

Testimony in Support of LD 1368

An Act to Provide a Property Tax Exemption for Allowing Shellfish Harvester Access to the Intertidal Zone

Before the Joint Standing Committee on Taxation
April 9, 2025

Senator Grohoski, Representative Cloutier, and distinguished members of the Joint Standing Committee on Taxation:

My name is Jessica Joyce and I am providing testimony today as Chair of the Shellfish Advisory Council, or ShAC, in support of LD 1368. The purpose of the ShAC to the Department of Marine Resources (DMR) is to: *make recommendations to the Commissioner and the joint standing committee of the Legislature having jurisdiction over marine resources matters concerning improvements to water quality, opening up closed shellfish flats, and shellfish resource management.*

In 2024, DMR data valued soft-shell clam landings at \$15.5 M, the second most valuable fishery in the state. This does not include hard clams (quahogs), which added another \$3.4 M of value. One of the most pressing issues in the shellfish industry is a loss of access to the mudflats.¹ While most municipalities have some form of public coastal access, many harvesters seek landowner permission to walk through private property to access the mudflats. An inventory of coastal access points in six towns in Casco Bay found an average of 65% of access is through private property.² These walking paths, which had slowly been dwindling in numbers over the last 10-20 years, have been lost at an alarming rate since the Covid-19 pandemic shifted the landscape of property ownership and short-term rentals in Maine in 2020. Limited shore access can result in safety concerns as harvesters try to access mudflats by canoe or small skiff, or have to walk further through the mud to access productive shellfish beds, and then pull hundreds of pounds of shellfish back to shore.

The ShAC has been working for over a year to address this loss of walk-in shore access through private property. We have explored several avenues, learning from municipalities and regions who are spearheading this work. These include sharing information about conducting inventories, landowner appreciation events, collaborating with land trusts on formalizing harvester access agreements through licenses and easements, and learning from Inland Fish and Wildlife's Landowner Relations Program. Many of these approaches take significant time, partnerships, and resources to develop, and may only support limited preservation of access.

¹ This is evidenced by numerous municipal and regional efforts to preserve access, as well as this issue being identified as a priority across the state during three regional meetings held by the ShAC in spring of 2022.

² <https://www.manomet.org/wp-content/uploads/2023/12/MappingAccessToIntertidal-122023.pdf>

Therefore, following changes to the Current Land Use Working Waterfront Program in the 131st Legislative Session (*which would not be applicable for these walking paths*), we started pursuing other tax incentives to preserve the remaining access and ideally gain new access to compensate for lost access points. **We recognize there are tradeoffs involved in a property tax exemption, so the language of the bill is deferential to a town's approval of an application, which we would like to expand upon in the work session.** We are open to discussing alternative incentives in the public hearing and work session, if the Taxation Committee does not support a property tax exemption.

The shellfish fishery is of high economic, cultural, and social value to municipalities and the state, and anecdotal information indicates a high percentage of the revenue from the shellfish industry is spent locally. We would like to have an honest discussion about the importance of a tax exemption that would mitigate the loss of access in a more systemic way than other existing avenues. We have received feedback from tax assessors representing four towns, harbor masters and shellfish wardens, the Maine Municipal Association, several legislators, and the Working Waterfront Coalition's Policy Task Force. There is a high level of support for this concept, and general support for a property tax exemption, although we recognize this would result in additional calculations by the assessor each year to achieve a flat rate deduction.

The ShAC believes that LD 1368 is a viable option to support the shellfish industry and preserve working waterfront while honoring the home rule approach, and striking a balance between the economic benefit from the fishery and the potential tax loss to municipal revenue. In addition, there is a direct correlation between the loss of foot paths and introduction of airboats. **The ShAC held an electronic vote on LD 1368, starting April 1, and members expressed unanimous support by April 3, 2025.** Thank you for your time and consideration of this testimony.

Jessica Gribbon Joyce & Lewis Pinkham
Chair & Vice-Chair, Shellfish Advisory Council