

November 30, 2023

Maine 131st Legislature
Joint Standing Committee on Marine Resources
100 State House Station
Augusta, Maine 04333

Dear Senator Reny, Representative Hepler, and members of the Joint Standing Committee on Marine Resources:

On June 8, the Shellfish Advisory Council (ShAC) received a letter from the Chairs of the Marine Resources committee in reference to LD 1915, “Resolve, to Establish a Grant Program to Issue Shellfish Licenses to Qualified Disabled Veterans”. Following the public hearing and work session, the Committee voted to carry LD 1915 over to the Second Regular Session to allow for more information to be gathered about the demand for this program, and the feasibility of its implementation. The Committee requested that the ShAC review the proposed program and report back by February 1, 2024.

The ShAC had an initial conversation at their meeting on June 23, and a longer discussion during a meeting on September 19, 2023. Members of the ShAC were given an overview of LD 1915, including the questions raised in testimony during the public hearing and the specific questions from the Committee. This letter summarizes this discussion, as well as existing opportunities that municipal shellfish committees may consider to address any local demand for commercial shellfish licenses from disabled veterans.

From these initial discussions, it does not appear as though there is high demand for shellfish licenses from the veteran community at-large. Members of the ShAC and the audience commented that in their experience as municipal shellfish wardens, harvesters, or volunteer members of municipal shellfish committees, they had not been approached with requests for licenses from a veteran or disabled veteran. These individuals were from Cutler, Georgetown, Lubec, St. George, Milbridge, as well as a member of the audience from Stueben. There was one exception in Lubec where a veteran requested a resident license, although this scenario ended up to be related to a desire to increase non-resident licenses, and not necessarily to provide a license to a veteran. Further outreach to the towns of Freeport and Phippsburg have also supported this lack of demand specifically from the veteran community. To our knowledge, there has not been any outreach with any veteran’s association or similar organizations to further ground truth the preliminary information we compiled; however, it could be helpful to gain a deeper understanding of demand.

LD 1915 mirrors a larger issue within the Maine shellfish co-management system, which is availability of municipal licenses. As DMR stated in their testimony, historically speaking, demand for commercial municipal shellfish licenses is generally higher than the available number of licenses in a given municipality. Thus, there are typically waitlists, and often towns conduct lotteries for coveted commercial shellfish licenses. In addition, while state regulations

require that a minimum of 10% of licenses are allocated for non-residents, in practice many towns only allocate this minimum amount. Therefore, if someone is not a resident of a coastal municipality, their chances of obtaining a non-resident license are limited.

LD 1915 makes an honest attempt to ameliorate this limited access issue, while also balancing the impact that effort from an additional license may have on the shellfish resource, or local population. While the concept behind providing funding to towns who add a license for a disabled veteran is well intentioned, there are multiple issues with operationalizing a seeding program with a one-time investment, for example:

- There are often waiting periods and a limited supply of hatchery-grown clam seed. For species like hard-shell clams, seed is only available at 1- or 2-mm in size, which is extremely challenging to raise in the nursery stage. Many municipalities do not have the expertise, facilities, gear, or aquaculture leases required to raise seed in a nursery setting (e.g., upweller, lab, or floating nursery trays/bags). It is a very time- and resource-intensive process that often results in high mortality rates.
- Once clam seed is raised to a size where it can be broadcast or planted on the mudflats, existing research has shown that seeding without predator netting is futile, and even with netting (or other protection), there is often high mortality rates, especially with soft-shell clams. Netting is also a time intensive process that requires permits from the state and federal government, and they must be regularly maintained and removed before winter ice accumulates.
- Soft-shell and hard-shell clams take years to reach market size, so even if the above processes result in average mortality rates, a consistent stream of funding (i.e., annual or biannual) to repeat these nursery and grow out techniques would be necessary to continue to balance out the addition of new licenses.

Because of the reasons stated above, at this time, the ShAC does not believe that developing the program as described in LD 1915 would be feasible to administer in a meaningful way that would benefit an unknown number of disabled veterans in an unknown number of towns while having a net neutral impact on a tenuous shellfish resource. The linkage between adding an additional license and providing money for clam seed to increase the harvestable population is not supported by science. Alternatively, we encourage municipalities to consider the existing options already under their co-management authority to increase access to disabled veterans.

These options include, but are not limited to:

- Creating a new commercial license category for disabled veterans who meet certain conditions. The ordinance can be reflected to add this new license category and the definition of a disabled veteran. It can also consider the fate of this license if it is not claimed after so many months, and whether it would revert to the general commercial license allocation. If resident commercial licenses were created, municipalities would also need to add non-resident licenses for veterans to comply with the 10% rule.
- Municipalities could increase their non-resident license allocations.

- Municipalities could apply to philanthropic, state, or federal funding programs if they are interested in developing a seeding (or other conservation) program.
- Several municipalities currently have programs that allow active members of the military to retain their commercial shellfish license while they are deployed.

In closing, the ShAC appreciates the opportunity to provide feedback on LD 1915. We support Maine's veteran community, and we believe that municipalities already have the authority to address this issue, and indeed any licensing issue attempting to improve access for marginalized groups in their ordinances. These groups may include, but are not limited to, youth, non-residents of coastal towns, as well as black, indigenous, and people of color.

Sincerely,

Lewis Pinkham
Chair

Jessica Joyce
Vice-Chair

CC: Deirdre Gilbert, Director, Bureau of Policy and Management
Kohl Kanwit, Director, Bureau of Public Health and Aquaculture