties.

The authors thank Elizabeth Gillanders, Matt Gilliam, and Jacob Fishbeck for their contributions to this piece.

PACIFIC LEGAL FOUNDATION is a national nonprofit law firm that defends Americans' liberties when threatened by government overreach and abuse. We sue the government in court when our clients' rights protected by the Constitution are violated, and advocate for legislative and regulatory reforms in the other branches of government. Started in 1973 in California, PLF now files suits across the country, scoring precedent-setting victories for our clients, with an unmatched track record at the Supreme Court of the United States.

