

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

**The Department of Marine Resources (DMR) is testifying
In Opposition to
LD 1352 An Act to Amend Provisions Regarding the Scallop Fishery License Apprentice Program,
Licensing and Limited Access Areas
Before the Committee on Marine Resources
Sponsored by Representative Faulkingham
Date of Hearing: April 10, 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 the Department of Marine Resources, and I am testifying on behalf of the Department in opposition to LD 1352.

LD 1352 amends provisions regarding the scallop fishery by: 1. Prohibiting an apprentice program for entry into the scallop fishery to be conducted through a lottery; 2. Allowing a new entrant to be eligible for a hand fishing scallop license or a scallop dragging license only upon the termination of an existing hand fishing scallop license or a scallop dragging license; and 3. Directing the Department of Marine Resources to adopt rules to allow all holders of hand fishing scallop licenses and scallop dragging licenses equal access to limited access scallop fishing areas during the same period and not on a rotational basis.

Entry into the scallop fishery has been limited since 2009. The rationale for limiting access to scallop licenses was that after the fishery sank to record low landings in 2005, the State implemented large scale closures aimed at rebuilding the resource. It was felt that because existing participants were making a significant sacrifice as a result of the closures, it would be unfair if new license holders entered the fishery only to take advantage of the rebuilt biomass. Due to a large influx of new licenses at the time limited entry was established, additional new licenses were not issued until 2018, after an annual lottery for scallop licenses was authorized through major substantive rule-making.

Since 2018, the Department has held a license lottery in accordance with rules that were developed with input from the Scallop Advisory Council. Specifically, the Council recommended ratios of 1:1 (1 license in for every license out) for divers, and 3:2 (2 licenses in for every 3 licenses out) for draggers. In addition, available drag licenses are divided equally between 2 age classes: individuals 18-34, and individuals 35 years of age and older. This was meant to ensure that license opportunity was made available to both young people who may not previously have had the opportunity to fish commercially for scallops, as well as older people who may have scalloped in their younger days but subsequently gave up that license before the fishery became limited entry.

In its original form, the license lottery did not have a fee to enter, and applicants were able to enter the drag and dive license lotteries simultaneously. In the first year, nearly 1300 people entered the license lotteries. Due to complaints that people were entering the lottery who had no real intention of

scallop fishing, an entry fee of \$35 was established in 2021, as well as a prohibition on entering the scallop drag and scallop dive licenses in the same calendar year – applicants must now choose one or the other. In the most recent lottery in 2024, there were 74 entries for 5 dive licenses, and 1095 entries for 8 drag licenses.

While the Department has the legislative authority to develop an apprenticeship program for scallop licenses, there are many challenges to doing so. First, if an apprentice program were of a fixed duration (for example, 50 fishing days) due to the different availability of fishing opportunity along the coast, there would not be a level playing field for individuals seeking to complete the program (that is, there are more fishing days available in the eastern part of the state than the western part of the state).

DMR anticipates that if we were to establish an apprenticeship program for scallop licenses with a waiting list similar to that in the lobster fishery there would be a rush to complete the program at the first opportunity, in order to be at the top of the list. This would be with the understanding that, with an entry ratio of 1:1 as proposed in the bill, only the people at the very top of the list would have any expectation of entering the fishery in the next few years. DMR is very afraid that this approach would create exactly the same problem that the lobster fishery experienced for many years - long waiting lists with minimal movement.

For some context, there have been 400 or more active scallop drag license holders annually for the past 10 years. The vast majority of those license holders have multiple crew members, but even if only half of the current active license holders sponsored only one apprentice, that is still 200 people that would be seeking to complete the program to obtain a license. At approximately 10 drag licenses retired each year, it would take 20 years for the first 200 people who complete the program to obtain a license. As a reminder of the recent level of interest in obtaining a license, over 1000 people entered the drag license lottery at a cost of \$35.

If the goal of the apprenticeship program is to create a predictable path to obtain a license, DMR does not anticipate that to be possible without dramatically increasing entry. For this reason, a lottery has been felt to be the fairest process to administer, given the high demand and small number of licenses. If the goal is to improve the knowledge of the fishery of the new entrants, an apprenticeship program could be required to be completed by lottery winners.

Finally, the administrative burden for the Department of running an apprenticeship program is quite significant. Historically, the lobster apprenticeship program has been overseen by administrative staff in the Commissioner's office (specifically, the Commissioner's administrative assistant) but that was not feasible with the other work of that position so the program was recently transferred to the Licensing Division. The Licensing Division is fully burdened and could not also administer a new apprenticeship program that could easily have hundreds of participants without additional staff capacity.

Finally, this bill also requires the Department to allow holders of scallop dive licenses and scallop dragging licenses equal access to limited access scallop fishing areas during the same period and not on

a rotational basis. For the past two years scallop divers and scallop draggers have been harvesting different rotations. This was done to improve safety and promote equitable harvesting opportunity. Divers account for between 3-4% of the annual scallop landings, so are not negatively impacting draggers. The Department would strongly prefer to continue allowing the different gear types to operate on separate rotations.

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