

Daniel Devereaux
Brunswick
LD 64

Senator Tepler and Representative Hepler and distinguished members of the 132nd Maine Legislature's Committee on Marine Resources, my name is Dan Devereaux. I am a retired shellfish warden and harbormaster, and I currently serve as the Coastal Resource Manager for the Town of Brunswick. My family also co-owns the Mere Point Oyster Company. Needless to say, I have spent my entire life working along and, on the coast, with the majority of my career focused on shellfish.

First and foremost, I support the Maine Department of Marine Resources in its efforts to find constructive solutions to address concerns while still allowing Maine's shellfish industry to grow to its full potential.

Today, I am testifying neither for nor against this bill. However, I want to highlight what I believe are inaccuracies in the reasons being cited for rescinding this law.

This law was proposed and enacted during the first regular session of the 125th Maine Legislature in 1991 to prevent—and, more importantly, to discourage—the ongoing theft of farmed oysters from shellfish bottom leases. It worked then, and it continues to work today.

Cultchless American oysters rarely, if ever, occur naturally in the wild. They are spawned and reared in hatcheries under tightly controlled conditions. Farmed oysters spawn throughout their life cycle, releasing larvae that float in the ocean until they find a suitable place to attach—typically ledges, rocks, pilings, or other shells in Northern Casco Bay. Over the years, I have personally found thousands of wild American oysters, and in every case, they were identifiable as wild. The idea that single oysters are now growing fortuitously in the wild contradicts my direct experience.

Additionally, some have suggested that municipal shellfish programs may begin incorporating oyster propagation into the public shellfish programs. While this is an exciting prospect, Brunswick's own trials years ago demonstrated that the investment and risk for municipalities to grow and plant cultchless oysters are not feasible. Municipal shellfish jurisdiction extends only to the mean low water mark, an area that is exposed to tides, extreme temperatures, and high predation—none of which provide ideal conditions for bottom planting cultchless American oysters.

Brunswick conducted a trial in which we raised 30,000 two-millimeter oysters to 20 millimeters in a floating nursery over the summer. In the fall, we planted them along the rocky intertidal zone. When we returned the following summer and fall to assess their health, we found that most had perished due to environmental exposure, and very few were ultimately harvested by shellfishers.

Even though the cultchless license is rarely used, and identifying cultchless oysters is challenging and time-consuming for Marine Patrol, the law has effectively discouraged illegal activity since its prudent enactment by the 125th Legislature.

I appreciate your time today and thank you for the work you do in representing your districts and our great state of Maine.

Respectfully Submitted,
Danie R. Devereaux