

Let me introduce myself. I am Johnathan C. Renwick, I am a lobster fisherman, worm harvester, dragger, clam digger, and I am one of the founding members of the Independent Marine Worm Harvesters Association. Last year I appeared before this committee and spoke regarding LD 1452. LD 1452 was in its original form nothing more than an antiworm harvester bill. I am sure that you all know the history of LD 1452 and how it became a green crab bill.

Today I wish to speak in opposition of LD 178 and LD 255. These two bills, are coming from the same areas as the original LD 1452, Brunswick, Harpswell, West Bath, and Freeport, are inherently the same as the original LD 1452, Antiworm harvester legislation. These two bills seek to gain ownership of the mud flats for the municipalities which have clam ordinances.

LD 178 is asking for a repeat of scientific studies which have already been done to hopefully come up with a different conclusion. The supporters of LD 178 seek to prove that there are detrimental effects of worm harvesting on clamming. Thereby gaining control over the mud flats and who gets to harvest, how much, and where. The independent marine worm harvesters association cannot and will not support this or any other legislation written in this spirit. The facts are that worm harvesting is well known to have a plus / minus effect on clams

and the science proving this is well documented. When worm harvesters turn the mud, we ruff the mud allowing for a greater clam spat capture on the mud, a plus. When worm harvesters turn the mud we actually kill a few clams, a minus. As worm harvesters turn the mud and kill a few clams the remaining clams grow at a faster rate to a harvestable size much the same as when you thin your garden, a plus. When the broken clams die and decay they return vital nutrients to the mud flats, another plus. When we remove Worms from the mud, which are known to prey on clams and clam spat we have another positive effect. When large sections of mud get turned by worm harvesters sometimes clam harvesters have to wait for holes to blow back open a minus. I could probably go on and on but I am sure you get the point.

My point is that the only reason for LD 178 is for the towns along the Georges River to try and come up with data to prove a negative effect, there by gaining justification for more town control over the mud flats and other resource harvesters. I am talking not just about control over worm harvesters, but also periwinklers, muscle draggers, and seaweed harvesters.

Now on to LD 255, when I first read this legislation, I was reminded that I am not a professional politician. I immediately, remembered the words of President Clinton, "It depends on what the meaning of the word is". LD 255 seeks to make it

illegal to in anyway interfere with a person, who holds a municipal shellfish aquaculture permit, and to make it illegal to disturb or molest any shellfish in the intertidal zone covered by the permit. Is there a reason why the word permit was used instead of the word lease? I was told that this bill would only affect lease sites. Is a municipal shellfish ordinance a form of a aquaculture permit? Are holders of municipal shellfish licenses, permittees? Could this bill be construed as giving Municipalities total control over the mud and thereby, making worm harvesting illegal? It all depends on what the meaning of the word is is.

When I stood before this committee the last time I said that LD 1452 as it was originally written would give total control of the mud flats to the municipalities with clam ordinances. Nothing has changed! These latest bills LD178 and LD255 are nothing more than an incremental approach to the same Idea. I do not believe that the towns involved in the genesis of this idea care whether or not they gain control of the mud flats in one bill or in many bills as long as control is gained.

The town of Brunswick Clam Committee fancies itself as a marine resource committee. The town of Freeport now requires clammers to carry buckets with them for the removal of predators of clams, does this include harvestable marine worms. The town of West Bath see's themselves as written in their municipal shellfish ordinance, not as stewards of the clams in their town but as stewards of the mud flats.

Town of West Bath , Marine Resource conservation Ordinance
Section 2. Preamble: The clam Flats of the town are a valuable shellfish resource which is important to the local economy. These flats are not an inexhaustible resource, and therefore must be prudently managed. Please note that they intend to manage the mud flats not their clams.

These towns, who have been granted by the state exclusive rights to the clam resource's in their respective towns now seek to gain control over not the clams but the mud flats and every harvestable product which grows in, on, and around those flats.

The people who are actually behind this purposed change in the status quo between worm harvesters and clam harvesters have tried and continue to use different techniques to get what they want, including but not limited to, the continual testimony of repetitive digging by worm harvesters, the idea that it is not older worm harvesters like me that are the problem but a nameless faceless young digger who doesn't know what he is doing, The use of catchy phrases repeated over and over as a sort of mantra always with the same ending or result. Examples of this are, " The green crabs are decimating the clams," lets legislate against the worm harvesters, " There is ocean acidification that is hurting the clams," lets legislate control over the worm industry, We need "best use management practices to be adopted," does this

mean the use of clamming is better for the flats and the town than worming. These few examples are continual testimonies coupled with new and unnecessary legislation, or as I call it the incremental approach.

Every time worm harvesters are asked to cooperate, communicate, and compromise, we stick our collective necks in a noose while new and unnecessary legislation is written behind our backs, and new attempts are made on worm harvester's rights to participate in the marine worm industry. This has been an ongoing attempt to gain control over the mud flats since the early 1980'S. Throughout this process the worm industry has only tried to defend itself, while asking for and receiving nothing in return.

We as citizens of the state of Maine grow tired of this battle and these attempts. This is forcing us to move forward with plans which will end this conflict once and for all. If the municipalities which have clam ordinances cannot and will not be happy with just control over clams then maybe it is time for a new system to be put in place which removes their power and puts them and their clams back in the full control of the people of the state of Maine, and the Department of Marine Resources. I am talking about the full abolishment of the municipal clam ordinance system and a return of the public trust in the intertidal lands to the Department of Marine

Resources under title 12, with a full management system based on bio mass similar to, but not exactly like what has happened with the scallop industry. This system would be voted on by all the people of the state of Maine through a citizen's initiative, insuring that everyone would have a voice and a choice, not just those who have a vested interest in maintaining their control and expansionist ideas.

In conclusion, I would like to say that I have tried, however poorly, to show that there is a common link, a common thread, and a goal in all of these pieces of legislation, a goal of control. I have also tried to show you that there is a clear path to the future for the state of Maine, in all areas of marine resources. I may be a heretic, an instigator, or maybe just a visionary. I see a Maine Department of Marine resource's that is completely and fully funded, with every warden, scientist, biologist it needs to move into the future, Based not on exclusionism, but accessibility, funded through the sale of licenses. A system based on the principals of free trade, and capitalism, a return to the right to try, the right to fail, the possibility of succeeding, all governed by the safeguards of a system which uses testing and surveys, along with historical landings to insure against overharvesting. This future is not just right and proper but constitutional, insuring the public trust is equally and properly applied for the sake of all Maine residents not just for the few who now have control over their respective marine industries.

Maine Revised Statutes
Title 12: CONSERVATION

Chapter 202-A: THE PUBLIC TRUST IN INTERTIDAL LAND

§571. LEGISLATIVE FINDINGS AND PURPOSE

The Legislature finds and declares that the intertidal lands of the State are impressed with a public trust and that the State is responsible for protection of the public's interest in this land. [1985, c. 782, (NEW) .]

The Legislature further finds and declares that this public trust is part of the common law of Maine and generally derived from the practices, conditions and needs in Maine, from English Common Law and from the Massachusetts Colonial Ordinance of 1641-47. The public trust is an evolving doctrine reflective of the customs, traditions, heritage and habits of the Maine people. In Maine, the doctrine has diverged from the laws of England and Massachusetts. The public trust encompasses those uses of intertidal land essential to the health and welfare of the Maine people, which uses include, but are not limited to, fishing, fowling, navigation, use as a footway between points along the shore and use for recreational purposes. These recreational uses are among the most important to the Maine people today who use intertidal land for relaxation from the pressures of modern society and for enjoyment of nature's beauty. [1985, c. 782, (NEW) .]

The Legislature further finds and declares that the protection of the public uses referred to in this chapter is of great public interest and grave concern to the State. [1985, c. 782, (NEW) .]

SECTION HISTORY

1985, c. 782, (NEW) .

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