

**TESTIMONY OF
Deirdre Gilbert
Director, State Marine Policy**

**The Department of Marine Resources (DMR) is testifying
In Support of**

L.D. 730 An Act To Make Technical Changes to Maine's Marine Resources Laws

**Sponsored by Senator Baker
Date of Hearing: March 25, 2015**

Senator Baker, Representative Kumiega, and members of the Joint Standing Committee on Marine Resources, my name is Deirdre Gilbert, Director of State Marine Policy for the Department of Marine Resources, and I am testifying on behalf of the Department in support of LD 730.

This bill constitutes the Department's need for "technical changes" to the laws in Title 12, and as such are an assortment of technical or clarifying changes. For ease of understanding, I will identify these proposed changes section by section.

Section 1: Eliminates the requirement to record an aquaculture lease in the registry of deeds

This is not a useful requirement, requires administrative tracking by the Department to make sure it is done, and is an expense to the lease holder that could easily be eliminated.

Section 2: Eliminates a reference to a license proposed to be eliminated in Section 10.

Section 3: Clarifies that a student lobster license holder may designate up to three sponsors

This is simply a clarification to provide that student lobster license holders, like apprentices, may specify up to three sponsors with which they may log their apprenticeship time.

Section 4: Deletes the Kittery trawl limit from statute.

All other trawl limits are in regulation, for ease of amendment. We have already adopted this same trawl limit in regulation. Therefore, striking this trawl limit from law will not result in any change in practice for the industry.

Section 5: Clarifies that student lobster license holders must declare a Zone, and may not fish a majority of their gear outside their declared Zone.

This is a clarification that would treat student lobster license holders the same as all other lobster license holders who are eligible to fish traps, requiring them to specify the Zone in which the license holder will fish a majority of their gear.

Section 6: Eliminates the reference to the section of law where the trawl limits were identified, since the Kittery trawl limit proposed for elimination in Section 4 was the last one remaining.

Section 7: Adds student lobster licenses to the list of licenses that may not fish a majority of their traps in a zone other than their declared zone.

Practically speaking, this change should not impact student license holders, since they tend to not range as far as commercial license holders. Students will still be able to fish 49% of their gear outside of their home zone.

Section 8: Converts the coordinates for the Swans Island Lobster Conservation Area from Loran to Lat/Long.

This is to correct an outdated methodology of describing the area that is no longer used by license holders.

Section 9: Provides an exception to the requirement for commercial shellfish license holders to be Maine residents, for non-residents who hold aquaculture leases, in order to sell product from their lease site.

Non-residents can hold leases, but they can't get a commercial shellfish license (currently limited to residents only) which is what they need to sell oysters commercially. This proposed change would provide an exception that would allow them to obtain a license to sell shellfish they have obtained from their lease or license site.

Section 10: Eliminates the limited wholesale shellfish license

We are proposing to eliminate this license, which very few individuals purchase, and have them instead purchase the wholesale seafood license. The licensed activities for this license are currently out of compliance with the National Shellfish Sanitation Program, so our options were either to significantly amend the license, or to eliminate it.

Section 11: Strikes a reference to the limited wholesale shellfish license, which is proposed to be eliminated in Section 10.

Section 12: Clarifies the method of closure for closing a municipal flat to depuration harvesting when the municipality is conducting pollution abatement activities.

This is a clarification of an existing authority – although the Department has the authority to close these flats, current law does not specify the process we would use which has created confusion, and so we are pointing toward the same process (12 MRS §6172) as is used for pollution closures.

Thank you for your consideration, and I would be happy to answer any questions you may have.