

I stand before you today as a worm harvester of over 40 years' experience, a lobster fisherman, and presiding president of the Gouldsboro clam committee. My experience in these endeavors provides me with uncommon insight into what is actually taking place here today.

We are here today presiding over the beginning of the end of an industry as we know it. The control of the mud flats and the resources within those flats is about to be handed to just a few people. The control of all types of harvesting within the intertidal zone will be awarded to any town with a clam ordinance. This bill may have been presented as a clam enhancement bill, even a clam conservation bill, but the simple fact is it is about ownership of the mud. You will be saying with the passage of this bill that any town that has a clam ordinance also owns the rights to control the harvest of any other marine species within those same flats. After all, harvesting those other species may affect the clam resource. Sounds like a reasonable idea right, Wrong. Even the clams within those flats are a resource owned by the state of Maine, to be controlled and managed for the good of all the citizens of the state. Many people will tell you that the states foray down the clam highway with the towns has been a great success. Try asking people from a neighboring town with no mudflats their opinion. Many of these towns had clam diggers that were suddenly denied the right to harvest when the town laws went into effect. The same fate now awaits the marine worm harvesters.

As a marine worm harvester, I have traveled the coast of Maine many times searching for the best worming. I have never been pigeon holed into an area where I was faced with the prospect of over harvesting or over turning the mud in order to pay my bills I have always traveled to find more and better digging. I can see that this fate waits for me now. I can tell you that a few times in my career I have been confronted and threatened with bodily harm and even death, by clam harvesters that needed to also harvest worms. Their tirades against me always included why are you digging my mud aren't there any worms in your town. There threats usually included slashed tires, sugared gas tanks, beatings, and being shot. Can you members of the legislature, committee members, and DMR

staff imagine the consequences of putting the control and fate of other tax paying citizens into the hands of people that think like this.

I have been down this road before as a lobster fisherman I have been to these meetings, and watched as control of a tremendously expanding bio mass resource was given to the hands of a few. The rule changes that were made in state did much to cement the rights to the resource in the hands of a few. The list of broken promises made to people who got into the so called apprentice program gets longer every year. If you don't believe me ask any one on the waiting list that has endured at least 3 to 4 rule changes while on the list while watching the years slip away.

As the presiding president of the Gouldsboro clam committee, I realize that all changes in access to the resources other than clams will be made only in regard to the welfare of the controlling town's harvesters. The fox will literally be guarding the hen house. The fact is, if the state wants to go down this road with the towns that have clam ordinances, it can be done experimentally in one or two places by state regulation without the far reaching effects of passing an ill-conceived law. This would allow the state, in fairness to all effected, to gage the real intentions of this law as well as see some of the farther reaching unintended consequences of this law. The state is already doing this in the town of Gouldsboro. The state has given control of the intertidal mud flats to the clam committee in regards to mussel dragging. Has anyone in committee done any research asked any questions of the state in regards to how this is working? Would the state recommend giving the same power to every clam ordinance town? If not, why not. Has anyone sponsoring this bill talked to a mussel dragger to see how they feel about this process?

This leaves us with a few questions for your consideration. No. 1 Where does the marine advisory council stand in regards to this legislation. No. 2 What scientific evidence has been used to justify this change. No.3 did the legislators who propose this bill sit down and talk with people on both sides of the issue. No.4 Did those legislators really give any thought to the unforeseen results of this bill. No. 5 Are there any safe guards in the bill to allow for change if these unforeseen

results prove to be as adverse as we believe they will be. No.6 Will the state allow add on's to this bill which will allow towns to sell licenses for worm harvesting. Who gets these licenses, and how many will be available.

There are probably many other questions. I will leave you with this final thought. Any Bill that does not provide for equal representation and equal protection under the law for all people that the law effects should not even be considered. I personally in the terms of the marine advisory council give this bill, ought not to pass. Thank you for your time, and thoughtful considerations of this issue in the future.

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