



MAINE AQUACULTURE ASSOCIATION

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The Honorable Linda L. Baker, Senate Chair
The Honorable Walter A. Kumiega III, House Chair
Joint Standing Committee on Marine Resources
Cross State Office Building, Room 206
Augusta, ME 04333

Senator Baker, Representative Kumiega, Honorable Members of the Joint Standing Committee on Marine Resources:

My name is Sebastian Belle and I am the Executive Director of the Maine Aquaculture Association (MAA). The MAA represents Maine's aquatic farmers and the many infrastructure companies that provide goods and services to our producers. In an average year, our members grow over 100 million dollars (farm gate value) of fresh, healthy Maine seafood and employ over 600 Maine citizens directly on the farms. Hundreds more are employed indirectly as a result of our members operations. Our members purchase goods and services from over 450 Maine companies and sell to over 2,000 State, regional, national and international customers.

The Maine Aquaculture Association and its member growers are deeply committed to the sustainable use and stewardship of Maine's resources. We rely on a clean, healthy aquatic environment and ecosystem in which we grow our products. MAA greatly values the hard work this committee and the Department of Marine Resources does to protect those ecosystems and responsibly manage those public resources. My testimony today is not in any way meant as criticism of the DMR and its hard working staff.

I stand before you today to testify neither for nor against LD 669, "An Act To Create a Spat Collection License". Simply put our membership is split on LD 669. You have already heard today from two of my members, each of whom has a different perspective on the proposed legislation. I will not restate their positions; however, I would like to make a few constructive suggestions for modifications to LD 669 if you choose to move it forward.

Definition of Spat.

Although my understanding from DMR is that the intent of the bill is to regulate shellfish spat, the proposed definition is overly broad and should be refined. There are two problems with the definition.

1. As written, the definition would apply to ALL marine organisms with significant potential for unintended consequences. For example, does the department intend for researchers doing plankton tows to have to seek a spat collection license because they are capturing larvae? If a mussel farmer has an inadvertent scallop, starfish or urchin set on their mussel ropes do they need spat collection license?

2. As written the definition does not technically give the department authority to regulate what they are trying to regulate, the collection of SPAT which is actually a post larval life stage. By defining SPAT as larvae the department is reaching all the way back to the life stage that is just post egg or spore hatch up until right before larvae metamorphosis and settlement. This period in an organisms life history is significantly different in its length and nature depending on the species of shellfish, seaweed, finfish or crustacean. For some marine organisms such as finfish their larvae remain suspended in the water column even after they have gone through metamorphosis into juveniles. For crustaceans and shellfish their larvae typically go through multiple metamorphoses and settle out on substrate before they become juveniles. In the case of shellfish the proposed definition actually excludes SPAT that are post metamorphosis and settled on a substrate. Larvae are by definition a life stage prior to SPAT. The definition should be adjusted to limit it to specific species and the life stage which is post larval and characterized by newly settled juveniles of the species of concern.

“Licensed activity” inadvertently creates a double licensing requirement for leaseholders.

As written LD 669 would require existing lease holders who collect SPAT on their leases, which they are currently allowed to do, to apply for a new, separate and additional license. This establishes an additional cost and permitting layer for those lease holders that is unnecessary and drives their costs up. MAA understands that in the case of SPAT collection activities NOT occurring on a lease site the DMR feels they have no authority to regulate those activities and gear types. The granting of limited authority to the Commissioner to regulate those activities seems reasonable. Requiring existing leaseholder who are highly regulated and have been through an extensive public process to approve the use of the gear they have deployed on their exiting lease sites is unfair and duplicative.

The proposed bill should be revised to provide a specific exemption for leaseholder that collect SPAT on their lease sites.

Finally, if the legislation is enacted MAA understands that the DMR is committed to going through a rule making process to implement the proposed statutes. MAA and its members look forward to engaging in that process and providing information that will assist the department in developing effective and efficient rules. Given the broad nature of the proposal , complexity of the issue and the fact that the establishment of the license may have implications with respect to access to the resource being regulated I would respectfully ask the committee consider requiring any rules adopted pursuant to the proposed legislation be Major Substantive instead of routine technical.

I thank you for your attention and patience with my rather long winded testimony. I stand ready to answer any questions the committee may have and assist in any way I can during the work session.

Sincerely yours,



Sebastian M. Belle

SMB/rkc