

**TESTIMONY OF  
Deirdre Gilbert  
Department of Marine Resources**

**The Department of Marine Resources (DMR) is testifying  
In Support of  
LD 1253 An Act to Authorize the Commissioner of Marine Resources to Add Limited-access Area  
Fishing Days During the Scallop Season  
Before the Committee on Marine Resources  
Sponsored by Representative Faulkingham  
Date of Hearing: April 10, 2025**

Senator Tepler, Representative Hepler, and members of the Joint Standing Committee on Marine Resources, my name is Deirdre Gilbert, Director of State Marine Policy for the Department of Marine Resources, and I am testifying on behalf of the Department in support of LD 1253.

LD 1253 authorizes the Commissioner of Marine Resources to establish by rule up to 5 limited-access area days during the scallop season if the commissioner determines that additional days are necessary to counteract lost scallop fishing days due to inclement weather or if the scallop population is sufficient to allow additional scallop fishing in those areas.

Maine's scallop fishery is managed through controlling access by the scallop fleet to ensure that the scallop resource remains sufficient to rebuild for future seasons. This is done in a number of ways, including by limiting the number of days in the scallop season, but also by further limiting the number of fishing days in "Limited Access Areas" which may occur only one day per week, as shown in the attached calendar for the 2025 season.

Because the scallop season must be established annually in rule, the specific season days are selected during the preceding summer, and adopted by the DMR Advisory Council at their fall meeting. During the 2024 fishing season, poor weather prevented harvesters from utilizing several of the limited access days in Gouldsboro Bay and the Department was contacted to determine if days could be added in consideration of that. Current Department emergency rule-making authority is mainly limited to addressing situations where the resource is at risk of "imminent damage" or "unusual depletion", so allows the Department to limit, and not expand, opportunity on an emergency basis.

The Department does not object to the potential to expand the number of limited access days if justifiable due to unusually poor weather that would prevent the majority of the fleet from fishing. Realistically this would have to be done through an emergency rule-making process, so the Department recommends that this be achieved by amending the emergency rule-making authorities under Section 6171 Subsection 3, rather than a new section of law, since it would not be possible for the Department to add these days through regular rule-making.

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