



**MAINE
AQUACULTURE
ASSOCIATION**

February 6, 2025

The Honorable Denise Tepler, Senate Chair
The Honorable Allison Hepler, House Chair
Joint Standing Committee on Marine Resources
State House, Room 202
Augusta, ME. 04333

Senator Reny, Representative Hepler, Honorable members of the Joint Committee on Marine Resources:

My name is Sebastian Belle and I am the Executive Director of the Maine Aquaculture Association (MAA). The MAA is the oldest state aquaculture association in the country. We represent Maine's aquatic farmers that raise finfish, shellfish and sea vegetables. Our farmers annually produce over 100 million dollars in farm gate revenue and directly employ roughly 700 Maine citizens year-round. We purchase goods and services from over 400 Maine businesses and our total economic impact is roughly 150 million dollars annually.

I stand before you today with regret, to testify in OPPOSITION to LD 64 "An Act to Eliminate the Cultchless American Oyster Growers License". As it is currently drafted LD 64 proposes to do two things 1. Eliminate the cultchless oyster growers license and 2. eliminate the requirement that anyone who is in possession of cultchless oysters must hold a cultchless American oyster growers license unless they are a leaseholder.

I will not drag this committee through a basic biology lesson about how cultchless oysters are created other than to say after consulting multiple experts MAA has come to the conclusion that the likelihood of cultchless oysters occurring naturally in the wild is virtually nill. Cultchless oysters are the unique result of hatchery production methods and if found in the wild it is likely they are there as a result of some human intervention, whether intentional or accidental.

The original law was developed in cooperation with the DMR and marine patrol in response to a problem with poaching of oysters from lease sites. Patrol made the point that unless they actually caught someone in the act of poaching on the lease site it was very difficult to prove the oysters were stolen. The possession provisions under §6073 Sub 2-A were developed so that possession of cultchless oysters was *prima facie* evidence of poaching.

MAA is concerned that as currently written and because of the elimination of the possession provisions under §6073 Sub 2-A, LD 64 may have a number of unintended consequences.

1. LD 64 will likely increase poaching from oyster leases and may actually increase the risk to public health. Although §6073 will continue the prohibition from interference with the rights provided in a lease once oysters are off a lease site and in possession of someone other than the leaseholder, a thief for example, there will be no ability to determine where they came from. Although State law will require that they be tagged, it is highly unlikely that a

harvester will disclose that they were stolen from a lease site. If an illness occurs the lack of ability to accurately trace back the source of the oysters will inhibit the DMR's ability to do anything other than close broad areas of the state because they cannot precisely identify the source of the illness.

2. Aside from the public health implications LD 64 will likely significantly increase the incentive for poaching. At night or on a foggy day it only takes a few minutes to pull up to an oyster farm and empty 5 or 6 cages into a skiff. The value of that illicit "haul" can quickly add up and it is entirely possible that the thief can net over a thousand dollars for 10 minutes work. Compare that to a lobster pot for example where a thief would need a boat with a hauler and a single pot might yield 10-20 dollars worth of product.
3. Finally LD 64 will likely result in increased conflict on the water. When oysters are farmed on a lease site whether they are farmed in cages or on the bottom some oysters inevitably "spill" off the lease site due to weather, currents or other events. Technically once those oysters are off the lease they are fair game to any wild shellfish harvester if LD 64 goes through as written. LD 64 will provide a strong incentive for wild harvesters to harvest right up against the borders of any oyster lease. Inevitably there will be confusion about boarder lines of the lease and the temptation to "cross the line accidentally" will be strong. Oyster farmers will be forced to protect their investments and conflict will occur. Maine oyster farmers have spent years developing good relationships with our fellow working waterfront stakeholders we do not want to see those relationships damaged by an unintended consequence of LD64.

As many members of this committee know MAA has a long tradition of working with the Department of Marine Resources to help ensure that the policies and rules they enact are practical, effective and fair. MAA would like to respectfully suggest a modification of the current version of LD64 that would address some of our concerns and help the department achieve what it is seeking to do. To be clear MAA is not seeking to limit the harvest of naturally occurring American Oysters in any way. MAA supports the elimination of the cultchless oyster license but would like to see a provision that establishes a limit on what percent of a wild harvesters harvest is comprised of cultchless oysters. We would propose a tolerance level similar to what is allowed for wild clam harvesters who are allowed to have up to 10% of their harvest be sublegal sized clams. If a wild shellfish harvester harvests wild oysters they would be allowed to have up to 10% of that harvest be cultchless oysters. Anything over 10% would be evidence that they had poached from a lease site in violation of the Prohibition on interference under §6073 Sub 2.

MAA has a long tradition of seeking practical and fair solutions to marine policy challenges. We hope to continue that tradition and respectfully ask the committee to consider our suggested modifications to LD 64. Thank you for your attention, I would be glad to answer any questions you may have.

Sincerely,



Sebastian M. Belle
Executive Director