

SHELLFISH CONSERVATION ORDINANCE TOWN OF JONESBORO, MAINE

1. Authority: This ordinance is enacted in accordance with 12 M.R.S.A. Section 6671.

2. Purpose: To establish a shellfish conservation program for the Town of Jonesboro which will insure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means may include:
 - A. Licensing
 - B. Limiting the number of shellfish harvesters.
 - C. Restricting the time and area where digging is permitted.
 - D. Limiting the minimum size of clams taken.
 - E. Limiting the amount of clams taken daily by a harvester.

3. Shellfish Conservation Committee: The Shellfish Conservation Program for the Town of Jonesboro, State of Maine, which will be administered by the Shellfish Conservation Committee, consisting of 5 or more to be appointed by the Board of Selectmen for a term of one (1) year. The Selectmen are also part of the committee. The Committee's responsibilities include:
 - A. Surveying each clam producing area at least once (1) each three (3) years to establish size distribution and density and annually estimating the status of the Town's shellfish resources.
 - B. Submitting to the Board of Selectmen proposals for the expenditures of funds for the purpose of shellfish conservation.
 - C. Keeping this ordinance under review and making recommendations for it's amendments.
 - D. Securing and maintaining records of shellfish harvest from the Town's managed shellfish areas and closed areas that are conditionally opened by the Maine Department of Marine Resources.
 - E. Recommending conservation closures and openings to the Board of

Selectmen or Council in conjunction with the area biologists of the Maine Department of Marine Resources.

- F. Submitting an annual reports to the Municipality and the Maine Department of Marine Resources covering the above topics and all other committee activities.

4. Definitions:

- A. Resident: The term “resident” refers to any person who has been domiciled in this municipality for at least three (3) months next prior to the time their claim of such residence is made.
- B. Nonresident: The word “nonresident” means any person not qualified as a resident under this ordinance. It will also mean any person that moved from this municipality to another municipality. That license will be revoked immediately.
- C. Shellfish, Clams, and Intertidal Shellfish Resources: When used in the context of this ordinance the words “shellfish”, “clams”, and “intertidal resources” mean soft shell clams, Mya arenoria.
- D. Municipality: Refers to the Town of Jonesboro, Maine.
- E. Licensing: Municipality shellfish Digging License is required. It is unlawful for any person to dig or take any shellfish from the shores and or flats of this municipality as provided by this ordinance.

5. A. Designation, Scope, and Qualifications:

- 1) Resident Commercial Shellfish License: The license is available to the residents of the Town of Jonesboro and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.
- 2) Nonresident Commercial Shellfish License: The license is available to the holder to dig and take any amount of shellfish from the shores and flats of this municipality. Said Nonresident Commercial Shellfish Licenses issued shall number no more than ten percent (10%) of all Resident Commercial Shellfish licenses. Open license Sales: Ref.5D.
- 3) Resident Senior Commercial Shellfish License: The license is available to residents of the town of Jonesboro, age 65 to 70 and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.

4. Nonresident Senior Commercial Shellfish License: The license is available to nonresidents of the town of Jonesboro, age 65 to 70 and entitles the holder to dig and take any amount of shellfish from shores and flats of this municipality. Said Nonresident Senior Commercial shellfish Licenses issued shall number no more than ten (10%) of all Resident Senior Commercial Shellfish licenses.
5. Complimentary Resident Shellfish License: The license is available to residents of the Town of Jonesboro, age 71 and older and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.
6. Nonresident Complimentary Commercial Shellfish license: The license is available to nonresidents of the Town of Jonesboro, age 71 and older and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality. Said Nonresident Complimentary Commercial Licenses issued shall number no more than (10%) of all Resident Complimentary Commercial Shellfish Licenses.
7. Resident Junior Commercial Shellfish License: The license is available to residents of the Town of Jonesboro, age eighteen (18) or under and in good standing in high school, and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.
8. Nonresident Junior Commercial Shellfish license: The license is available to nonresidents of the Town of Jonesboro, age (18) or under and in good standing in high school, and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality. Said nonresident Junior Commercial Shellfish Licenses shall number no more than ten percent (10%) of all resident Junior Commercial Licenses.
9. Resident Recreational shellfish License: The license is available to residents and real estate taxpayers of the Town of Jonesboro and entitles the holder to dig and take no more than one (1) peck of shellfish in any one (1) day for use of themselves and their family from the shores and flats of this municipality.
10. Nonresident Recreational Shellfish License: The license is available to nonresident of the Town of Jonesboro and entitles the holder to dig and take no more than one (1) peck of shellfish in any one (1) day for use of themselves and their family from the shores and flats of this municipality.
11. License Must Be Signed: The licensee must sign the license to make it valid.
12. One License: No person shall possess more than one (1) Town of

Jonesboro Commercial License.

13. 13. Holders of State Commercial Shellfish Licenses: If during the year the applicant's State Commercial Shellfish License is suspended, it will immediately suspend the corresponding license from the Town of Jonesboro. If the applicant holds a State Commercial Shellfish License, they can not purchase a Recreational License from the Town of Jonesboro.

- B. Application Procedure: Any person may apply to the Town Clerk for the licenses required by this ordinance on forms provided by the municipality.
- 1) Contents of the Application: The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature, and whatever information the municipality may require.
 - 2) Misrepresentation: Any person who gives false information on a license application will cause said application to become invalid and void.
- C. Fees: The fees for the licenses must accompany in full the application for the respective license. The Town Clerk shall pay all fees received to the Town treasurer except for one dollar (\$1.00) for each license. Fees received for shellfish licensing shall be used by the Town for shellfish management, conservation, and enforcement. No refund of license fees.
- D. Limitation of Harvesters:
- Open License Sale: When the Shellfish Conservation Committee determines limiting shellfish licenses is not an appropriate shellfish management option one or more license categories for the following year:
- 1) Notice of the date, place, times and the procedure for the license sale shall be published in a trade or industry publication, or in a newspaper or combination of newspaper with general circulation, which the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the initial sale date and shall be posted in the municipal office. A copy of the notice shall be provided to the Commissioner of Marine Resources.
 - 2) On the first day of license sales, the total number of non-resident licenses shall be issued in accordance with DMR Regulations Chapter 7.4, sections 1, 2, and 3. Thereafter, non-resident licenses will be issued in accordance with the 10% rule as described in 12 M.R.S.A. subsection 6671 (3-E). For each commercial license category, the Town Clerk shall issue one License to a nonresident when six licenses are issued to residents and one more to nonresidents when four more are issued to residents, thereafter, one nonresident license will be issued for every ten additional license issued. For each recreational license

category, the Town Clerk shall issue one license to a resident and one to a nonresident; thereafter, one nonresident license will be for every ten additional resident licenses issued.

- 3) Prior to March 1 the Town shellfish Conservation Committee, with the approval of the Commissioner of Marine resources, will establish the number of commercial and non commercial licenses to be permitted following the requirements of 12 M.R.S.A. section 6671 (3).
- 4) The Shellfish Conservation Committee will notify the Town Clerk in writing that Commercial Shellfish licenses will be made available prior to May 1.
- 5) The Clerk of the Town of Jonesboro shall make available Commercial Shellfish Licenses to the residents of the Town of Jonesboro the 4th Monday in May. Also the Clerk of the Town of Jonesboro shall make available Commercial Shellfish Licenses to nonresidents from June 1. Said Nonresident Commercial Shellfish Licenses shall number no more than ten percent (10%) of all Resident Commercial Licenses.

E. License Dates: Shellfish Licenses will be valid from June 1st of the current year of issue and expires at midnight on the 31st day of May next following date of issue.

F. Reciprocal Harvesting Privileges: Licenses from any other municipality co-operating with this municipality on a joint shellfish management program may harvest shellfish according to the terms of their licenses.

G. Suspension: Any Shellfish Licensee having three (3) convictions for a violation of this ordinance shall have their license automatically suspended for a period of thirty (30) days.

- 1) A licensee whose Shellfish License has been suspended pursuant to this ordinance may reapply for a license only after the suspension period has expired.
- 2) The suspension shall be affective from the date of mailing of a Notice of Suspension by the Town Clerk to the Licensee.
- 3) Any licensee whose Shellfish License has automatically been suspended pursuant to this section shall be entitled to a hearing before the Shellfish Conservation Committee upon the filing of a written request for a hearing with the Town clerk within thirty (30) days following the affective date of the suspension. The Licensee may appeal the decision of the Shellfish Conservation Committee by filing a written request for appeal with the Town clerk within seven (7) days of the decision of the Shellfish Conservation Committee.

6. Aiding and Abetting: If a person holding any type of Shellfish License is caught helping another person that does not hold a shellfish license, either in getting a shellfish license or in digging and taking of shellfish from the shores and flats of

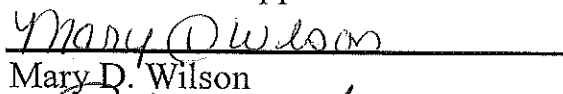
the Town of Jonesboro, that holder will have his shellfish license suspended for the remaining time left on their license. If the warden has any questions or finds any problem with the license it will be surrendered until a hearing.

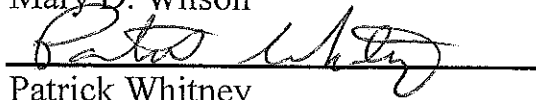
7. Opening and Closing of Flats: The Municipal Officers, upon the approval of the Commissioner of Marine resources, may open and close areas for shellfish harvest. Upon recommendation of the Shellfish Conservation Committee and concurrence of the Maine Department of Marine Resources area biologist that the status of the shellfish resource and other factors, bearing on sound management, indicates that an area should be opened or closed. The Municipal Officers may call a public hearing on ten (10) days notice published in a newspaper having general circulation in the Town, stating the time, place, and subject matter of the hearing, and shall send a copy of the notice to the Maine Department of Marine Resources. The decision of the Municipal Officers made after the hearing shall be based on finding of fact. Public notice of municipal conservation closures or openings will be provided through publishing, advertising, and/or posting official notices in public places five (5) days prior to initial openings or closures.
8. Minimum Legal Size of Soft Shell Clams: It is unlawful for any person to possess soft shell clams within the Town of Jonesboro, Washington County, 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 the total number of 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 to dig, take, harvest, ship, transport, hold, buy, and sell retail and wholesale soft shell clam shell 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 count of the entire lot if it contains less than one (1) peck.
 - C) Penalty: Whoever violates any provision of this shall be punished as provided by 12 M.R.S.A. section 6671.
9. Penalty: Any person who violates this ordinance shall be punished as provided by 12 M.R.S.A. Section 6671.
10. 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.

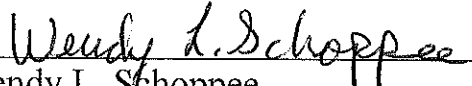
11. Separability: If any section, subsection, sentence, or part of this ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of the ordinance.
12. Repeal: Any ordinance regulating the harvesting or conservation of shellfish in the Town and any provisions of any other Town ordinance which is inconsistent with this ordinance is hereby repealed.


Michael C. Schoppee


Mary D. Wilson


Patrick Whitney
Board of Selectmen
Town of Jonesboro, Maine

Passed at Jonesboro Town Meeting Dated 4/14/22

ATTEST: 
Wendy L. Schoppee
Town Clerk