

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

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

IN OPPOSITION TO L.D. 537

“An Act to Remove the limits on Bass Fishing in Washington County Rivers”

SPONSORED BY: Representative Kenneth Jr. Davis of East Machias (by request)

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. 537**

This bill removes size, bag, and possession limits on bass in rivers within Washington County. While the bill 's intent is not disclosed, past conversations with the bill's proponent suggests a desire to increase juvenile sea-run Atlantic salmon survival by reducing predation losses caused by bass. The bill names just some Maine rivers that are a focus of Atlantic salmon recovery.

Bass are not native to Maine, are currently the state's second most preferred sportfish, and are very well established throughout the South Management Zone in the area that is a focus of this bill, where they are generally managed by the Department as a sportfish. Bass do compete with native fish and the Department remains concerned regarding the unauthorized expansion into other areas of Maine where they currently do not exist, particularly in the North Management Zone, where some of the state's most significant native brook trout and charr resources reside.

Over time, and more recently the Department has established “no size or bag limits for bass” (special code S-13 in the lawbook) on waters where new or recent unauthorized introductions of bass have established for the explicit purpose of creating public awareness. The establishment of liberal bass harvest regulations is a communication strategy to deter and discourage new unauthorized introductions and identify those populations that would not be actively conserved or enhanced by the Department.

While this special regulation does allow unlimited harvest of bass of all sizes and has value for messaging and creating public awareness; the regulation by itself is not an effective tool to reduce bass population size, particularly on the rivers that are requested in this bill. Any incidental angler harvest will not achieve a meaningful population reduction. It is recognized that some anglers perceive the no size or bag regulation as a feel-good measure that provides a

convenient opportunity for anglers to help solve a problem, falsely empowering anglers to believe tossing a few bass on the bank while trout fishing is helping. As I already mentioned the special S-13 regulation is more recently being applied by the Department for public messaging following a new introduction; not as a meaningful strategy to achieve population control/reduction.

There are several Washington County salmon rivers where the Department has already applied no size or bag limits to address past management concerns and create public awareness of recent unauthorized introductions. Most of the rivers referenced in this bill receive very low fishing pressure from anglers targeting brook trout and bass. The lack of angler use, and the prevalence of catch and release fishing practices further reduces opportunity to suppress bass. In addition, headwater lakes and ponds in these river systems are teeming with bass which will continue to colonize rivers that are a focus of this bill. This bill does not address the host of other sources of natural predation that may be collectively more impactful on juvenile salmon survival such as native pickerel, otter, mink, king fishers, cormorants, seals, mergansers, etc. Also, this bill does not address the key factors limiting Atlantic Salmon recovery, particularly marine survival.

The proposed bill will not achieve salmon recovery objectives, but it will add additional special regulations to an already thick fishing law book. There would also be a significant administrative task in digitally mapping all the additional rivers to support the Department's Fishing Laws Online Angling Tool used by anglers to navigate inland fishing laws. The proposed application of the special regulation is also inconsistent with the Department's current use of the regulation. Furthermore, directed conversations to state and federal agencies responsible for managing sea-run salmon recovery have indicated bass predation is not a significant factor limiting salmon recovery. The Department regularly meets with US Fish and Wildlife Service and the Department of Marine Resources to coordinate on any issues of shared concern.

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.

Any changes advanced through the APA review process does allow the Department to have a more fluid response and the timing can also be aligned with printing of new law books.

While the Department does not support this bill for reasons already outlined, if there is a desire by this committee to advance special fishing regulations for all bass rivers in Washington County, the Department would prefer to manage this request under its APA rule making process.

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