



New England Fishermen's Stewardship Association
500 Southborough Dr. Suite 204
South Portland, ME 04106
February 12, 2026

Senator Tepler, Representative Hepler, and Members of the Joint Standing Committee on Marine Resources,

My name is Dustin Delano, and I am writing on behalf of the New England Fishermen's Stewardship Association (NEFSA). We appreciate the opportunity to provide comments on LD 2013, *An Act to Authorize the Commissioner of Marine Resources to Adopt Emergency Rules to Protect Certain Marine Mammals in Exceptional Circumstances*. NEFSA submits this testimony neither for nor against the bill.

NEFSA recognizes the seriousness of protecting critically endangered species such as the North Atlantic right whale. The unprecedented aggregation of right whales on Jeffreys Ledge during the winter of 2025 underscores that dynamic and unusual environmental conditions can arise that warrant timely and thoughtful responses. In circumstances where immediate conservation action may be necessary, we understand the rationale for providing the Commissioner of Marine Resources with clear emergency authority to respond more quickly than the often lengthy federal process through NOAA.

At the same time, our board has expressed concern regarding the scope of authority contemplated in LD 2013. While there is a great deal of trust in Commissioner Wilson's professionalism, judgment, and commitment to balancing conservation with the viability of Maine's working waterfront, legislation must contemplate future administrations as well. Granting broad emergency authority to a single individual—particularly where closures or gear restrictions could have sweeping economic impacts—raises legitimate questions about precedent and safeguards. Our members are cautious about creating a framework that could, under different leadership, risk unintended harm to Maine's fishing industry.

The Maine lobster industry, in particular, has been the subject of prolonged and highly contentious debate regarding its alleged impact on right whales. For years, Maine lobstermen have been wrongly characterized as posing an existential threat to the species despite a lack of direct entanglement evidence tied to Maine waters. This history has created understandable skepticism within the industry when new authorities or restrictions are proposed, especially those that could result in area closures.

NEFSA's board also acknowledges, however, that reliance solely on federal intervention can be slow and at times disconnected from on-the-water realities in Maine. In certain extraordinary situations, state-level action may in fact provide a more measured and geographically tailored response than a broad federal mandate. If the goal of LD 2013 is to allow Maine to act quickly and surgically when faced with a truly exceptional and documented risk—such as an unusual and concentrated whale presence—then that objective is understandable.

Accordingly, NEFSA urges caution in the structure and implementation of any such authority. We respectfully request that the Committee consider incorporating clear guardrails, including defined thresholds for what constitutes an “exceptionally high level of risk,” transparency requirements, time limits on emergency actions, and, most importantly, robust and immediate communication with affected industry stakeholders before action is taken whenever practicable. Meaningful engagement with fishermen is essential to ensure that emergency measures are both effective and economically responsible.

In closing, NEFSA believes LD 2013 presents both potential benefits and legitimate concerns. We neither support nor oppose the bill at this time but emphasize that protecting endangered species and protecting Maine's fishing heritage must not be treated as mutually exclusive goals. With thoughtful safeguards and a strong commitment to communication, Maine can strive to achieve both.

Thank you for your consideration.

Respectfully submitted,

Dustin W. Delano
Chairman & Chief Strategist
New England Fishermen's Stewardship Association