

**TESTIMONY OF
Patrick Keliher, Commissioner**

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

LD 896, An Act To Improve Lobster Licensing

**Before the Committee on Marine Resources
Sponsored by Representative Alley
Date of Hearing: April 6, 2015**

Senator Baker, Representative Kumiega, and members of the Joint Standing Committee on Marine Resources, my name is Patrick Keliher, Commissioner for the Department of Marine Resources, and I am testifying on behalf of the Department in opposition to LD 896.

Fundamentally, this bill intends to address a number of concerns rooted in the limited entry to the lobster fishery. My view is that we would not need carve out these exceptions if there was a reasonable path of entry into this fishery, and therefore we should be working toward that goal, rather than trying to address it piecemeal.

First, the bill would provide a retired marine patrol officer with eligibility to obtain a commercial lobster and crab fishing license, and would limit that eligibility to 400 traps. While I place great value on the work of the Marine Patrol and have nothing but the highest level of respect for the work they do, it is not an appropriate benefit to provide to this group simply because they are serving their state. Marine Patrol officers are already compensated for their service to our State, and the nature of their work does not merit special access to a public resource. In addition to their salary, Marine Patrol officers have comprehensive benefits and retirement package that is reflective of their unique and valuable work.

It may be helpful to note that some Marine Patrol officers, like all DMR staff, may have participated in commercial fisheries prior to joining the Department. They, like all staff, are eligible to maintain that license while employed for the Department. However, to avoid conflicts of interest, they may not utilize the license while employed by DMR. They are treated the same as any other license holder who holds, but does not actively use, their license. They share the costs of purchasing it annually. They also share the risk that there may be a management change that impacts them if they are not using it, and conversely, retain the opportunity to use it in the future after leaving the Department.

Section Two includes language to enable lobster licenses to be transferred to certain family members, so long as certain conditions are met, including completion of the apprenticeship program, transfer of vessel and gear, and eligibility for trap tag purchases equal to gear

purchased. The Department has a number of concerns about the transfer of a lobster license under any circumstances, but particularly in a context where one group is favored over another.

If this type of transferability were allowed, we anticipate that far fewer licenses would actually be retired, further slowing the exit of licenses and tags from the fishery. This will create even longer wait times for those on the waiting list. This bill also has a very high likelihood of activating latency as many of the licenses transferred under this proposal will be ones that already have little to no landings associated with them.

So while the proposal may provide increased access to the fishery for a lucky few family members, it pulls it increasingly out of reach for those who do not have a family member willing to transfer to them, including those families with more than one person interested in acquiring the license.

This also provides the members of fishing families unique access to the fishery, creating an even greater inequity to those individuals currently on the waiting list than the student program is sometimes considered to be. As such, this may further increase the likelihood of a legal challenge, and could put the student program at risk as well.

Finally, Section Four of the bill would limit the number of times a lobster license holder may be required to submit logbooks to four times in a ten year period. The Department receives limited but very vocal complaints that some harvesters are chosen too frequently. Many of these individuals feel that they should not have to report at all. The majority of our fisheries require 100% harvester reporting. The lobster fishery has a 10% requirement for harvester reporting. Maine's commercial harvesters make a living from harvesting a public resource, and it is imperative that we receive the information from this reporting that allows the Department to successfully manage these highly important resources that benefit Maine's coastal economy.

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