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Testimony from Senator Stan Gerzofsky in support of LD 1452, An Act To Allow Municipalities with Shellfish Conservation Ordinances To Request Permission To Prohibit Marine Worm Harvesting

Senator Johnson, Representative Kumiega, and members of the Joint Standing Committee on Marine Resources, I am Senator Stan Gerzofsky from Brunswick, and I am here today to ask for your support of my bill, An Act To Allow Municipalities with Shellfish Conservation Ordinances To Request Permission To Prohibit Marine Worm Harvesting.

The purpose of this bill is to take a step towards restoring and preserving shellfish resources in Maine and to make sure that biodiversity is preserved for future generations. Recently in Maine towns and municipalities are beginning to see the negative effects of the invasive Green Crab on both our worming and shellfish industries.

The Green Crab is a predator of both worms and clams, having a potentially devastating impact on the resources needed to keep both industries alive and well on the Maine coast.

Some towns across the state have already been using measures to protect these intertidal resources by fencing or netting clam seeded areas or using netting to encourage and protect wild clam recruitment. The effort towards netting requires significant investment from each community. This bill allows towns to protect their investment by giving them the ability to prohibit any type of harvesting from occurring in protected areas while the resource is being restored. In this bill the protected areas cannot be more than 10 percent of the impacted municipalities' otherwise harvestable flats.

As most of you know the only reason this bill was carried over into this session rather than being dealt with last year is because when this issue was brought to my attention in the Fall of 2012 I asked the wormers and clambers to work together to come to an agreement. I figured it would be obvious that both wormers and clambers need access to as much of the flats as possible in order to make a living. However, I also thought it would be obvious that the many hours and hours of work clambers do to seed and conserve some flats to sustain them for future years and the hours and hours they have spent trying to deal with the devastation of the green crabs on all the flats,

with no immediate economic benefit to themselves, would be recognized as something deserving protection. Unfortunately some people didn't see the obvious so we are here today.

In closing, shellfish resources are a public trust in Maine for all to enjoy. Since this is the case, it is the responsibility of state and local governments to ensure that these resources are sustainable so that both wormers and clammers can have a shot at continuing their way of life in Maine for years to come. This is not an imposition on these industries, but rather a measure to ensure that this way of life is not a thing of the past.

PLEASE NOTE: Legislative Information *cannot* perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Allow Municipalities with Shellfish Conservation Ordinances To Request Permission To Prohibit Marine Worm Harvesting

Be it enacted by the People of the State of Maine as follows:

13. Intertidal marine worm & clam harvesting. A municipality that meets the criteria of subsection 4-B may request the commissioner to prohibit marine worm and clam harvesting within an area closed through a shellfish conservation ordinance pursuant to subsection 3, paragraph A.

A. A municipality must apply to the department to request a prohibition on marine worm and clam harvesting. The application must include the following:

- (1) A cover letter that identifies the proposed closed protected area;
- (2) A map including global positioning system coordinates indicating the location of the closed area;
- (3) A shellfish density survey when requested by the department; and
- (4) A plan of action for closure notification to the public
- (5) A management plan which includes conservation and protective measures such as protective netting, predator exclosures, predator trapping and habitat enhancement measures,
- (6) The total amount of any protected areas shall not exceed 10% of the total intertidal acreage within the municipality.

B. A person who harvests or is in possession of marine worms or clams from an area closed pursuant to this subsection commits a civil violation.

- (1) A person who violates this paragraph commits a civil violation for which a fine of \$300 may be adjudged.
- (2) A person who violates this paragraph after having been previously adjudicated as violating this paragraph commits a civil violation for which a fine of \$500 may be adjudged.
- (3) A person who violates this paragraph after having been previously adjudicated as violating this paragraph 2 or more times commits a civil violation for which a fine of \$1,000 may be adjudged

Sec. 2. 12 MRSA §6751, sub-§2, as amended by PL 2001, c. 421, Pt. B, §49 and affected by Pt. C, §1, is further amended to read:

2. Licensed activity. The holder of a marine worm digger's license may fish for or take marine worms or possess, ship, transport or sell within the State worms the licensee has legally taken. ~~This license does not authorize the license holder to fish for or take marine worms or possess, ship, transport or sell within the State worms from an protected area closed through a shellfish conservation ordinance pursuant to section 6671, subsection 3, paragraph A closed to marine worm harvesting pursuant to section 6671, subsection 13.~~

Sec. 3. 12 MRSA §6752, as enacted by PL 1977, c. 661, §5, is amended to read:

§ 6752.Exception for personal use

Any person may take or possess not more than 12550 marine worms in any one day for personal use without a marine worm digger's license or a marine worm dealer's license. ~~A person may not take or possess marine worms for personal use from shellfish conservation areas closed to marine worm harvesting pursuant to section 6671, subsection 13.~~

SUMMARY

This bill allows a municipality with a shellfish conservation ordinance to apply to the Department of Marine Resources to request a prohibition on all marine worm and clam harvesting. It also makes it a civil violation to harvest marine worms and clams from areas protected and closed to the harvest and possession of marine worms and clams.