

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

**The Department of Marine Resources (DMR) is testifying
Neither for Nor Against
LD 1094 An Act to Prohibit a Person from Obtaining an Elver Dealer's License for a Minimum of 5
Years in Cases of Repeat Violations of License Conditions
Before the Committee on Marine Resources
Sponsored by Representative Simmons
Date of Hearing: April 3, 2025**

Senator Tepler, Representative Hepler, and members of the Joint Standing Committee on Marine Resources, my name is Deirdre Gilbert, Director of State Marine Policy for DMR and I am testifying on behalf of the Department neither for nor against LD 1094.

The Department understands and appreciates Representative Simmons's intent in bringing this bill forward. Maine's elver fishery is economically important to both state and tribal license holders and the industry and Department take its enforcement very seriously. For elver harvesters, the majority of violations are Class D crimes, and the penalty is typically a 3-year mandatory suspension for the first offense, and lifetime revocation for the second offense.

Because dealer licenses may be issued to a person (as opposed to an individual) and the definition of a person includes corporations, dealer licenses are often issued to LLCs. If a dealer commits a violation and that license is suspended, that same LLC cannot obtain a license, but the dealer could form a new LLC. The specific individual would be prohibited from engaging in the licensed activities, but they may create a new corporation and hire someone else to run the operation and therefore continue to benefit from the fishery. This is very difficult to prevent, which is what we understand to be the basis for this bill.

LD 1094 amends the laws governing the licensing of elver dealers to provide that an elver dealer's license may not be issued to any person using the same business address as a person who has violated the conditions of the person's license for 5 years following the violation. This would certainly prevent an elver dealer who owns a piece of property used as a buying station from continuing to profit off that property during their suspension. However, elver dealers may also list leased properties on their license. So, you could also have a situation where an elver dealer who has committed a violation and has been leasing a property prevents the property owner from being able to lease that property to a different individual for a period of five years.

DMR has asked our AAG for any input on the legality of making such a change, and would welcome any analysis from the Office of Policy and Legal Analysis to ensure that there are no legal obstacles to this proposed limitation on DMR license issuance. We are particularly interested in this information because we could envision interest in this same solution being applied to all dealer licenses in the future. Thank you for your consideration and I would be happy to answer any questions you may have.