

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**BEFORE THE JOINT STANDING COMMITTEE ON INLAND FISHERIES AND
WILDLIFE**

IN SUPPORT OF L.D. 958

“An Act to Expand Protections to Maine’s Loons from Lead Poisoning”

SPONSORED BY: Representative HEPLER of Woolwich

CO-SPONSORED BY: Senator INGWERSEN of York
Senator: BLACK of Franklin
Representative DILL of Old Town
Representative DOUDERA of Camden
Representative FAY of Raymond
Representative LANDRY of Farmington
Representative MASON of Lisbon
Representative ROEDER of Bangor

DATE OF HEARING: May 8, 2023

Good morning Senator LaFountain, Representative Landry and members of the Inland Fisheries and Wildlife Committee. I am Francis Brautigam, Fisheries Director at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, in support of **L.D. 958**.

As proposed this bill would amend existing statute adopted in 2013 to place additional restrictions on the use and sale of lead fishing tackle to further reduce loon mortalities caused by lead ingestion.

The current law (Title 12, section 12664) precludes the sale and use of lead sinkers and bare (unpainted) lead jigs less than 1 ounce and less than 2.5 inches long. The proposed bill would extend the ban to include the sale and use of painted lead jigs. This measure would effectively eliminate the manufacturing for local distribution, sale, as well as the use of virtually all lead jigs used in Maine’s inland waters. The current proposed ban was also considered in 2013, when only lead weights and unpainted jigs were banned.

In 2013 it was recognized that ingested lead causes mortalities in loons which includes fishing sinkers, lead jigs, other lead fishing tackle, and shotgun pellets. Available studies in 2013 indicated that lead poisoning from lead fishing sinkers and lead-headed fishing jigs was the leading cause of death for adult loons and was responsible for at least 28% of loon deaths

between 1987 and 2012. A recent 2021 study revealed that lead poisoning from lead fishing sinkers and lead-headed fishing jigs in Maine has declined to as low as 12%. This represents a 57% decline in loon mortalities due to ingestion of lead fishing tackle since the adoption of the 2013 ban. Furthermore, lead fishing tackle is no longer the leading cause of adult loon mortality in Maine.

The common loon is not federally listed as Endangered, Threatened, or Special Concern in Maine or other states. However, while it is not state-listed in Maine, it is state-listed as "Threatened" in Michigan and New Hampshire, and a Species of Concern in seven states (Connecticut, Idaho, Massachusetts, Montana, New York, Washington, and Wyoming).

Maine's loon population is robust with approximately 4,300 adults, representing about 75% of the territorial pairs in New England and New York. Thus, Maine is the stronghold for northeast breeding population. While the population is secure in Maine, the Department maintains a commitment to regional conservation, and as such loons are listed by the Department as a species of greatest conservation need.

Lead poisoning from ingestion of lead fishing tackle is not likely having a population effect on loons in Maine; however, we do not know how the combination of multiple threats may affect the population in the future. While the 2013 ban on lead fishing tackle (particularly smaller lead weights) has significantly reduced this source of mortality, it remains a primary cause of mortality. Available information suggests painted coatings on jig heads are likely to dissolve in the presence of loon stomach acids, allowing the lead to be absorbed.

The Department supports the intent of this legislation to further reduce lead in the environment and further reduce unintended impacts to loon from lead. However, general information provided by anglers, retailers, and the tackle manufacturers suggest there remain concerns regarding products to replace larger lead jigs that are a focus of this legislation, including reduced availability of lead-free alternatives. Some of the same concerns influenced the scope of the lead ban in 2013.

Lead jigs are very popular and effective, particularly for those targeting bass and several other fish during both the open water and ice fishing seasons. As such many anglers have purchased an assortment of affordably priced lead jigs that that will no longer be legal under this bill. Also, the cost to replace them with non-lead alternatives will be considerably more. Continuing to educate the fishing public on Audubon's lead jig exchange program and encouraging a larger, more equitable exchange opportunity under this program may reduce the initial financial impact to the angling public and incentivize proper recycling of lead jigs while building broader support for this bill.

I would be glad to answer any questions at this time or during the work session.