

Dear members of the SAB,

I understand that there are multiple proposals to consider, but it is my hope that the board will work to strengthen the domicile requirements while preserving the ability for farmers to limit their liability. This is a regulation that has been allowed in our regulations for over 35 years and has been affirmed and reaffirmed by SAB's and Select Boards many times over those years.

The fact of the matter is, that there are currently corporations operating on grants all over town. Many license holders run, manage, and make all of their transactions under a corporation or entity. Each of those entities currently operates as an authorized user of the licensee. These entities offer minimal protection to the individual holding the underlying license in regard to personal liability. It is equivalent to owning a restaurant and running all of the transactions through an entity but personally holding the liquor license as an individual. **If something serious were to happen such as serious injury or accidental death related to that license the license holder is exposed to personal liability full stop. That means their personal homes, bank accounts, and assets are at risk in the event of a lawsuit.**

Farming a raw food product in a shared public waterway is fraught with liability. Counting on an insurance company to not deny a claim or to pay out on what could be a multimillion dollar lawsuit is not adequate protection. Would you force any restaurant owner to carry that amount of personal liability?

We don't require any other tradesperson or business owners to hold municipal licenses or liquor licenses in their personal names. As a town we issue licenses and leases of public property to entities all the time. For example: the Cahoon Hollow parking lot, the picnic tables at Macs, the Boat Rental booth at the Marina, slips and moorings at the Marina -and literally every single liquor license in town -are issued to entities. These entities are small family businesses just similar Aquaculture Farmers.

There is simply no legitimate reason to take away the ability for small farmers to limit their liability in the same way as all other trades people, other businesses and municipal license holders. If the goal is to keep licenses under the control of domiciled residents then that can easily be achieved by requiring the controlling ownership to meet the domicile and eligibility requirements set forth in the regulations.

The notion that monitoring a domicile requirement for entities is not feasible is not true. The license holder could simply be required to disclose its controlling ownership and proof of their domicile when filing their annual report. This is really no different than license holders that are individuals.

Taking away the right to limit liability protection is a solution in search of a problem. **In over 35 years, there has never been a documented incident as result of having grants issued to entities.** When ARC no longer met the eligibility requirements, their license was revoked.

I urge both the SAB and the BOS to give more time for stakeholders to weigh in and to understand what the consequences may be. I serve on the State Shellfish Advisory Panel and we are currently taking up rights of transfer at the moment. The SAP is looking to understand all of the issues and if possible, formulate a list of best management practices for municipalities.

Sincerely,

Michael DeVasto

Field Point Oyster Farm