

# **SOUTH BRISTOL SHELLFISH ORDINANCE**



TRUE COPY ATTEST  
*Jim Barbera*

**ADOPTED MARCH 10, 2026**



**TOWN OF SOUTH BRISTOL**  
**SHELLFISH CONSERVATION ORDINANCE**  
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1. **AUTHORITY:**

This ordinance is enacted in accordance with 12MRSA Section 6671.

2. **PURPOSE:**

To establish a shellfish conservation program for the Town of South Bristol, which will ensure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include: A. Licensing

- B. Limiting the number of shellfish harvesters.
- C. Restricting the number and area where digging is permitted. D. Limiting the minimum size of shellfish taken.
- E. Limiting the amount of shellfish taken daily by a harvester.

3. **SHELLFISH CONSERVATION COMMITTEE:**

The shellfish conservation program for the TOWN OF SOUTH BRISTOL will be administered by the Shellfish Conservation Committee, consisting of five (5) regular members and two (2) alternate members to be appointed by the select board, with terms of three (3) years.

**THE COMMITTEE'S RESPONSIBILITIES INCLUDE:**

- A. Establishing annually, in conjunction with the Department of Marine Resources, the number of shellfish harvesting licenses to be issued.
- B. Reviewing annually the status of the resource using the results of clam flat, harvester or dealer surveys, and other sources of information. Also preparing in with and subject to the approval of the department, a plan for implementing conservation measures.
- C. Submitting to the Select Board proposals for the expenditures of funds for the purpose of shellfish conservation.
- D. Keeping this ordinance under review and making recommendations for its amendments.
- E. Securing and maintaining records of shellfish harvest from the towns managed shellfish areas, and closed areas that are conditionally opened by the Department of Marine Resources,
- F. Recommending conservation closures and openings to the Select Board or Council in conjunction with 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.
- H. Committee members must attend 50% of meetings annually to receive their eight hours conservation credit and remain on the committee.

4. DEFINITIONS:

- A. **RESIDENT**: The term "resident" refers to a person who has been a resident and resides in this municipality for at least one (1) year prior to the time his/her claim of such residence is made.
- B. **NON-RESIDENT**: The word "non-resident" means anyone not qualified as a resident under this ordinance.
- C. **SHELLFISH CLAMS AND INTERTIDAL SHELLFISH RESOURCES**: When used in the context of this ordinance the words "shellfish clams", and "intertidal shellfish resources" refers to soft-shell clams (*Mya arenaria*), Razor clams (*Ensis directus*), Quahog, or hard-shell clams (*Mercenaria mercenaria*), and American Oysters (*Crassostrea virginica*).
- D. **MUNICIPALITY**: Refers to the TOWN OF SOUTH BRISTOL, MAINE

5. LICENSING: Municipal shellfish digging licenses are required. It is unlawful for any person to harvest or take shellfish from 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**: This license is available to residents of the Town of South Bristol, who have completed their required 8 hours of conservation time. it entitles the license holder to harvest and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities.  
Anyone who moves out of town and resides in another community for over 90 days may have their Town shellfish license revoked by the municipal warden, for the rest of the calendar year. The shellfish committee will then hold that license and not reissue for that calendar year.
- 2. **NON-RESIDENT COMMERCIAL SHELLFISH LICENSE**: This license is available to nonresidents of this municipality, who have completed their required conservation time of 8 hours. This license entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities.
- 3. **RESIDENT STUDENT COMMERCIAL SHELLFISH LICENSE**: This license is available to resident students enrolled in a primary or secondary education program from kindergarten through 12<sup>th</sup> grade. It is encouraged to complete 4 hours of conservation work.
- 4. **NON-RESIDENT STUDENT COMMERCIAL SHELLFISH LICENSE**: This license is available to non-resident students enrolled in a primary or secondary education program, from kindergarten through 12<sup>th</sup> grade. It is encouraged to complete 4 hours of conservation work.
- 5. **RESIDENT RECREATIONAL SHELLFISH LICENSE**: This license is available to residents and real estate taxpayers of this municipality and entitles the holder to harvest and take no more than one peck of shellfish in any one day for personal use. A person holding a Maine state commercial shellfish license may not be issued or hold a resident or non-resident recreational shellfish harvest license.
- 6. **NON-RESIDENT RECREATIONAL SHELLFISH LICENSE**: This license is available to nonresidents of this municipality and entitles the holder to harvest and take no more

than one peck in any one day for person use. A person holding a Maine Commercial license may not be issued or hold a resident or non-resident recreational shellfish harvest license.

7. Educational License: This license will allow someone to dig clams for one day. This is a ONE DAY PASS. Maximum harvest of one (1) peck is allowed. A person may purchase this license five (5) times throughout the Calendar year.
8. LICENSES MUST BE SIGNED. The license must be signed to make it valid.

B. APPLICATION PROCEDURE: After completing eight (8) hours of conservation work as described and verified by the Shellfish Conservation Committee, applicants from all commercial harvesting categories, 5. A1-4 of this ordinance, may apply to the Town Clerk for the license required. Forms are provided by the municipality.

1. CONTENTS OF THE APPLICATION: The application must be in the form of an affidavit, and must contain the applicants' 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 license to become invalid and void.
3. FEES: The Town Clerk shall pay all fees to the Town Treasurer, except for \$1.00 for each license which will be retained by the Clerk as payment for issuing the license. Fees received for shellfish licensing shall be used by the Town for shellfish management, conservation and enforcement.

C. LICENSE ALLOCATION PROCEDURE:

License sales procedures shall be determined by the Shellfish Conservation Committee and submitted to the Department of Marine Resources for their approval at least thirty (30) days prior to the date of issuance. Notice of the number of licenses to be issued and the procedure for application shall be defined annually by the Municipal License Allocation Request.

1. Prior to November 15<sup>th</sup>, and upon the approval of the Commissioner of Marine Resources, the Shellfish Conservation Committee will establish the number of licenses to be permitted, following the requirements of 12 MRSA SECTION 6671(3-A)(E)
2. The Shellfish Conservation Committee will notify the Town Clerk, in writing prior to December 1<sup>st</sup> the number of licenses to be issued.
3. Notice of number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, whichever the municipal officers consider effective in reaching persons affected, not less than ten (10) days prior to the period of issuance, and shall be posted in the municipal offices until the period concludes.
4. Licenses may be returned to the town voluntarily and held by the town for the remainder of the calendar year.

D. LIMITATION OF DIGGERS: The Shellfish Conservation Committee will determine whether limiting shellfish licenses is an appropriate management option based on an annual review of the town's shellfish resources as described in Section 3.B. The number of licenses issued may

be limited and will be issued according to the Municipal License Allocation Request as approved by the Department of Marine Resources.

1. **Limited License Sales:** If it is determined that Limited Licenses are necessary, the Town Clerk shall issue licenses to residents and non-residents as allocated from January 1<sup>st</sup> or the next business day and then for the first 90 days, after which licenses shall be sold without regard to residency on a first-come first-serve basis or by lottery.
2. **Open license sales:** When the Shellfish Conservation Committee determines limiting shellfish licenses is not an appropriate shellfish management option for one or more license categories for the following year:
  - a. The Town Clerk shall issue licenses as allocated. 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(2). Thereafter, non-resident licenses will be issued in accordance with the 10% rule as described in 12 M.R.S.A.6671(3-A)(E)

**E LICENSE EXPIRATION DATE:** Each license issued under authority of this ordinance expires at midnight on the 31<sup>st</sup> day of December of that calendar year.

**F. RECIPROCAL HARVESTING PRIVILEGES:** After approval of a reciprocal clam harvesting agreement by the Shellfish Conservation Committee and Select Board of this municipality, licenses from other cooperating municipalities may harvest shellfish according to the terms of their licenses until this ordinance expires.

**G. RECREATIONAL SHELLFISH LICENSE:** Recreational shellfish license fees will be waived for applicants 12 years or younger, and 65 years or older will be issued a lifetime license.

**H.** Any shellfish licensee having two (2) convictions for a violation of this ordinance or state law concerning the harvest of shellfish, shall have his/her shellfish license automatically suspended for a period of six (6) months.

1. A licensee whose shellfish license has been suspended pursuant to this ordinance may re-apply for a license, only after the suspension period has expired.
  2. The suspension shall be effective from the date of mailing the 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 effective date of suspension. The licensee may appeal the decision of the Shellfish Conservation Committee before the Select Board, by filing a written request for appeal with the Town Clerk within seven (7) days of the decision of the Shellfish Conservation Committee.
- i. Municipal shellfish license applicants who complete conservation time (or conservation hour activities) in order to be eligible for a municipal shellfish license, shall remain eligible until they have been issued or offered a shellfish license by the municipality so long as the applicant applies annually for the license (Chapter 7.40 (4)). Conservation dates and times will be chosen by the Shellfish Committee, 2 days will be offered with 2 make-up days during the year.

6. **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. The Shellfish Conservation Committee and the Department of Marine Resources Scientist consider the status of shellfish resources and other factors bearing on sound management in deciding if an area should be opened or closed. The Municipal Officers may call a public hearing on ten (10) day notice. The hearing will be published in a newspaper, having general circulation in the town, stating the time, place and subject matter of the hearing, and they shall send a copy of the notice to the Department of Marine Resources. The decision made after the hearing of the Municipal Officers shall be based on findings of fact.

7. **MINIMUM LEGAL SIZE OF SOFT-SHELL CLAMS:** It is unlawful for any person to possess softshell clams within the Town of South Bristol, Lincoln County, 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 Soft-shell clams in any bulk pile. When 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, "posses" means dig, take, harvest, ship, transport, hold, buy, and sell retailed and wholesale soft-shell stock.
- B. **TOLERANCE:** Any person may possess soft-shell clams that are less than two (2) inches if they make up less than 10% of any lot.
- C. **PENALTY:** A person who violates any provision of this section shall be punished provided by 12MRSA, Section 6681.
8. **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 adoption.
9. **SEPARABILITY:** If any section, subsection, sentence or part of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.
10. **REPEAL:** Any ordinance regulating the harvest or conservation of shellfish in the town, and any provisions of any other town ordinance which is inconsistent with this ordinance is hereby repealed.