

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

**BEFORE THE JOINT STANDING COMMITTEE ON INLAND FISHERIES AND
WILDLIFE**

IN OPPOSITION TO L.D. 441

**“An Act to Amend the Laws Governing Recreational Freshwater
Fishing with Respect to a Portion of Middle River in Marshfield and
Machias”**

SPONSORED BY: Representative Davis of East Machias

CO-SPONSORED BY: Representative STROUT of Harrington

DATE OF HEARING: March 8, 2023

Good afternoon Senator LaFountain, Representative Landry and members of the Inland Fisheries and Wildlife Committee. I am Francis Brautigam, Fisheries Director at the Department of Inland Fisheries and Wildlife, speaking on behalf of the Department, in opposition to **L.D. 441**.

A 1½ mile section of Middle River between the bridge at Marshfield Flats Road downstream to the mouth of Smelt Brook, is managed under special regulation by the Department for youth fishing, this special regulation includes those holding complimentary fishing licenses. Management in this special section is also supported by a brook trout stocking program and a two trout bag limit. There are multiple landowners abutting the river section that is managed for youth fishing. The nearby river section above the special youth area is also stocked and can be fished by anglers of all ages, including nearby property owners.

This bill proposes to enact an exemption for landowners and their family members to create special fishing privileges for select adults that conflicts with Department management objectives to create positive experiences for less skilled youth anglers learning to fish, as well as people with physical and cognitive disabilities. Furthermore, the creation of additional exemptions increases the complexity in the fishing laws which has been a subject of great public interest and concern and has taken significant effort by the Department to simplify fishing laws so as not to create barriers for the public to

fish. Another concern is the challenge warden service will face to enforce this exemption when trying to determine who are eligible landowners and family members.

When the creation of youth fishing opportunities is associated with private lands, such as the case in this location, the Department only creates and maintains those opportunities with support from the private landowners. If there is no longer landowner support to maintain the youth fishing opportunity on this section of Middle River, the Department would prefer to modify or remove the special youth fishing regulations rather than creating a unique exemption in law that is inconsistent with the intent of this youth angler development program. If this is no longer a youth fishing water, the hatchery stocking program in this location may also be suspended.

I would also like to offer that water specific changes as outlined in this bill are normally managed by the Department through its rule making authority consistent with the Administrative Procedures Act (APA). The rule making process allows the Department to integrate its publicly derived species goals and objectives with water specific angler and fish data to achieve the best outcome for the fisheries resource and the angling public. In the past, moving regulations for individual waters from rule into statute has proved cumbersome and created a fragmented and less effective approach to managing the fisheries resource.

The rulemaking process provides a venue more familiar to the public, is supported by broader outreach for increased public awareness and input during the traditional 30-day comment period. Agency public hearings are also convened at times more conducive to public participation. The Department also provides additional information on each proposal. Any changes advanced through the APA review process can also be aligned with printing of new law books.

I would be glad to answer any questions at this time or during the work session.