

**TESTIMONY OF
Deirdre Gilbert
Department of Marine Resources**

**The Department of Marine Resources (DMR) is testifying
In Support of
LD 2031 An Act to Make Technical Changes to the State's Marine Resources Laws
Sponsored by Senator Reny
Date of Hearing: February 1, 2024**

Senator Reny, Representative Hepler and members of the Joint Standing Committee on Marine Resources, my name is Deirdre Gilbert, Director of State Marine Policy, Department of Marine Resources, and I am testifying on behalf of the Department in support of LD 2031. This is a Department bill, and we are grateful to Senator Reny for sponsoring this bill on our behalf.

It is standard practice that the Department would regularly need to bring forward a technical changes bill to make minor amendments as various issues come to our attention. At the time this bill was developed, there were three items that fell into this category:

- There is a dated reference to the Aquaculture Monitoring, Research and Development Fund, which was a previously existing Fund that is no longer capitalized. Existing remaining dedicated Funds for the Aquaculture Division include the Aquaculture Research Fund and the Aquaculture Monitoring Fund. We are proposing repealing the Aquaculture Monitoring, Research and Development Fund, which is no longer used.
- A clarification is provided regarding the existing requirements for a license holder to have their license in their possession when they are engaging in licensed activities. As it is currently structured, the Department has been advised that license holders need only have their license IF they are asked for it by a marine patrol officer. The same interpretation applies to the photo identification and transaction card that elver license holders must have in their possession when fishing for elvers – that is, it only holds true IF that individual is asked by a marine patrol officer to produce those items. This is problematic because it would mean that you could fish for elvers without having obtained the transaction card that is necessary to sell your elvers, and it would not be a violation. Based on this experience, the Department is proposing to restructure the requirements to have the license, photo identification, and transaction card in your possession while engaging in licensed activities. Specifically, you must possess those things when engaging in the licensed activities AND you must produce those documents when requested by a marine patrol officer.
- Finally, the bill proposes to remove an existing exemption to holding a seaweed license to harvest seaweed that is detached and dead. Patrol raised this issue for consideration because once harvested, it would be impossible to prove that any seaweed in a harvester's possession was not obtained that way, unless the were observed in the act of harvest. Patrol requested closing this enforcement loophole before it becomes an issue, especially because they are not aware of anyone currently engaging in this activity at the scale that would require a license.

In addition to the items above, there are two additional items that have come to our attention since this bill was drafted. We would like to also raise these for your consideration:

- The current urchin season has been especially difficult for harvesters, with only 2 active urchin processors remaining. This has meant that there are often not buyers traveling down east, leaving harvesters with no option but to drive their catch down to the closest dealer. Harvester licenses only allow an individual to possess and sell their own catch. In order to transport and sell the catch for multiple harvesters, an individual would need to purchase an urchin dealer license. Because the urchin dealer licenses were created during the peak of the fishery, there is a significant surcharge on those licenses (\$500) that goes into the Sea Urchin Research Fund. In order to make it easier for harvesters to transport and sell their catch, the Department would propose lowering the surcharge for dealer to the same level as harvesters (\$160). If supported, this should go into effect with the 2025 licensing year.
- Until 2017, there was an exemption in statute for municipalities having to hold a green crab license for predator control activities on their shellfish flats. This was eliminated in the 2018/2019 budget, for reasons that are not clear. The Department would support reinstating the exemption for authorized representatives of a municipality from having to have a commercial green crab license, when the green crabs are harvested for purposes of shellfish management and the green crabs are not sold. If the committee is supportive of this concept, we can provide language at the work session.
- Finally, under existing law, there are requirements for both license suspensions and license revocations for certain violations. The Department would suggest that it would be beneficial to provide a definition for revocation that clarifies that a license revocation is a permanent suspension of a license.

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