



SHELLFISH CONSERVATION ORDINANCE TOWN OF STOCKTON SPRINGS, MAINE

Adopted by the Town of Stockton Springs

Amended: October 24, 2003

Amended: June 14 2008

Amended: June 17, 2017

Amended: June 16, 2018

Attested by: *Christina Hassapelis* Christina Hassapelis
Title: Town Clerk

- E. Securing and maintaining records of shellfish harvest from the town's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources.
- F. Recommending conservation closures and openings to the board of Selectmen or Council in conjunction with the Area Biologists of the Department of Marine Resources.
- G. Submitting an annual report to the Municipality and the Department of Marine Resources covering the above topics and all other committee activities.

4. Definitions:

- A. Resident: The term resident refers to a person who has been domiciled in this municipality for at least three months prior to the time his claim of such residency is made.
 - B. Non-resident: The term non-resident means anyone not qualified as a resident under this Ordinance.
 - C. Shellfish, clams or Intertidal Shellfish Resources: When used in the context of the Ordinance, the words "shellfish" and "intertidal shellfish resources" mean soft shell clams (*Mya arenaria*), quahogs, surf clams and oysters. "Clams" mean soft shell clams, quahogs and surf clams.
 - D. Municipality: Refers to the Town of Stockton Springs, Maine.
- 5. Licensing:** Municipal Shellfish Digging License is required. It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by this Ordinance.

A. Designation. Scope and Qualifications:

- 1. Resident Commercial Shellfish License: The license is available to residents of the Town of Stockton Springs and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities.
- 2. Non-resident Commercial Shellfish License: The license is available to nonresidents of this municipality and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.

- D. Limitation of Diggers: Clam resources vary in density and size distribution from year to year and over the limited shellfish producing area of the town. It is essential the town carefully husband its shellfish resources. Following the annual review of the town's shellfish resources, its size distribution, abundance and the warden's reports, as required by Section 3, the Shellfish Conservation Committee, in consultation with DMR Area Biologist, will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year.
1. Prior to May 1st, the committee shall report its findings and document recommendations for the allocation of commercial and recreational licenses to be made available for the following license year to the Commissioner of Marine Resources for concurrence.
 2. After receiving approval of proposed license allocations from the Commissioner of Marine Resources and prior to May 15th the Shellfish Conservation Committee shall notify the Town Clerk in writing of the number and allocation of shellfish licenses to be issued.
 3. Notice of the number of licenses to be issued and the procedure for application shall be published in trade or industry publication or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected.
 4. The Town Clerk shall issue licenses to residents and nonresidents as allocated from June 1st to July 31st, after which licenses shall be issued to residents and nonresidents on a first-come first-serve basis. Applicants must apply in person for all except the 72 hour licenses as allowed under Section 5.A.5.
 5. Licenses may be returned to the town voluntarily and reissued to another person at the current fee according to the priorities established in this section.
 6. Digging is only allowed during the daylight hours, between sunrise and sunset. Night digging is prohibited.
- E. License Expiration Date: Each license issued under authority of this Ordinance expires at midnight on the 31st day of May next, following the date of issuance.

Upon recommendations of the Shellfish Conservation Committee and concurrence of the Department of Marine Resources Area Biologist that the status of the shellfish resources and other factors bearing on sound management indicate that an area should be opened or closed, the Municipal Officers may call a public hearing, and shall send a copy of the notice to the Department of Natural Resources. The decision of the Municipal Officers made after the hearing shall be based on findings of fact.

7. **Minimum Legal Size of Soft Shell Clams:** It is unlawful for any person to possess soft shell clams within the Town or Township of Stockton Springs, County of Waldo, State of Maine, which are less than two (2) inches in the longest diameter except as provided by subsection B of this section.

A. **Definitions:**

1. **Lot:** The word "lot" as used in this Ordinance means that total number of soft shell clams in any bulk pile. Where soft shell clams are in a box, barrel or other container, the contents of each box, barrel, or other container constitutes a separate "lot".
2. **Possess** For the purpose of this section, possess means, dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale soft shell clam stock

B. **Tolerance:** Any person may possess soft shell clams that are less than two (2) inches if they comprise less than ten percent (10%) of any lot. The tolerance shall be determined by numerical count of not less than one (1) peck nor more than four (4) pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one (1) peck.

C. **Penalty:** Whoever violates any provision of this section shall be punished as provided by 12 M.R.S.A. Section 6681.

8. **Penalty:** A person who violates this Ordinance shall be punished as provided by 12 M.R.S.A., Section 6671.

9. **Effective Date:** This Ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the Municipality provided a certified copy of the Ordinance is filed with the Commissioner within twenty (20) days of its adoption.

10. **Period of Ordinance:** This Ordinance shall remain in effect until repealed by the Town of Stockton Springs or rescinded by the State of Maine.

11. **Separability:** If any section, subsection, sentence or part of this Ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this Ordinance.