

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE
IN OPPOSITION TO L.D. 652**

“An Act To Modify Maine's Ice Fishing Laws with Respect to Cusk Fishing”

SPONSORED BY: Representative GRIGNON of Athens

CO-SPONSORED BY: Senator FARRIN of Somerset
Senator DAVIS of Piscataquis
Representative DRINKWATER of Milford
Representative MARTIN of Eagle Lake
Representative MASON of Lisbon
Representative ORDWAY of Standish
Representative PICKETT of Dixfield
Representative STETKIS of Canaan
Representative WADSWORTH of Hiram

DATE OF HEARING: February 25, 2019

Good morning Senator Dill, Representative Nadeau 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. 652**. This bill will change how often a person is required to tend a cusk line in the nighttime from at least once every hour to at least once every 24 hours.

Cusk or burbot are a native bottom dwelling fish managed by the Department as a recreational sportfish. Cusk are more vulnerable to winter anglers because they migrate to shallower lake areas to spawn during the middle of the ice fishing season. While cusk feed during the day time, they also feed at night, particularly dawn and dusk, when most anglers target them. Although other species of sportfish may feed in the evening and early morning (lake trout, brook trout, salmon, etc.) most are more active during daytime hours. The Department has adopted special regulations to support sportfishing for cusk during twilight hours that differ slightly from regulations that apply to the management of other sportfisheries (salmon, brook trout, lake trout, etc.), typically targeted during daytime hours.

The proposed change in line tending would allow anglers to set their line and then leave them unattended for up to 24 hours. This proposal is not consistent with Department efforts to enhance Maine's recreational sportfisheries, raises ethical questions, and is simply not enforceable.

Current ice fishing laws require immediate supervision of lines by the angler who set them, except that lines fished at night for cusk must be checked at least once every hour. This deviation from day time tending requirement was established, in part, because its dark fishing at night, complicating anglers' ability to see their traps and comply with the immediate supervision law that applies to all other sportfish during the day. Unlike other sportfish, cusk are not currently managed using size or bag limits. Other sportfish like salmon, lake trout, and brook trout are managed under size and bag limits, justifying prompt line tending requirements, particularly during the day. Lines set during the day for cusk are indiscriminate and will catch all sportfish, not just cusk.

The immediate supervision line tending requirements for Maine's sportfish are designed for quick release of non-legal size fish or species having bag limit restrictions. Current laws ensure that day time anglers promptly retrieve their catch, and if not legal to harvest, then returned alive to contribute to the future fishery. Fishery management efforts are compromised if anglers do not release sublegal fish alive and in good health, or if anglers effectively exceed bag limits by inadvertently killing stressed fish played out too long that may not become part of their legal harvest. The Department encourages anglers to be vigilant in exercising good ethical release practices that reduce fish stress and encourage survival of fish not harvested. Prompt line tending also minimizes the opportunity for hooked fish from getting permanently entangled in bottom cover (woody debris, rocks, etc.), resulting in loss of gear and likely death to the hooked fish. Because the Department manages fish like cusk as a sportfish, there is an expectation that anglers fish in a manner that is respectful of the resource. The current line tending requirements promote this type of desired behavior consistent with recreational sportfishing.

LD 652 would allow anglers to tend their fishing line only once every 24 hours, undermining all the above resource management considerations provided by the existing line tending requirements.

There will also be law enforcement challenges if anglers are only required to tend their lines once in 24 hours. For example, how would a game warden know who the absentee angler is that placed the traps, or have any idea what time the lines were set to determine if anglers complied with the proposed 24-hour line tending option. It would essentially create a default 24 hour tending law for all ice fishing.

These are the issues that concern the Department, and I would be glad to answer any questions at this time or during the work session.