

**TESTIMONY OF  
Patrick Keliher  
Commissioner**

**The Department of Marine Resources (DMR) is testifying  
in Opposition to**

**L.D. 908 An Act to Promote Sustainability in the Scallop Fishing Industry  
Before the Committee on Marine Resources  
Sponsored by Representative Alley  
Date of Hearing: April 1, 2015**

Senator Baker, Representative Kumiega, and members of the Joint Standing Committee on Marine Resources, my name is Patrick Keliher, Commissioner of the Department of Marine Resources, and I am testifying on behalf of the Department in opposition to LD 908.

Maine's scallop fishery has historically provided a substantial source of income to fishing businesses at a time of year that has few other fishing opportunities. This fishery experienced an all-time low in 2005, landing only 33,141 meat pounds of scallops from Maine waters, valued at only \$272,000. Since that time, the Department has been working closely with the Scallop Advisory Council and members of the industry to implement a series of carefully crafted conservation measures. These measures are aimed at rebuilding the resource, while still allowing a limited fishery to occur. They include:

- a reduction in the daily landings limit and season length;
- the implementation of a Rotational Management Plan in eastern Maine, allowing scallop grounds to rebuild, and scallops to spawn undisturbed; and
- the implementation of a 30% harvest target. The Department monitors fishing activity and when 30-40% of the resource has been removed, in-season emergency management actions (usually the closure of the specific area) are triggered, to ensure areas are not overfished, and rebuilding continues.

The combination of these management measures has been very effective. In 2014, 569,000 meat pounds were landed valued at \$7.2 million. This is a seventeen-fold increase in landings, and an almost twenty seven-fold increase in value from 2005. Also of great importance, scallops have been left on the bottom to spawn, thus increasing populations so that continued production will be available for the future.

Regarding the amount of effort in this fishery, as the rebuilding has occurred, the fishery has also experienced a significant increase in active participation, from 168 active harvesters in 2009, to 438 in 2014. This activation of latent licenses has been challenging for managers and the industry. This activation of latency has been driven by the rebuilt scallop grounds, historically high price, and the moratorium on the shrimp fishery.

While the Department is interested in discussing any additional conservation measures that would assist in further rebuilding this resource, we are very concerned that opening up the fishery to all past participants, as the bill proposes, would jeopardize the delicate balance the Department has been able to achieve between the rebuilding goals, and allowing a limited fishery. In 2000, the Department issued a total of 902 dragger licenses, which is 357 more than the 545 issued in 2014. In 1998, we issued 470 dive licenses, which is 388 more than the 82 issued last year. This represents a minimum potential for

745 additional harvesters to come into the fishery, more than doubling the 627 licenses currently issued. In addition, there are currently 189 latent licenses (licenses bought but not used) which also have the ability to come back into the fishery at any time. In order to accommodate additional participation in the fishery from the latent fleet or new potential harvesters, other conservation measures and reductions would be required, beyond reducing the drag size and daily limit.

This bill also proposes to lower the maximum drag size from 10 feet 6 inches, to 5 feet 6 inches. The size of the drag has been debated at length in the fishery, and there are already several areas such as Cobscook Bay, Gouldsboro Bay, Blue Hill Bay and Kittery which have more restrictive drag size requirements. The current use of more restrictive drag sizes is generally the result of past attempts to exclude a section of the fleet which does not have a smaller drag in their possession. Drag width is not a significant management concern. When these drag sizes were put into place, the four-inch minimum ring-size lining the bag of the drag was not in place. The ring-size ensures that regardless of the size of the drag, sublegal scallops are liberated prior to the catch coming on board. Ring size, not drag width, is the key management measure that is in place today.

As we discussed with the Committee the other day, entry into our limited entry fisheries needs to be contemplated, however it can't come at the expense of the resource. The Department feels that this bill will only threaten the good progress that the industry and the department have worked hard to accomplish. At this time the resource simply cannot withstand the additional fishing effort. This increased effort would jeopardize gains that have been made due to the sacrifices by the industry.

Before I close, I would suggest that the committee use the work session on this bill as an opportunity to discuss the concept of an owner-operator requirement within this fishery. This is a key management measure within our lobster fishery and I believe it should be mirrored with all of our fisheries. If done correctly, it could help address some level of entry into this fishery. It is my intent to revisit this issue with the Scallop Advisory Council in the coming months.

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