

**TESTIMONY OF  
Deirdre Gilbert  
Director, State Marine Policy**

**The Department of Marine Resources (DMR) is testifying  
Neither For Nor Against**

**L.D. 435 An Act To Extend the Protection of Municipal Shellfish Conservation Programs  
Sponsored by Senator Gerzofsky  
Date of Hearing: March 11, 2015**

Senator Baker, Representative Kumiega, and members of the Joint Standing Committee on Marine Resources, my name is Deirdre Gilbert, Director of State Marine Policy, and I am testifying on behalf of the Department neither for nor against LD 435.

The title of this bill refers to the "Municipal Shellfish Conservation Programs" but what it actually seeks to address is the sunset on the prohibition on any harvesting in the areas designated as one of the Predator Control Pilot Projects created by LD 1452 during the last legislative session. Our position on this bill is Neither for Nor Against, because it is not clear to us what extending the sunset date seeks to accomplish.

You have already received the report from Kohl Kanwit, Director of the Bureau of Public Health, which explained the lessons that were learned through the four pilot projects conducted in Harpswell, Brunswick, West Bath and Freeport. As was discussed that day, the municipal pilot programs sought to assess the effectiveness of various forms of predator control (netting, fencing, trapping) on green crabs. As such, no harvesting of any type was allowed in these areas during the studies, in order to eliminate that variable, so that treatments could be evaluated for the purpose for which they were designed. This fall, the municipalities removed all of the predator protection equipment associated with their projects, but three out of the four projects (Brunswick, Harpswell, West Bath) did not conduct a post-treatment survey of the study areas, so it is unknown at this time what soft shell clam resource remains. The projects did conclude that netting and trapping were effective predator control methods based on their work in 2014 and presented at the DMR sponsored workshop in December.

Based on the results, it is not clear what further work or study is needed. If there is work that needs to continue in order to further evaluate the effectiveness of predator control options, the Department could support a continued prohibition on harvest, but it would seem that one year should be sufficient for additional work, unless it is explained otherwise. The language creating the Pilot Projects would also need to be continued, and the Department should have the ability to approve or deny the continuation based on the goals, objectives, and legitimacy of the experiments proposed. However, if the goal of the legislation is simply to ban harvesting, without any additional work or protection, the Department would not support extending the sunset beyond what was originally approved.

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