

James Arsenault, VP of the Independent Maine Marine Worm Harvester's Association

February 25, 2015

LD 255

The IMMWA recognizes that inter tidal leases for shellfish in Maine have the possibility of being a part of the future. However, many among our membership have expressed strong reservations concerning the real life applications of these leasing programs as opposed to what has been the stated intents.

As such, the IMMWA opposes LD 255. Research suggests that intense shellfish management in small areas require a very active approach to predator controls, which require gear now protected under last session's LD 1452. The existing law that LD 255 would alter already states "may not knowingly interfere". Taking clams from, or maliciously disturbing the known lease site, is already prohibited under the existing law.

Now we come to our point of contention. It has yet to be known how these leases will be established, and how the laws will be applied. Though we've been informed they are planning small individual plots that are actively managed, there is still legally up to 25% of the inter tidal areas possible to lease in each municipality. "Disturb or molest any shellfish" as opposed to someone actively, knowingly poaching or destroying an active lease site disturbs us.

We envision a hodge-podge of lease sites, many far larger than the areas being actively managed and poorly marked, or not marked at all. Areas newly leased, not managed or lying fallow, unmarked where worm harvesters plying their trade could inadvertently run afoul of the law. Under LD 1452's pilot provision, the 4 towns

involved were to clearly mark the protected areas, yet the DMR has reported that clear marking was not fully adhered to. So what can we expect from this new approach to clam management?

The application of leasing inter tidal areas is to new a concept in Maine to create law that can be used to restrict other industries. Maine is not Massachusetts. If leasing is indeed the future direction being taken, far clearer directives governing clam managers is needed instead of changes to law allowing those managers leverage over what they view as a competing industry.

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