

January 22, 2014

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My name is James Arsenault from Dresden, Maine. I speak today on behalf of myself and many other marine worm harvesters I've had conversations with. We are against this bill.

Marine worms and their harvesters have been much studied creatures, contrary to what our detractors maintain (see ~~"Harvest Efficiency of Bloodworms in Maine"~~). Worm studies accelerated during and after the 1960's when wormers voluntarily split from a single license for worms and clams and began paying more for a worming only license to fund increased studies. Fact is, worms are an entirely different animal than clams.

LD 1452 would disadvantage us because of the worm's nomadic nature and their tendency to react to adverse environmental circumstances by burrowing deeper into the mud than what can be practically harvested. Worm harvesters often monitor this to harvest the worms when the conditions have brought them close enough to the surface of the mud. Closures and openings based on clam harvest would be apt to not coincide with these periods of practical harvest for blood worms.

Dr. Brian Beal at the Downeast Institute for Marine Research conducted a study concerning bloodworming effects on clam seed sets (study included). The conclusion of the study was that unless methods against predation of the clams were implemented, blood worming had negligible impact on clam seed sets.

One thing we can agree upon is that active clam management gear on the mud does need lawful protection. This, however, is an entirely separate matter.

With the now recognized extreme predation taking place on clams by green crabs, blaming worm harvesters for clam disappearance is akin to stocking fingerling brook trout in a pond full of large mouth bass, then blaming fishermen for the trout's disappearance.

According to a letter written by Dan Devereaux of the B.M.R.C. explaining the amended version of this bill that is before you, they claim this is needed as a management tool for today's circumstances. So why has Brunswick pursued this issue more than once beginning 19 years ago with LD 570 in 1995, during times economically and environmentally more friendly, far removed from the elevated green crab menace of today? (LD 570 included for reference).

Based on this history of Brunswick's repeated attempts to wrest controls of our industry

from the State to the municipalities, we in no wise trust that the amendments placed in this bill during the past week as an attempt to pacify wormers and make this bill more palatable to this committee will stay intact throughout the legislative process. We consider this bill a camel's nose through the tent flap in an attempt to assimilate our industry into the municipal shellfish ordinance's expansions.

It continues to deepen the chasm of distrust between our industries.

Beal, B.F., Vencile, K.W.

2001. Short-term effects of commercial clam (*Mya arenaria* L.) and worm (*Glycera dibranchiata* Ehlers) harvesting on survival and growth of juveniles of the soft-shell clam. *Journal of Shellfish Research* 20(1), 1145-1157.

Abstract

In Maine, USA, commercial fisheries for soft-shell clams, *Mya arenaria* L., and blood worms, *Glycera dibranchiata* Ehlers, occur simultaneously on muddy intertidal flats. Local and state clam managers frequently close flats to shellfishing for conservation purposes, but have no jurisdiction over wormers who are legally permitted to harvest *G. dibranchiata* on any intertidal flat. This sometimes causes conflicts, especially when wormers dig in clam conservation areas where clambers have enhanced stocks with wild or cultured "seed" clams (<1 cm shell length, SL). Clammers believe wormers kill or injure small clams directly or indirectly while commercially harvesting *G. dibranchiata*. To help resolve these long-standing conflicts, we worked collaboratively with clambers and wormers and used an experimental approach to test the short-term interactive effects of clam and worm harvesting, harvesting intensity, time of harvest after seeding, and predator exclusion on the fate of small wild and cultured *M. arenaria* at an intertidal mud flat in Brunswick, ME. We added 50 cultured juveniles of *M. arenaria* (SL = 12.5 mm) to 120 1-m² plots, 40 of which were undisturbed controls (20 protected with plastic netting--6.4 mm aperture; 20 unprotected) from May to August 1996. The remaining 80 plots were assigned to one of 16 treatments. One half of the plots were protected from predators with the same plastic netting used in the undisturbed control plots. One half of the plots were harvested by a professional wormer or clammer who searched each plot for commercial size blood worms and soft-shell clams, respectively. Plots were harvested either once (after two weeks or four weeks) or twice (two weeks + two weeks, or four weeks + four weeks). Any effect due to clamming or worming on cultured clams or wild individuals of similar size was masked by clam losses exceeding 95% in the unprotected control plots. Intense predation by horseshoe crabs, *Limulus polyphemus* L. and the nemertean worm, *Cerebratulus lacteus* Leidy, are blamed for the high mortalities among clams. Only in protected plots was any effect detected and this depended on clam origin. Compared to the fate of cultured clams in protected controls, worming had no effect, but clamming contributed an additional 15% loss. Both types of commercial harvesting reduced wild clam numbers significantly compared to controls, but effects due to worming were more benign than effects due to clamming probably because wormers excavate less volume of sediments than clambers do as commercial size *G. dibranchiata* are shallow burrowers compared to commercial size *M. arenaria*. Unless clam managers actively take steps to deter predators by using netting or other means, blood wormers should continue to harvest commercially from areas closed to shellfishing without reprisal or fear that they are causing damage to populations of juvenile soft-shell clams.

1 **Be it enacted by the People of the State of Maine as follows:**
2

3 **Sec. 1. 12 MRSA §6751, sub-§2,** as amended by PL 1977, c. 713,
4 §8, is further amended to read:
5

6 **2. Licensed activity.** The A holder of a marine worm
7 digger's license may fish for or take marine worms or possess,
8 ship, transport or sell within the State those worms he the
9 license holder has taken, except that a holder of a marine worm
10 digger's license may not fish for or take marine worms or
11 possess, ship, transport or sell worms the license holder has
12 taken from intertidal areas closed by a municipality for
13 conservation.
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17 **STATEMENT OF FACT**

18
19 This bill prohibits a holder of a marine worm digger's
20 license from fishing for or taking marine worms or possessing,
21 shipping, transporting or selling worms the license holder has
22 taken from intertidal areas closed by a municipality for
23 conservation.
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25
26

LD 570
117 th

117th Maine Legislature, First Regular Session
An Act Concerning Licensed Activities for Marine Worm Diggers

LD 570, HP 413

Fiscal Status Not Available

Final Disposition Accepted Majority (ONTP) Report, May 23, 1995

C-A (H-256) Fiscal Status Not Available

Amendments to LD 570

Status In Committee

Referred to Committee on Marine Resources on Feb 17, 1995.

Latest Committee Action: Reported Out, May 15, 1995

Latest Committee Report: May 15, 1995, MAJ: Ought Not To Pass, MIN: Ought To Pass As Amended

Public Hearings

Monday, March 13, 1995 1:00 PM, Room 113, Cross Office Building

Work Sessions

Wednesday, April 5, 1995 1:00 PM, Room 107, Cross Office Building

Committee Docket

Date	Action	Result
Apr 5, 1995	Voted	
May 3, 1995	Voted	
May 15, 1995	Reported Out	ONTP/OTP-AM
May 15, 1995	Voted	

Divided Reports

Report	Report Signer
MAJ, Ought Not To Pass	President Butland of Cumberland, Chair Senator Goldthwait of Hancock Senator Pingree of Knox Representative Bigl of Bucksport Representative Cloutier of South Portland Representative Etnier of Harpswell Representative Layton of Cherryfield Representative Pinkham of Lamoine Representative Rice of South Bristol Representative Volenik of Brooklin
MIN, Ought To Pass As Amended	Representative Benedikt of Brunswick

Bill Sponsors

Presented by Representative Davidson of Brunswick.

Cosponsored by Representative Benedikt of Brunswick and

Representatives Chartrand of Rockland, Etnier of Harpswell, Fitzpatrick of Durham, Hartnett of Freeport, LaFountain of Biddeford, Volenik of Brooklin.

Affected Statute Titles and Sections

Title	Section	Subsection	Paragraph	Effect	Law Type	Chapter
12	6751		2	AMD		0

House Docket

Date	Action	Result	Roll Call	Debate	Yea	Nay	Abs
May 18, 1995	Accepted Report	ACCEPTED REPORT MAJ (ONTP) REP - PREVAILS					
Feb 17, 1995	Referred to Committee	REFERRED TO COMMITTEE MAR - PREVAILS					
Feb 17, 1995	Introduced	INTRODUCED - PREVAILS					

Senate Docket

Date	Action	Result	Roll Call	Debate	Yea	Nay	Abs
Feb 17, 1995	Referred in Concurrence	REFERRED IN CONCURRENCE MAR - PREVAILS					
May 23, 1995	Accepted Report	ACCEPTED REPORT MAJ (ONTP) REP - PREVAILS					

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