

**TESTIMONY OF
Kohl Kanwit
Director, Bureau of Public Health
Department of Marine Resources**

**The Department of Marine Resources (DMR) is testifying
in Opposition to**

**LD 730 An Act To Establish Minimum and Maximum Size Limits
for Possession of Soft-shelled Clams**

**Before the Committee on Marine Resources
Sponsored by Representative Alley
Date of Hearing: March 13, 2017**

Senator Maker, Representative Kumiega, and members of the Joint Standing Committee on Marine Resources, my name is Kohl Kanwit, I am Director of Public Health at the Department of Marine Resources, and I am testifying on behalf of the Department in opposition to LD 730.

This bill amends the laws regarding the size limit of soft-shelled clams. It decreases the minimum size from 2 inches to 1.5 inches, and sets a maximum size of 4 inches. The existing 2 inch minimum size was passed in Maine in 1935, repealed in 1963, and reestablished in 1984.

At the last meeting of the Shellfish Advisory Council (SHAC) the Department presented the shellfish related bills before the Marine Resources Committee this session. Regarding LD 370, the SHAC voted unanimously (11 of 13 members present) to request that the Department oppose this legislation. Their concerns regarding establishing a lower minimum size of 1.5 inches had to do with both the potential impacts on the softshell clam resource, as well as the shellfish market. This proposal was also considered at the Shellfish Focus Day held at the 2017 Maine Fishermen's Forum, and while there was no vote taken, consensus in the room was that there was no support among the industry for reducing the minimum size or instituting a statewide maximum size. The Department shares the industry's concerns regarding potential resource impacts of a lower minimum size.

We are also concerned with the market implications of such a change, as dealers would not be able to ship the clams under 2 inches to Massachusetts, where the 2 inch minimum remains in effect. Although there are no specific data on interstate sales of Maine's shellfish, DMR estimates in excess of 80% of softshell clams are sold outside of Maine. Dealers also reported experiencing other challenges when the 1.5 inch minimum was in place, which I am sure they will describe to you today.

With regard to a maximum size, that is currently something any municipality could choose to establish through their shellfish ordinance, if they felt that it would benefit their local resource. There is currently one municipality with a maximum size limit.

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