

**TESTIMONY OF
Patrick Keliher
Department of Marine Resources**

**The Department of Marine Resources (DMR) is testifying
In Support of
LD 44 An Act to Amend the Laws Pertaining to Elver Fishing
Before the Committee on Marine Resources
Sponsored by Representative Hepler
Date of Hearing: March 13, 2025**

Senator Tepler, Representative Hepler, and members of the Joint Standing Committee on Marine Resources, my name is Patrick Keliher, Commissioner of the Department of Marine Resources, and I am testifying on behalf of the Department in support of LD 44. This is a Department bill and we are grateful to Representative Hepler for sponsoring it on our behalf.

While our testimony today is in support of the bill, the Department is requesting the committee's support in withdrawing Sections 1 and 5. Section 1 would have amended the existing penalty for selling elvers without using a swipe card from permanent revocation for the first offense, to 3 years for the first offense and permanent for the second offense, consistent with many other elver violations. However, at an industry meeting held in late January, it was the consensus position of the room that the existing penalty should remain.

Section 5 of the bill would have created a new prohibition on holding elvers in a residential dwelling, as well as a prohibition on elver harvesters holding elvers for longer than 6 hours. The goal of this proposal was to minimize potential dead loss associated with holding elvers for long periods of time. However, at that same January industry meeting, harvesters expressed grave concern on the impacts of such a provision, including on price. They proposed alternative means of minimizing dead loss, as well as ensuring that any minimal dead loss that may occur does not cause Maine to exceed the quota allocated to the state by ASMFC. Specifically, industry members suggested mandatory video training for new license holders to teach best handling practices, and the withholding of a small amount of quota as a buffer. The Department has provided example language with this testimony for your consideration.

The other elements of the bill are proposed to move forward, including moving the deadline for conducting the elver lottery from February 15 to March 15 to ensure ample time for lottery administration. Finally, the bill would allow the holder of an elver fishing license to have another license holder empty the fyke net when under the direct supervision of the license holder whose tag is on the net. Currently the ability to empty the fyke net is limited to the license holder whose tag is on the net, or an unlicensed crew member. Last season we heard from a number of license holders requesting additional flexibility in who can empty their fyke net under their direct supervision. This is also the topic of Representative Strout's bill, LD 816 which the Department also supports.

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

§6505-A. Elver fishing license

2. Eligibility. An elver fishing license may be issued only to an individual who:

A. [PL 1999, c. 534, §1 (RP).]

B. [PL 1999, c. 534, §1 (RP).]

C. Possessed an elver fishing license in the previous calendar year; [PL 2011, c. 549, §3 (AMD).]

D. [PL 2005, c. 533, §1 (RP).]

E. Did not possess an elver fishing license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included the previous calendar year; or [PL 2011, c. 549, §3 (AMD).]

F. Becomes eligible to obtain an elver fishing license pursuant to the elver lottery under subsection 2-C and who has completed any educational requirements established under section 65XX.

3-A. Elver fishing quotas. The commissioner may adopt rules to establish, implement and administer an elver individual fishing quota system in order to ensure that the elver fishery annual landings do not exceed the overall annual quota established by the Atlantic States Marine Fisheries Commission. Prior to allocating quota, the commissioner may withhold up to 1% of the available quota. Except as provided in section 6575-L, a person issued a license under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G may not take, possess or sell elvers in excess of the weight quota allocated to that person under the quota system. The rules must:

A. Establish an overall annual quota for the State;

B. Establish the amount of the overall annual quota under paragraph A that is allocated to persons licensed under this section and specify a formula to establish individual quotas for persons licensed under this section. The formula may take into account the amount of elvers a person licensed under this section lawfully harvested in previous seasons based on final harvesting reports. The rules must specify the date by which harvester reports are considered final for the purpose of determining individual quotas; and

C. Provide, in accordance with section 6302-B, that 21.9% of the overall annual quota under paragraph A is allocated to the federally recognized Indian tribes in the State and establish the amount of that portion of the overall annual quota allocated to the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Mi'kmaq Nation.

§65XX. Elver handling training

Prior to the issuance of an elver fishing license, the commissioner may require the applicant to complete an educational course the commissioner determines appropriate to provide necessary information regarding the proper handling of elvers to ensure survivability.