

MAINE STATE LEGISLATURE

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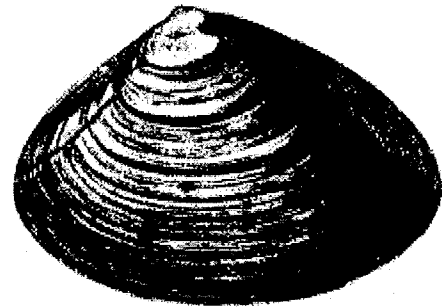


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Department of Marine Resources

Municipal Clam anagement



**A Municipal/State
Cooperative Partnership**

Revised March 2005



Introduction

Management of Maine's softshell clam resource is a joint responsibility between the State and its municipalities. In 1963, Maine enacted legislation that authorized municipalities to enact shellfish ordinances, subject to the approval of the Commissioner of Marine Resources.

Municipalities that assume this management responsibility do so with the understanding that they must meet certain statutory and regulatory requirements.

The purpose of this manual is to clarify program elements and responsibilities, and thus, improve program compliance.

"Management: the judicious use of means to accomplish an end."

Webster

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Table of Contents

1. The Laws

- Municipal Authority
- State of Maine Statute 6671
- DMR Regulation - Chapter 7

2. Clam Management

- Goals, Activities, Tools
- **Quick Reference Timeline/Planner**

3. Municipal Administration

- Board of Selectmen/Council
- Shellfish Committee
- Town Clerk
- Conservation Officer/ Warden

4. Conservation Officer/ Warden/

- Sample Nomination/Certification Form
- Sample Job Descriptions
- Sample Shellfish Log Sheet
- Sample Certification of Measure
- Chapter 4 – Rules for Certification, Recertification & Revocation of Wardens

5. The State's Role

- Natural Resources Trustee
- DMR: Authority and Responsibility
- DMR: Administration
- Municipal Authority

6. Municipal Shellfish Management Plan

7. License Allocation/Application

8. Conservation Closures/Transplanting Procedures

- Requirements for Implementing Conservation Closures
- Clam Transplant Permit Application

9. Annual Shellfish Management Review

10. Reporting Forms and Procedures (additional blank forms)

- Municipal Shellfish Management Plan
- Certification/Nomination of Shellfish Conservation Warden/Officer
- Municipal Shellfish License Allocation Application
- Shellfish Closures/Openings/Transplant Permit Application
- Enforcement Activities Report – January 1st to June 30th

11. Appendix

- DMR Telephone Directory
- Model Ordinance & Listing of Towns with Ordinances
- Maine Softshell Clam Advisory Council Members
- Landing Statistics

The Laws

I. Maine Statute - Title 12 M.R.S.A. Chapter 623 Article 4 §6671

"Municipal Shellfish Conservation Programs"

- authorizes a municipality to adopt a shellfish conservation ordinance
- authorizes DMR to promulgate regulations setting the criteria for clam management programs (see Appendix)

II. Regulation - Marine Resources Regulations Chapter 7

"Requirements for Municipalities Having Shellfish Conservation Programs"

- establishes the criteria for adopting an ordinance
- is enacted by DMR through the public hearing process

III. Municipal Ordinance - Based on Model Shellfish Conservation Ordinance (see Appendix)

- establishes the rules for conducting a management program
- is enacted by the municipality through the town meeting/council vote

§6671. Municipal shellfish conservation programs

1. Municipal funds. Any municipality may, by vote of its legislative body, raise and appropriate money for the implementation of a shellfish conservation program.

2. Municipal program and ordinance. Any municipality may, by vote of its legislative body, adopt, amend or repeal a shellfish conservation ordinance as provided by this section. A municipality may establish a municipal shellfish management committee to administer a municipal program.

3. Shellfish conservation ordinance. The following provisions govern a shellfish conservation ordinance.

A. Within any area of the municipality, a shellfish conservation ordinance may:

- (1) Regulate or prohibit the possession of shellfish;
- (2) Fix the amount of shellfish that may be taken;
- (3) Provide for protection from shellfish predators; and
- (4) Authorize the municipal officials to open and close flats under specified conditions.

B. An ordinance must limit the size of soft-shell clams in accordance with article 5.

C. Except as provided in section 6621, subsection 3, paragraph C, a program or ordinance may not allow surveying, sampling or harvesting of shellfish in areas closed by regulation of the commissioner.

3-A. Shellfish conservation licensing. A shellfish conservation ordinance may fix the qualifications for a license, including municipal residency, subject to the following provisions.

A-1. The following exceptions apply.

- (1) An individual is not required to hold a shellfish license issued by the commissioner under section 6601 in order to obtain a municipal commercial license.
- (2) A municipality may issue licenses under this section regardless of whether or not the area has been closed by the commissioner.
- (3) An individual taking shellfish from a closed area for depuration under a depuration certificate issued by the commissioner is not required to hold a municipal shellfish license.

B. A shellfish conservation ordinance may fix license fees as follows.

- (1) If the ordinance sets a fee of \$200 or less for a resident license, the fee for a nonresident license may not exceed twice the resident fee.
- (2) If the ordinance sets a fee of more than \$200 for a resident license, the fee for a nonresident license may not exceed 1 1/2 times the resident fee.

C. Application methods and procedures for licenses may be determined by the shellfish conservation ordinance subject to the provisions of this section. Notice of the number and the procedure for application must be published in a trade or industry publication or in a newspaper or combination of newspapers with general circulation that the municipal officers consider effective in reaching individuals affected not less than 10 days prior to the period of issuance and must be posted in the municipal offices until the period of issuance concludes. The period of issuance for resident and nonresident licenses must be the same. Subsequent to the period of issuance, the municipality shall make any resident or nonresident licenses not granted during the period available to residents or nonresidents.

D. Except as otherwise provided in this section, a shellfish conservation ordinance may not discriminate between resident license holders and nonresident license holders.

E. A licensing authority shall provide and reserve a minimum number of commercial licenses for nonresidents. The number of nonresident commercial licenses may not be less than 10% of the number of commercial licenses provided for residents. When the number of resident commercial licenses is fewer than 10 but more than 5, at least one nonresident commercial license must be provided. When the number of resident commercial licenses is 5 or fewer, nonresident commercial licenses are not required.

F. When 2 or more municipalities have entered into a regional shellfish management agreement pursuant to subsection 7, the combined total number of commercial licenses for nonresidents provided by those municipalities must be a number not less than 10% of the combined total number of commercial licenses issued for residents. When the combined total number of resident commercial licenses is fewer than 10 but more than 5, at least one nonresident commercial license must be provided. When the combined total number of resident commercial licenses is 5 or fewer, nonresident commercial licenses are not required.

G. Repealed

G-1. A licensing authority that issues recreational licenses to residents shall also make available to nonresidents recreational licenses. The number of nonresident recreational licenses may not be less than 10% of the number of recreational licenses issued to residents.

For the purposes of this paragraph, "recreational license" means a license that authorizes a person to take or possess shellfish only for personal use.

For purposes of this subsection, "licensing authority" means a municipality or 2 or more municipalities that have entered into a regional shellfish management agreement pursuant to subsection 7.

4. Adoption requirements. Shellfish conservation ordinances may be adopted under this section by municipalities or unorganized townships.

A. Prior to adopting an ordinance, a municipality or unorganized township shall raise or appropriate money for a shellfish conservation program.

B. An ordinance proposed by a municipality or unorganized territory under this section must be approved in writing by the commissioner prior to its adoption, except that the commissioner may not withhold approval based on the amount of license fees specified in an ordinance.

C. Unorganized townships may adopt ordinances if:

(1) At least 10 inhabitants have petitioned the county commissioners to adopt the ordinances;

(2) The county commissioners of the townships have held a public hearing with at least 7 days' prior notice in one of the affected townships; and

(3) A majority of the inhabitants eligible to vote voting at referendum approve the ordinances.

The county commissioners act as the municipal legislative body within unorganized townships that have elected to adopt ordinances under this section.

4-A. State parks. The commissioner shall consult with the Commissioner of Conservation in review of any municipal ordinance that affects intertidal areas located within state parks. The commissioner may not approve any ordinance that threatens any important resources or provides insufficient opportunity for recreational shellfish harvesting within state parks.

4-B. Management program approval. The commissioner may adopt rules that set the criteria that municipal shellfish conservation programs and ordinances must meet in order to be approved by the commissioner.

5. Period of ordinance. Ordinances or amendments to an ordinance adopted under this section remain in effect until repealed by the municipality or rescinded by the commissioner. A certified copy of the ordinance or amendment to the ordinance must be filed with the commissioner within 20 days of its adoption. If a copy of the ordinance or an amendment to the ordinance is not filed within 20 days, the ordinance reverts to the ordinance previously in effect until the new ordinance or amendment is filed.

6. Municipality defined. For the purposes of this section, municipality includes:

A. Village corporations; and

B. The combined towns of Yarmouth and North Yarmouth.

7. Joint programs; reciprocal privileges. Municipalities may enter into regional shellfish management agreements with other municipalities and adopt regional shellfish management programs. The agreements, and the programs and ordinances adopted under them, are subject to the same requirements as municipal programs and ordinances. Resident privileges of one municipality in a regional shellfish management agreement may be extended to the residents of

other municipalities in the agreement. A regional shellfish management committee comprised of at least one resident from each municipality named in the regional agreement may be established to administer a regional program.

8. Local enforcement. The following provisions apply to enforcement.

A. A municipality that enacts an ordinance under this section is responsible for enforcing it.

B. Any municipal shellfish conservation warden appointed by a municipality to enforce the provisions of this article must be certified by the commissioner within one year of the warden's appointment. The commissioner shall establish a program to provide shellfish conservation training in principles of shellfish conservation, management, enforcement and protection and shall establish standards for certification of municipal conservation wardens upon their satisfactory completion of the training program. The program must include training in sampling techniques for the detection of pollutants and contaminants in shellfish areas. The commissioner may establish by rule procedures for certification, recertification and revocation of certification. The commissioner may revoke a certificate for failure of the warden to comply with performance standards.

C. A certified municipal shellfish conservation warden shall enforce the shellfish ordinances of the municipality employing the warden and, if the warden is authorized by the municipality and meets the training requirements of Title 25, section 2804-I, the warden may arrest all violators. The warden may serve all process pertaining to the ordinance. The warden also has, within that warden's jurisdiction, the powers of a marine patrol officer provided in section 6025, subsection 4 and the authority to enforce section 6621. All of the powers conferred in this subsection are limited to the enforcement of a municipal shellfish conservation ordinance and section 6621.

At the commissioner's request, a certified municipal shellfish conservation warden may collect samples and otherwise assist the department in the detection of pollutants and contaminants. The commissioner is not required to conduct tests on samples not requested by the commissioner.

9. Repealed

10. Criminal penalty. A person who violates a provision of a municipal ordinance adopted under this section commits a Class D crime punishable by the following fines:

- A. For harvesting shellfish from an area closed for conservation purposes:
- (1) For the first offense by a commercial license holder, a fine of not less than \$300;
 - (2) For subsequent offenses by a commercial license holder, a fine of not less than \$500 and not more than \$1,500;
 - (3) For the first offense by a recreational license holder, a fine of not less than \$100; and
 - (4) For subsequent offenses by a recreational license holder, a fine of not less than \$100 and not more than \$500; or

B. For violating any other provision of a municipal ordinance adopted under this section, a fine of not less than \$100 and not more than \$1,500.

The court may not suspend a fine imposed under this subsection or impose a penalty other than the monetary payment of a fine as provided in this subsection. For purposes of this subsection, "recreational license" means a license that authorizes a person to take or possess shellfish only for personal use. A fine for a violation of article 5 must be as provided by section 6681.

10-A. Civil penalty. A person who harvests shellfish without a municipal shellfish license or in violation of a license restriction commits a civil violation for which the following fines may be adjudged:

A. For harvesting shellfish without a municipal shellfish license:

(1) For commercial purposes, a fine of not less than \$300 and not more than \$1,500. Possession of more than one peck of clams without a license is prima facie evidence of a violation of this subparagraph; and

(2) For personal use, a fine of not less than \$100 and not more than \$500; and

B. For harvesting shellfish in violation of a license restriction:

(1) By a commercial license holder, a fine of not less than \$300 and not more than \$1,500; and

(2) By a recreational license holder, a fine of not less than \$100 and not more than \$500.

The court may not suspend a fine imposed under this subsection or impose a penalty other than the monetary payment of a fine as provided in this subsection. For the purposes of this subsection, "recreational license" means a license that authorizes a person to take or possess shellfish only for personal use.

11. Certificate as evidence. A certificate of the clerk of the municipality or any other custodian of the records of a municipal shellfish conservation ordinance adopted under this section stating what the records of the municipality show is admissible as evidence in all courts as proof of the municipal records. A certificate stating that the records do not show that a person held a license is prima facie evidence that the person did not hold the license on the date specified in the certificate. A certificate stating that the records show that a shellfish conservation ordinance or portions of an ordinance were in effect on a particular date is prima facie evidence that the ordinance was in effect on the date specified in the certificate. The certified copy is admissible in evidence on the testimony of a municipal shellfish conservation warden that the warden received the certificate after requesting it from the municipality. Further foundation is not necessary for the admission of the certificate.

DEPARTMENT OF MARINE RESOURCES

Chapter 7 Requirements for Municipalities having Shellfish Conservation Programs

SUMMARY:

This rule provides procedures to be used in developing and maintaining a municipal shellfish conservation program.

7.10 Definition

Period of issuance: For the purposes of this chapter PERIOD OF ISSUANCE shall mean any twelve month period designated by the municipality, unless a municipality chooses to limit the number of licenses it issues in which case it shall mean the first 90 days during which a municipality issues shellfish harvest licenses each calendar year.

7.20 Management Plan

1. Each Municipality that wishes to implement a shellfish conservation program as authorized under 12 M.R.S.A. §6671, must, with the assistance of the Department of Marine Resources, prepare and adopt a shellfish management plan which consists of:
 - A. A written statement of goals and objectives the municipality wishes to achieve as a result of its conservation program; and
 - B. A description of the various conservation measures the town intends to employ to reach those goals. The measures may include but are not limited to such means as; licensing, limiting the number of shellfish harvesters, restricting the time (hours, days or portion of the year) and area where harvesting is permitted, limiting the minimum size of shellfish taken, limiting the species or amount of shellfish taken daily by a class of harvester, transplanting or seeding of shellfish, protecting the resource from predators by fencing, trapping or other means and controlling competing species.
2. The plan must be approved by the department prior to the department's accepting for consideration a municipal shellfish management ordinance.

7.30 Management Responsibilities

Municipalities that wish to maintain the responsibility of shellfish management must actively and vigorously pursue a shellfish management program. Toward that end the municipality may appoint or elect a shellfish conservation committee to assist the municipality in executing its responsibilities. Municipal responsibilities include:

1. Establishing annually in conjunction with the department and at least 30 days prior to the period of issuance the number of shellfish digging licenses to be issued;
2. Reviewing annually the status of the resource using the results of clam flat, harvester or dealer surveys and other sources of information and preparing in conjunction with and subject to the approval of the department a plan for implementing conservation measures;
3. Enforcing any municipal shellfish conservation ordinance including those involving licensing and closures to shellfish harvest; and

4. Submitting annually a report to the department describing shellfish management activities undertaken and related expenses, number of shellfish harvest licenses sold, revenue from license sales and fines, funds raised or appropriated for shellfish management, production records or summaries of municipal wardens' activities for municipally managed areas, and funds requested for the coming fiscal year.

7.40 Licensing of Shellfish Harvesters

1. The period of issuance for resident and nonresident licenses shall be the same.
2. Allocation of shellfish licenses among municipal residents and nonresidents shall be as established by the municipality and approved by the commissioner during the period of issuance. Licenses unsold during the period of issuance shall be made available to residents and nonresidents alike on a first come first serve basis or by lottery.

7.50 Municipal Conservation Closures

Prior to closing or opening an area of a municipality to shellfish harvesting the municipality shall review the status of the resource affected and secure the recommendation of the DMR area biologist and the approval of the Commissioner.

7.60 Rescission of Approval

If a municipality violates or fails to enforce any provision of this regulation or of the approved ordinance, the Commissioner may rescind his approval of that municipality's shellfish conservation ordinance and program. Prior to such rescission, the Commissioner shall give written notice to the municipality of the violation or failure and of his intention to rescind his approval. The notice shall designate a reasonable time period during which the municipality may correct the violation or failure or may request a hearing on the matter. If a hearing is requested, the Commissioner shall provide the same prior to a making a final decision whether to rescind approval. If the Commissioner rescinds his approval, the municipality's shellfish conservation ordinance and program shall, as of the date specified in the Commissioner's rescission notice, no longer be in effect and the area shall thereafter be governed by applicable state law and Department regulation.

IMPLEMENTATION OF OPEN LICENSE SALES

DMR Regulations Chapter 7. Requirements for Municipalities Having Shellfish Conservation Programs has been recently amended. One of the changes is to the definition of "Period of Issuance" which now reads: "Period of Issuance shall mean any twelve month period designated by the municipality, unless a municipality chooses to limit the number of licenses it issues in which case it shall mean the first 90 days during which a municipality issues shellfish harvest licenses each calendar year."

This change will allow a municipality to sell an unlimited number of resident licenses throughout the year without penalty provided it maintains the legally established percentage of nonresident licenses (10%). Prior to this change, after 90 days any unsold licenses would become available to residents and nonresidents alike; a town which did not limit sales and sold licenses year round would not be able to maintain the 10:1 ratio after the 90 day period of issuance. This 'open license sales' provision is only available for those license categories which the municipality has decided not to limit sales by number or time frame.

In order to obtain Department approval to adopt open license sales for one or more license categories, the municipality must comply with the following: 1) indicate which license categories are to be open in the yearly allocation request by listing 'unlimited' under numbers of licenses for that category, 2) have restrictions on the amount, time or location of harvest clearly stated in the shellfish ordinance for any license categories with open license sales and/or require license holders to perform conservation work, and 3) add the following section to the shellfish ordinance.

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:

1) Notice of the dates, places, times and the procedures for the license sales shall be published in a 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, not less than 10 days prior to the initial sale date and shall be posted in the municipal offices. A copy of the notice shall be provided to the Commissioner of Marine Resources.

2) For each commercial license category, the Town Clerk shall issue one license to nonresidents 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 resident 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 issued for every ten additional resident licenses issued.

Clam Management - Goals

- *Reserve the clam resource for residents* – A universal though not often stated goal, the ability to attain this is the “carrot” of the clam management program. The program probably would not exist without it.
- *Maximize individual harvest* – Most towns strive for this through strict controls to allow their harvesters to earn a living from clam digging.
- *Provide maximum utilization* – Some towns are more interested in providing digging opportunity to as many residents as possible, usually by limiting harvesting to recreational.
- *Maintain a sustainable yield* – This goal can be difficult to obtain if recruitment is hindered by environmental factors or if over harvesting is allowed to take place.
- *Increase the clam resource* – A number of towns are attempting to do this through conservation closures, clam transplanting and reducing harvesting efforts.

Clam Management - Activities

- *Setting the number and types of licenses* has the greatest impact on the resource; a number of towns rely solely on this activity to manage their resource (known in other fisheries as "limited entry").
- *Establishing conservation areas* – This is done for a number of reasons: to protect areas that have been seeded from harvest activity until the seed has reached legal size; to set aside an area that doesn't freeze up in the winter for digging; and to rotate with other conservation areas to even out effort, particularly for areas prone to overharvesting.

(continued)

Clam Management - Activities *(continued)*

- *Restricting the amount, time or season of harvest* - Most towns don't limit the amount of clams a commercial harvester can take, but most limit recreational digging to one peck to discourage the selling of recreationally harvested clams. Time restrictions usually involve night digging, which is prohibited by some towns. Harvest seasons are generally imposed due to water quality considerations, although some towns which are only open in winter also restrict digging to weekends and holidays.
- *Seeding with hatchery stock* – A number of towns have worked with both public and private hatcheries in an effort to augment natural recruitment through seeding. Several studies are underway or planned to determine the best procedures for seeding flats with hatchery stock.
- *Reseeding from closed or high density areas* – For towns with areas of high density, reseeded or transplanting juvenile (sublegal) clams is the preferred method to enhance natural recruitment. Several towns reseed each year.
- *Protection from predation with fences, traps or nets* – Fencing used to be common, but has fallen out of favor due to its cost and labor. Nets are often used in seeding/reseeding projects, as the seed clams are particularly vulnerable.
- *Enhancing spatfall with brush, fences or nets* – Brushing originated downeast, but is not routinely done in most towns. The placement of partial barriers (such as pieces of brush, fences or nets) on the flats works by slowing currents and forming eddies which encourage spat to drop out of the water. The problem with it is no spat, no spat fall!

Clam Management - Tools

- *Clam flat surveys* – Surveys used to be required by the Department of Marine Resources, but many towns did not have the ability to comply with the requirement. Surveys are the only way to directly assess the resource; without information, management becomes a guessing game. Briefly, surveys consist of counting and measuring clams taken from two square-foot plots every 100 feet along a series of transects forming a grid over the flat. Information obtained includes size distribution, average density and standing crop.
- *Production data acquisition* – The two main sources are warden reports and shellfish dealer reports. For towns with only recreational harvesting, the warden report is the only data source. Production data is one side of the resources assessment coin, with surveys being the other. Surveys tell you what is in the flat, production data tells you what is coming out. The former can be predictive; the latter can reveal trends over time.
- *Harvester questionnaires* have been used in a few towns with recreational-only digging to obtain information about the resource, as well as digging activity. One town requires its commercial harvesters to keep logs of their digging activity in order to be eligible for a license the next year.
- *Committee meetings* are where the "business" of clam management takes place. The most successful management programs have regularly scheduled monthly meetings. Towns which encourage harvester participation in the meetings gain a valuable source of information and feedback.
- *Consultants* - Public and private consultants are used by a few towns to conduct clam surveys and analyze the data, but most municipalities rely on DMR's area biologists for assistance.
- *Conservation credits* – In order to accomplish surveys and reseedings, conservation credits are often given to diggers in exchange for labor. The credits are either required to obtain a license or ensure a harvester that a license will be available for the next year. Some towns also give credits for meeting attendance.
- *Enforcement* – A clam management program is only as good as its enforcement. Without good enforcement, the rest can become an exercise in futility.

Quick Reference Timeline & Planner

New Shellfish Management Plan *(One Time)*

- Contact Regional Biologist
- Submit copy of plan to DMR prior to approval of ordinance (one time only)

_____ Date clam management plan submitted to DMR

New Shellfish Management Ordinance *(First Time)*

- Contact DMR Regional Biologist to discuss method and responsibilities
- Obtain approval from DMR Commissioner prior to town's adoption of ordinance
- Submit certified copy of ordinance to DMR within 20 days of adoption

_____ Date ordinance approved by DMR Commissioner

_____ Date ordinance adopted by town

_____ Date certified copy due at DMR

----- *Annual Deadlines* -----

Annual Shellfish Management Review

- Submit to DMR by March 1

Warden Nomination

- Submit to DMR by March 1
- Warden training with DMR must be completed within 12 months of hiring by town (*see next page for review sessions - every three years*)

_____ Date warden hired

_____ Date by which DMR training must be completed

_____ Date/year when training must be repeated (every three years)

----- *Annual Deadlines* -----

(continued)

License Allocation Application (*filing date depends on town ordinance*)

- Contact Regional Biologist to confirm license allocations
- File form with DMR at least 30 days prior to first date of license sales (check ordinance). License allocation must be approved by DMR Commissioner at least 30 days prior to first day of sale.
- Publish the procedure for license sale, number and type of licenses to be issued in a local newspaper at least 10 days prior to first day of sale

_____ Date license allocation form due at DMR (see above)
_____ Date form submitted to DMR
_____ Date license allocation approved by DMR Commissioner
_____ Date ad notification will appear in local newspaper
_____ First day of license sales as dictated by town clam ordinance

----- *Conservation Events* -----

Transplanting Seed Clams

- Contact Regional Biologist to confirm best method and date for activity
- File form and map with DMR at least 1 week prior to the requested date
- Contact Marine Patrol regarding transplant day

_____ Date by which form and map must be submitted to DMR
_____ Date requested for transplanting (at least 1 week later)

Conservation Closures/Opening

- Contact Regional Biologist to discuss conservation activity
- File form and map with DMR at least 1 week prior to the action date requested

_____ Date by which form and map must be submitted to DMR
_____ Requested date for opening/closing activity (at least 1 week later)

----- *Triennial Deadlines* -----
(every three years)

Warden Training

- Wardens must attend review sessions every three years

_____ Date/year when training must be repeated by current warden

Clam Management Ordinance (*renewal*)

- Contact DMR Regional Biologist to discuss changes
- Obtain approval from DMR Commissioner prior to town's adoption of ordinance
- Submit certified copy of ordinance to DMR within 20 days of adoption

_____ Date/year ordinance must be renewed

_____ Date ordinance approved by DMR Commissioner

_____ Date ordinance adopted by town

_____ Date certified copy due at DMR

Note: Clam management ordinances are not required to be renewed every three years.

Municipal Administration

I. *Board of Selectmen/Council*

- Administers the program - May appoint a committee
- Enforces the ordinance - May appoint a warden
- Conducts license sales - Although the procedure is often spelled out in the ordinance, the sale itself is undertaken by town office staff
- Determines conservation area status – Recommendations of shellfish committees regarding openings/closings must be approved by the selectmen/town council following public hearing
- Hears license suspension appeals – License suspensions are generally automatic upon conviction of ordinance violations, but the suspension can be appealed, first to the shellfish committee, then to the selectmen/council

II. *Shellfish Committee* – (where most of the administrative work is done)

- Establishes license numbers with DMR – This process varies greatly between towns. At one extreme, a town sets license numbers based on complete flat surveys and a sophisticated formula; at the other extreme, a town will set the number of licenses based upon the number of diggers currently holding a license. DMR's area biologist should be involved with the process, but isn't always. License numbers must be approved by DMR.
- Recommends conservation openings/closings – While the reasons for openings and closures are varied, the shellfish committee discusses proposals and formulates plans.
- Prepares and submits a budget to the municipality – Some committees get heavily involved, others simply act in an advisory capacity.

Municipal Administration *(continued)*

II. *Shellfish Committee*

- Reviews and amends the ordinance when necessary – Ordinance amendments allow a committee to tailor the ordinance to its town. The ordinances for some towns have become so complex due to amendments that they have to be reviewed by a lawyer. Amendments must be approved by DMR and voted upon at a town meeting or by the town council.
- Secures and maintains production records – Many towns fall short in this area and there is some question regarding their value. DMR will soon be able to provide production data to the towns as generated by the dealer reporting program.
- Submits an annual shellfish management report to the DMR and municipality – (See section on “Annual Shellfish Management Report”)

III. *Town Clerk*

The Town Clerk is the official contact person for all legal notices and other correspondence sent to the town by DMR. Documents sent to the town may include notifications of pollution or contamination closures, responses to requests for license allocations, reseeding or conservation actions, and forms such as the Annual Management Review. The Town Clerk is responsible for seeing that the documents get to the proper individuals (the Selectmen or Council, the Chairman of the Shellfish Committee, or the Warden) in a timely manner. The Town Clerk also conducts shellfish license sales and may assist in the preparation of the Annual Management Review.

IV. *Conservation Officer or Warden*

This is a key position in any successful clam management program. Most towns have one warden, some have two or three; other towns share a warden. Wardens must be certified by DMR and nominated by the town each year.

Municipal Administration *(continued)*

IV. *Conservation Officer or Warden (continued)*

Duties include:

- Enforcement of the shellfish ordinance
- Issuance of summons for violations
- Preparation of activity reports which must be certified by the town each year

See next section of this manual ("Wardens") for nomination/certification forms, which must be signed and submitted to DMR each year by **March 1**.

Warden Certification/Nomination Form

Instructions:

1. Fill in all sections that apply
2. Put a '0' or dash on any line that does not apply
3. Submit (signed by the town) annually by **March 1**
4. Remember to rescind nominations of warden(s) who are no longer working in this capacity (signature of warden not required)
5. See later section on "Reporting Forms and Procedures" in this notebook for an additional copy which can be removed, copied and submitted to DMR.

Application for Certification and Nomination of Shellfish Conservation Warden

Date Submitted: _____ Municipality: _____
Municipality Address: _____ Town: _____ Zip: _____
Telephone: _____ Fax: _____ Email Address: _____

Warden Information

Please refer to DMR Regulations Chapter 4 for warden requirements

First Name: _____ Last Name: _____
Mailing Address: _____ Town: _____ Zip: _____
Telephone: _____ Fax: (207) _____ Email Address: _____
Date of Birth: _____ Last year /Grade School Completed: _____ Last year /High School Completed: _____
Years of College Completed: _____ Full Time Employee? _____ Part Time Employee? _____

Valid Maine Driver's License? Yes ___ No ___ Current ___ or Intended ___ Employee?

Law Enforcement Training? Yes ___ No ___
(If yes, please describe training): _____

Power of Arrest? Yes ___ No ___ Carry Firearm? Yes ___ No ___

Other Towns Responsible for: _____

Date Nominated by Town: _____ Date Certified/Trained by DMR: _____

- ◆ The town must nominate the warden yearly. **Nominations are due by MARCH 1st.**
- ◆ Untrained nominee has up to one year to attend DMR Warden Training. Wardens with no other enforcement training cannot enforce a town ordinance until they are trained by DMR.
- ◆ Trained wardens must attend DMR Warden Training every three years.
- ◆ Town must notify DMR when warden is no longer employed by the town.
(Fill in the warden information and check here to **RESCIND** nomination)

Additional Education (Explain):

Shellfish Related Experience:

Training (if MCJA include copy of certification):

Note: Signature of applicant authorizes DMR to check applicant's background for criminal record. If applicant has the **power of arrest and/or carries a firearm**, he or she must complete the appropriate MCJA course prior to DMR certification.

Signature of Municipal Official _____ Date _____ Signature of Applicant _____ Date _____

Please fill out one application per warden nominated - Duplicate form as needed

-SAMPLE-

Town of Georgetown

Shellfish Warden Job Description

Summary of Duties: The Shellfish Warden is responsible for patrolling the clam-flats of the Town of Georgetown ensuring compliance with Georgetown's Shellfish Conservation Ordinance and all applicable Marine Resources Laws and Regulations.

Supervision Received: The Shellfish Warden receives administrative direction from the Board of Selectmen and serves as an ex-officio / advisory member of the Shellfish Conservation Committee

Summary of Responsibilities:

1. Must be sworn in at beginning of term and annually thereafter.
2. Receives training as per DMR requirements, and any additional training the shellfish committee approves.
3. Patrols the clam-flats of the town.
4. Enforces town ordinance and Marine Resource Laws as applicable.
5. Maintains a log of all activities relating to the position and submits same to the Shellfish Committee Chairman for review and filing along with monthly request for payment. The log enclosure, as a minimum shall consist of date, hours expended, miles traveled and a brief description of any unusual activity.
6. Submits requests for expenditures to the Shellfish Committee, for their approval, prior to purchases. Any major expenditure must be approved by the selectmen.
7. Notifies the Shellfish Committee when unable to perform assigned duties or when expected to be out of town for longer than three days.
8. Assists Shellfish Committee with budget preparation for the coming year.
9. Assists Shellfish Committee and area biologist with preparation of towns Annual Shellfish Review.
10. Advises and updates the Shellfish Committee of all enforcement activities at regularly scheduled meetings.
11. Continually plans with the Shellfish Committee for effective management and safe use of the town flats.
12. Keeps shellfish ordinance under review recommending changes to the Shellfish Committee.
13. Works closely with Neighborhood Policing, Municipal law enforcement, Sagadahoc Sheriffs Department, Inland Fisheries and Wildlife Officers, Forest Rangers, Harbor Master, surrounding town shellfish officers and the State Marine Patrol Officers.

Evaluation: The Shellfish Warden will receive an annual performance evaluation by the Shellfish Committee on or before the hire anniversary.

Risk Factors: The Shellfish Warden may be exposed to personal injury due to exposure to body fluids, noxious chemicals or fumes, and the usual hazards of the open ocean and weather.

NOTE: This draft is only a guide and in all places where Shellfish Committee, Selectmen, Law Enforcement or any other term or phrase is used may be changed to suit your situation.

SHELLFISH WARDEN/RESERVE POLICE OFFICER

Nature of Work

This is fieldwork in carrying out the enforcement of the state and local regulations pertaining to the taking of shellfish and general duty police work, responsible for the protection of life and property through the enforcement of laws and ordinances.

Employee(s) of this class are responsible for the licensing and enforcement of state and municipal shellfish ordinances. Work involves the checking of shellfish licenses, inspection of catches, routine patrol of clam-flats and participation in meetings on shellfish conservation and other relevant areas. Work also involves the duties of a reserve police officer for the Town. Employee works with considerable independence subject to review by the Police Chief for procedures used and results achieved.

Examples of Work (Illustrative Only)

Patrols all shellfish and clam-flats to ensure the lawful harvesting and collection of shellfish.

Checks the licenses of all shellfish and clam fishermen while on patrol.

Inspects shellfish harvests to ensure compliance with minimum size requirements.

Prepares regular reports on the activities and results to the department.

Meets with and staffs the Shellfish Conservation Committee.

Serves as a reserve police officer for the Town, able to fill in on patrol duty when necessary or respond to situations where required.

Issues summons and determine fines for violation of the Shellfish ordinances.

Performs related work as required.

Requirements of Work

Knowledge of the shellfish ordinances and the practices and theory of conservation activities.

Knowledge of modern principles and practices of police work.

Ability to cope with situations firmly, courteously, tactfully and with respect for the rights of others.

Ability to analyze situations quickly and objectively and to determine proper course of action; ability to remember names, faces and details of incidents often under stressful conditions.

Ability to understand and carry out oral and written instructions.

Ability to communicate both verbally and through written reports.

Ability to develop skills in the use of firearms and the operation of motor vehicles and a standard motorboat.

Desirable Training and Experience

High school graduation, plus experience in law enforcement; or any equivalent combination of training and experience. Will be expected to attend and complete 100-hour Criminal Justice Academy training if not already a graduate.

Necessary Special Requirements

Must possess a valid motor vehicle operator's license.

Governor
John R. McKernan, Jr.
Commissioner
Bernard W. Shaw



STATE OF MAINE
DEPARTMENT OF AGRICULTURE
FOOD AND RURAL RESOURCES

Division of Regulation
Clayton Davis, Director
State House Station 28
Augusta, Maine 04333
Tel. (207)289-3841

REPORT OF TEST

FOR

lea. one peck measure,
sn. 521901DN

SUBMITTED BY:

Jon L. Rentz
Georgetown / Shellfish warden
Georgetown Maine 04548

The standard described above has been compared to the standards of the State of Maine and found to contain the appropriate volume to the line of holes below top edge.

Standards of the State of Maine are traceable to the National Institute of Standards and Technology through NBS Text No. 39503.

Date of Test: May 21, 1990

Danny M. Newcombe
Danny M. Newcombe, Metrologist
Office of Weights & Measures

DEPARTMENT OF MARINE RESOURCES

Chapter 4 Certification, Recertification, Revocation of Certification for Municipal Shellfish Conservation Warden

4.10 Certification

- A. A municipality shall request certification for its shellfish conservation warden(s) by applying in writing to the Department of Marine Resources.
- B. Upon receipt of an application for certification, the Department of Marine Resources will either accept or deny, or accept with conditions, the request for certification. Written notice of the department's decision will be forwarded to the municipality within 30 days of the receipt of the application. Reasons for any denial will be stated in writing and shall be based upon the considerations set forth in Chapter 4.40(A) (1 through 8). If the Department's acceptance is conditional, the municipality and its warden(s) shall comply with the conditions set forth in the acceptance, which shall include, but not be limited to, the requirements of Chapter 4.10(D) below. Municipal wardens may not enforce shellfish ordinances until the Department of Marine Resources has approved their application and has granted certification.
- C. Wardens who will carry a firearm or who will have the power of arrest must provide proof of certification from the Maine Criminal Justice Academy in order to achieve Departmental certification.
- D. Any warden appointed by the town must attend and complete the next available Department of Marine Resources Conservation Course. Wardens are required to successfully complete the Department of Marine Resources Conservation Course, including a written examination, in order to achieve Departmental certification. Wardens who are taking the course for recertification will not be required to take the written examination.
- E. Certification will be valid for one year and may be renewed annually by application of the municipality, provided that the warden involved attends a review session offered by the Department of Marine Resources at least every 3 years and the warden is otherwise in good standing under Chapter 4.20 and 4.30. Failure to complete a review session shall result in loss of certification unless the warden has received a waiver from the Department allowing the warden to extend his (her) certification period.
- F. A written job description describing the duties and responsibilities of the warden shall be provided to the Department by the municipality as part of the requirement for certification.

4.20 Minimum Qualifications

In addition to the above, a person appointed by a municipality as a shellfish warden must meet the following minimum qualifications for certification:

- A. The warden must have a high school diploma or the equivalent. This requirement will be waived for municipal wardens who were certified prior to the effective date of this rule.

- B. The warden must have a valid motor vehicle operator's license. If the applicant has an out of state license, a Maine license must be obtained as prescribed under Maine law.
- C. The warden must be 21 years of age or older.
- D. The warden must not have been convicted of a violation of any marine resource law or regulation enacted or adopted under Title 12 of the Maine Revised Statutes Annotated, within the last six years. A person may make application for consideration to the Commissioner of the Department of Marine Resources or designee for a waiver of this provision.
- E. The warden must have no convictions for Murder, Class A, Class B, Class C, Class D or Class E crime, unless the act committed was a Class D or E crime and a violation of Title 12 Maine Revised Statute Annotated and was committed prior to the last six years. A person may make application for consideration to the Commissioner of the Department of Marine Resources or their designee for a waiver of this provision.
- F. The warden must not falsify or misrepresent any information during the application process or background investigation.
- G. The warden must be able to read and write at a level necessary to successfully complete the Department of Marine Resources Municipal Warden Conservation Course.

4.30 Recertification

- A. Should certification not be renewed or maintained, or should it be allowed to lapse for any reason, the municipality must apply in writing to the Department of Marine Resources for recertification of its conservation warden.
- B. The warden must complete a Departmental review training session before recertification can be given under this section.

4.40 Revocation, Suspension or Refusal to Renew Certification

- A. The Commissioner of the Department of Marine Resources may refuse to renew or may deny a certification of a warden if one or more of the following has occurred:
 - (1) the warden has failed to meet the performance standards as set forth in Chapter 4.50;
 - (2) the provisions and requirements imposed pursuant to 25 M.R.S.A. §2806 have not been satisfied;
 - (3) the municipality employing the warden requests that he (she) no longer be certified. Notice must be given to the Department within 30 days of the revocation.
 - (4) the warden or the municipality has violated any Marine Resources laws or regulations enacted or adopted under 12 M.R.S.A.;
 - (5) the municipality has not adopted and administered a municipal shellfish conservation ordinance in accordance with 12 M.R.S.A. §6671;

- (6) the conditions imposed under any conditional certification have not been, or will not be, satisfied;
 - (7) the warden fails to successfully complete the required certification training; or
 - (8) the warden does not meet, or no longer meets, the minimum qualifications set forth in Chapter 4.20 above.
- B. At any time, the Commissioner of the Department of Marine Resources may petition the District Court, or take any other lawful action, to revoke or suspend, and the District Court shall revoke or suspend, a warden's certification where any of the events described in Chapter 4.40(A) (1 through 8) have occurred.

4.50 Performance Standards

All municipal conservation wardens shall:

- A. Enforce the municipality's shellfish conservation ordinance(s) in accordance with the law;
- B. Enforce the two-inch clam law (12 M.R.S.A. §6681) within the wardens' jurisdiction;
- C. Adhere to principles of effective law enforcement to include but not limited to:
 - (1) proper use of force;
 - (2) adherence to rules of evidence and legal procedure; and
 - (3) proper use of arrest and summoning powers.
- D. Submit a written biannual report to the municipality and to the Department with the first report being due by March 1 and the second due by September 15. The report shall include:
 - (1) the approximate amount of shellfish inspected in the last six months;
 - (2) the approximate number of harvester's checked in the last six months; and
 - (3) the violations encountered and actions taken. A certified copy of each conviction and action filed with the court, on forms provided by the Department of Marine Resources, must be forwarded to the Department.
- E. Be of sound mind and good moral character, and otherwise competent to perform conservation law enforcement functions.

Enforcement Activities Report

For the Period January 1st to June 30th

INSTRUCTIONS

This worksheet should be completed by the Shellfish Warden and returned to: **Harold C. Winters, 21 State House Station, Augusta, ME 04333 prior to September 15th**. The information provided is required by DMR regulation (Ch. 4).

Production Data Collected by the Warden

This section summarizes the harvesting activity documented in the Monthly Enforcement Activity Reports. The following definitions apply:

'Average Daily Catch/Digger' is an estimate based on the average catch of the harvesters checked during routine patrol during a particular month.

'Average # of Diggers /Day' is an estimate of the average number of harvesters per day on the flats based upon observations made during routine patrols during a particular month.

'Total # of Days Dug' is the number of days the flats were open and not closed due to flood, PSP or conservation.

Total Lbs. or Bushels' is the multiple of the three previous numbers. Pounds or bushels can be used to record amounts but not both. It should be clearly indicated which unit is being used.

Summary of Activities for the Year

This section summarizes the enforcement activities listed in the Monthly Enforcement Activity Reports. Each item should be the actual total for the year and not an estimated number per day, week or month.

Warden(s) Data

The date the Warden(s) received DMR training and the date the municipality nominated the Warden(s) needs to be entered. If the Warden(s) have yet to receive training, place an "n/a" in the appropriate space. Note: The municipality must nominate its Warden(s) each year.

Should you have any questions regarding the completion of this worksheet, do not hesitate to contact the Area Biologist for your region:

Down East- Hannah Smith
Phone/fax 469-6315
E-mail Hannah.smith@maine.gov

Mid Coast- Ron Aho
Phone/fax 586-5572
E-mail ron.aho@maine.gov

Southern- Don Card
Phone/fax 443-6559
E-mail don.card@maine.gov

Enforcement Activities Report

for the Town of _____

For the Period January 1st to June 30th, 20____

Production Data Collected by the Warden

Month	<u>Avg. Daily Catch/Digger</u>	X	<u>Avg. # of Diggers/Day</u>	X	<u>Total # of Days Dug</u>	=	<u>Total Lbs. or Bushels</u>
January	_____	X	_____	X	_____	=	_____
February	_____		_____		_____		_____
March	_____		_____		_____		_____
April	_____		_____		_____		_____
May	_____		_____		_____		_____
June	_____		_____		_____		_____
					TOTAL		_____

Summary of Warden Activities: January - June

Hours Patrolled: _____
 Diggers Checked: _____
 Warnings Given: _____
 Summons Issued: _____
 Court Appearances: _____
 Convictions: _____

<u>Warden Name</u>	<u>Training Date</u>	<u>Nomination Date</u>
_____	/ /	/ /
_____	/ /	/ /
_____	/ /	/ /

The State's Role - (DMR)

I. Natural Resources Trustee

- *The clam resource belongs to the people of Maine.* Public ownership was established by the Colonial Ordinances. Although towns have been involved since the early 1900's, clam management has always been authorized by the state.
- *Management of the resource is to benefit the people.* Though the primary goal of management is to provide benefit to those utilizing the resources, the state must also protect and preserve those resources through appropriate conservation measures.
- *The law allows DMR to delegate to the municipalities.* Realistically, the State does not have the resources to manage softshell clams; therefore, this exception has been made in contrast with management of other marine resources.

II. DMR: Authority and Responsibility

- Promulgates regulations setting program/ordinance criteria
- Reviews programs/ordinances for consistency with regulations
- Reviews and approves/denies/rescinds:
 - programs/ordinances
 - license allocation requests
 - conservation openings/closings
 - seeding/reseeding requests

III. DMR: Administration

I. *Watershed Manager*

- Makes all approval/denial decisions
- Sets policy and resolves legal issues
- Directs the area biologists

The State's Role - DMR *(continued)*

II. *Area Biologists* - The "foot soldiers" of the clam management program. Together, these three individuals provide technical assistance for 56 municipal shellfish programs and:

- *Consult with the municipalities*
- *Assist with ordinance preparation/amendment* - Whether a town is just coming on board or the committee of a well-established program is considering an amendment to its ordinance, the area biologists are often able to make suggestions to expedite the process.
- *Provide interpretation of applicable laws* - Although they are not lawyers, the biologists can provide committees with the official interpretation of statutes, regulations and rules to help them avoid legal problems in administering their programs.
- *Conduct survey training and analyze survey data* - This service is provided by the area biologist but can also be obtained through trained volunteers, shellfish consultants and the University of Maine Extension Service.
- *Assist in license number determination* - Consultation with the area biologist is a requirement to establish license numbers; advice is always available.
- *Recommend appropriate management tool use (and strategies)* - Area biologists transfer their knowledge of what works and what doesn't among the various towns.
- *Monitor Compliance*
 - Review new and renewal ordinances and amendments
 - Review requests for licenses/closures/reseeding for consistency with management goals.
 - Conduct the Annual Shellfish Management Review to determine the level of conservation activity being undertaken.

Municipal Authority

Under State Statute 6671:

- raise and appropriate conservation program funds
- adopt, amend or repeal a conservation ordinance
- regulate or prohibit the possession of shellfish
- fix the amount of shellfish that may be taken
- provide enforcement
- open and close flats under specified conditions
- fix qualifications for a license
- fix license fees
- enter reciprocal municipal agreements
- establish a shellfish management committee

Requirements Under DMR Regulation - Chapter 7:

- establish the number of shellfish licenses
- conduct resource assessments
- enforce shellfish conservation ordinance
- provide an annual report describing shellfish management activities undertaken

Under Model Ordinance:

- suspend the license of ordinance violators

Municipal Shellfish Management Plan

Purpose: This form should be completed by towns that are planning to implement a new ordinance in order to better manage the clam resource.

Instructions:

1. Consult your local biologist (see Appendix for directory)
2. Fill in all sections that apply
3. Put a '0' or dash on any line that does not apply
4. Be sure activities you outline can be accomplished in the ordinance
5. See later section on "Reporting Forms and Procedures" in this notebook for an additional copy of this form
6. Submit to DMR using address at top of form

DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE 04333

To: Commissioner of Marine Resources Date: _____

From: [Municipality] Ad Hoc Shellfish Ordinance Committee

SHELLFISH MANAGEMENT PLAN
for the
[Municipality]

The Ad Hoc Shellfish Management Committee submits the following information as required by DMR Regulations, Chapter 7, Section 7.20.

Statement of Management Goals and Implementation Actions (check all that apply)

The goal of clam management for this municipality will be:

- maximize harvesting opportunity through minimal management control
- maximize individual harvest through maximum management control
- increase the clam resource through various enhancement activities
- reserve the resource for the benefit of the residents of the municipality
- provide for recreational harvesting in preference to commercial harvesting
- provide for commercial harvesting in preference to recreational harvesting
- maximize the economic value of the resource to improve the local economy
- other _____

The following management controls will be utilized:

- limit the number of commercial harvesters
- limit the number of recreational harvesters
- restrict times of harvest
- restrict the areas of harvest
- limit the amount of commercial harvest
- limit the amount of recreational harvest
- other _____

The following management activities will be conducted:

- predator protection through fencing, netting and etc.
- reseedling from high density or closed areas
- reseedling with hatchery stock
- spatfall enhancement through brushing, roughing and etc.
- relaying from high density or closed areas
- other _____

Committee Meetings

In order to implement the management activities and to provide a forum for digger input the shellfish committee plans to meet:

- | | | |
|-------------------------------------|------------------------------------|---------------------------------|
| <input type="checkbox"/> annually | <input type="checkbox"/> bimonthly | <input type="checkbox"/> weekly |
| <input type="checkbox"/> biennially | <input type="checkbox"/> monthly | <input type="checkbox"/> other |
| <input type="checkbox"/> quarterly | <input type="checkbox"/> biweekly | |

A member of the council or a selectman will plan to attend all shellfish committee meetings:

- yes no

Minutes of meetings will be recorded and available upon request:

- yes no

Conservation Credits

Harvesters will be encouraged to participate in management activities by the awarding of conservation credits applicable to license renewal:

- yes no

Conservation credit will be given for meeting attendance:

- yes no

Enforcement

Enforcement of the shellfish management ordinance will be undertaken by:

- | | |
|---|--|
| <input type="checkbox"/> full time conservation officer | <input type="checkbox"/> constable |
| <input type="checkbox"/> part time conservation officer | <input type="checkbox"/> deputy sheriff |
| <input type="checkbox"/> harbor master | <input type="checkbox"/> other town official |

How many? _____

The following will be provided by the municipality:

- | | | |
|------------------------------------|-------------------------------------|----------------------------------|
| <input type="checkbox"/> a vehicle | <input type="checkbox"/> a boat | <input type="checkbox"/> uniform |
| <input type="checkbox"/> radio | <input type="checkbox"/> cell phone | <input type="checkbox"/> firearm |

Enforcement personnel will have the powers of arrest: yes no

They will be responsible for collecting production data: yes no

Proposed Shellfish Licenses

	Number	Cost
Resident Commercial	_____	\$ _____
Nonresident Commercial	_____	\$ _____
Reciprocal Commercial	_____	\$ _____
Resident Recreational	_____	\$ _____
Nonresident Recreational	_____	\$ _____
Reciprocal Recreational	_____	\$ _____
Resident Student	_____	\$ _____
Nonresident Student	_____	\$ _____
Reciprocal Student	_____	\$ _____
Other _____	_____	\$ _____

License numbers will be based upon: _____

- calculation using survey data
- survey data as a guide
- harvester input
- need/demand

Proposed Shellfish Budget

Warden Salary	\$ _____
Mileage	\$ _____
Clothing	\$ _____
Equipment	\$ _____
Advertising	\$ _____
Supplies	\$ _____
Surveys	\$ _____
Seeding	\$ _____
Miscellaneous	\$ _____
TOTAL	\$ _____

Ad Hoc Shellfish Management Committee

Title	Name	Mailing Address	Telephone
Chairman	_____	_____	_____
Vice-Chr.	_____	_____	_____
Secretary	_____	_____	_____
Member	_____	_____	_____
Member	_____	_____	_____
Council/Selectmen	_____	_____	_____
Liaison	_____	_____	_____

Proposed Management Activities by Flat

The following is a list of clam harvest areas in which management activities are planned for the coming year.

Clam Flat	Survey Date	Closure Date	Opening Date	Reseed Date	Brushing Date

Rev: 12/17/97

License Allocation/Application

Purpose: Each year the Shellfish Conservation Committee must review the shellfish resources, and in consultation with the DMR Regional Biologist, determine the number of shellfish licenses to sell and request said allocation from DMR. The purpose of this form is to simplify the request and ensure that the pertinent information is provided.

Instructions:

1. Contact your local biologist to discuss license allocation approval
2. These forms are sent out by DMR each January with the Annual Management Review
3. Fill in all sections that apply
4. Put a '0' or dash on any line that does not apply
5. See later section on "Reporting Forms and Procedures" for an additional copy of this form
6. Submit license application to DMR annually, 30 - 60 days ahead of license sales to allow for processing by the state and 10-day required posting by town clerk, etc.

**MUNICIPAL SHELLFISH LICENSE
ALLOCATION APPLICATION**

To: Harold C. Winters, Manager
Watershed Division
Department of Marine Resources
21 State House Station
Augusta, ME 04333

Date: _____

From: _____ Shellfish Conservation Committee.

The Shellfish Conservation Committee upon review of the shellfish resources and in consultation with the DMR Regional Biologist requests the following shellfish license allocation for the coming year.

<u>License Class</u>	<u>Number</u>	<u>Cost @</u>
<i>Commercial</i>		
Resident	_____	_____
Nonresident	_____	_____
Senior Resident	_____	_____
Senior Nonresident	_____	_____
Junior/Student Resident	_____	_____
Junior/Student Nonresident	_____	_____
Other	_____	_____
<i>Recreational</i>		
Resident	_____	_____
Nonresident	_____	_____
Day/Week/Month Resident	_____	_____
Day/Week/Month Nonres	_____	_____
Senior Resident	_____	_____
Senior Nonresident	_____	_____
Resident Junior	_____	_____
Nonresident Junior	_____	_____
Other	_____	_____

Contact Person for the municipality:

Name _____ Title: _____

Address: _____

Telephone: _____ Fax: _____

Openings/Closings

Purpose: Prior to closing or opening an area of a municipality to shellfish harvesting, the municipality needs to review the status of the resource to be affected, secure the recommendation of the Regional Biologist and receive the approval of DMR. The purpose of this form is to ensure that the municipality submits all of the information necessary to obtain DMR approval for conservation closures and subsequent openings.

Instructions:

1. Fill in all sections that apply
2. Place a '0' or dash on any line that does not apply
3. Submit for each 'event'
4. Consult local biologist for help when needed
5. See later section on "Reporting Forms and Procedures" for an additional copy of this form
6. Submit completed application to DMR at least one week prior to the requested date

REQUIREMENTS FOR IMPLEMENTING CONSERVATION CLOSURES / OPENINGS WITHIN THE MUNICIPAL SHELLFISH PROGRAM

“Prior to closing or opening an area of a municipality to shellfish harvesting the municipality shall review the status of the resource affected and secure the recommendation of the DMR area biologist and the approval of the commissioner.” **Maine DMR Regulation 7.50**

The following steps should be followed to gain the approval of the Commissioner in a timely manner.

PROCEDURE

1. Contact the Regional DMR biologist responsible for your town. His agreement will be required for any conservation action proposed by the municipality.

York, Cumberland and Sagadahoc Counties
Donald Card Tel/Fax: 207-443-6559
72 Indian Carry Rd.
Bath, ME 04530

Lincoln, Knox and Waldo Counties
Ron Aho Tel/Fax: 207-586-5572
118 Kings Highway
Newcastle, ME 04553

Hancock and Washington Counties
Hannah Smith Tel/Fax: 207-469-6315
22 Charlie Star Ln.
Orland, ME 04472

2. Fill out the attached application
3. Send the completed application, *at least a week prior* to the requested date, to:

Commissioner, Dept. of Marine Resources
21 State House Station
Augusta, Me 04333-0021

**REQUIREMENTS FOR IMPLEMENTING CONSERVATION CLOSURES /
OPENINGS WITHIN THE MUNICIPAL SHELLFISH PROGRAM**

To: Commissioner, Dept. of Marine Resources
21 State House Station
Augusta, ME 04333

Date: _____

From: _____

The town of _____ requests approval of the Commissioner to open / close the following shellfish growing area: _____

Please write the description of the boundaries of the area and attach a map showing the area:

Contact Person for the town:

Name _____ Title _____

Address _____

Telephone _____ Fax: _____

Please answer or do the following:

1. Why is this area being opened / closed?
2. If this is a conservation closure, how long will the area be closed?
From Date: _____ To Date: _____
Exceptions: _____
3. If this is a conservation opening, how long will the area be opened?
From Date: _____ To Date: _____
Exceptions: _____
4. Who will enforce this conservation action?
5. How will people (harvesters and others) be notified of the action?
6. What is the State of Maine DMR classification of the growing area?
Approved (Open) Prohibited (Closed) Restricted (Depuration)

NOTE: Municipalities do not have authority to stop Depuration harvesting in Restricted areas or to permit harvesting in Prohibited areas.

Transplanting

Purpose: This form provides the information necessary to obtain a permit from DMR to harvest sublegal-sized clams for the purpose of reseeding shellfish areas. The permit also allows the harvest of seed clams from closed areas, provided the receiving flats are closed for six months.

Instructions:

1. Fill in all sections that apply
2. Put a '0' or dash on any line that does not apply
3. Submit for each 'event'
4. See later section on "Reporting Forms and Procedures" for an additional copy of this form
5. Consult your area biologist for help (see Appendix for directory)

Softshell Clam Transplant Permit Application

REQUIREMENTS FOR TRANSPLANTING CLAMS WITHIN THE MUNICIPAL SHELLFISH PROGRAM

A community must have a permit from the Maine Department of Marine Resources (DMR) to possess undersized soft shell clams (*Mya arenaria*). This permit will allow the municipality to possess sub legal clams for the purpose of reseeded shellfish areas. Without such a permit, the diggers may be in violation of state law. .

The following guidelines should be followed while transplanting clams from all sources:

- 1) The activity will take place during daylight hours.
- 2) The activity will take place on designated days.
- 3) The activity should take place under the supervision of the town's shellfish officer or a designee of the Shellfish Committee.

The following guidelines must be followed when taking seed clams from a Closed or Restricted area.

- 1) All clams harvested must be less than 2" in the longest diameter. This is a no tolerance policy.
- 2) The harvest area must be marked by orange flags.
- 3) There must be a designated landing point for product that is included in the application.
- 4) During harvesting activities, harvest crew diggers shall remain in the same area, close enough for immediate supervision of all diggers at all times by the representative of the shellfish committee. The period of harvesting activity will be considered the time from which the names of the diggers are taken by the representative of the shellfish committee until the clams are landed at the designated landing point.
- 5) The method and route of the transportation of product to the receiving area must be submitted to DMR at the time of application.

NOTE: Areas seeded with clams taken from Depuration or Prohibited (Closed) areas must be closed for a period of at least 6 months.

Softshell Clam Transplant Permit Application

PROCEDURE

In order to obtain a permit the Shellfish Conservation Committee (SFC) must do the following:

1. Fill out the attached application
2. Send the completed form, at least a week prior to the requested date, to:

Commissioner, Dept. of Marine Resources
21 State House Station
Augusta, Me 04333-0021
3. Marine Patrol in either W. Boothbay Harbor at Division I (207-633- 9595) or Lamoine at Division II (207-667-3373) must be notified on the morning of the activity, or if the activity is initiated prior to the start of the normal business day or occurring on a weekend, the previous business day, of the following:
 - A) The name of the supervisor
 - B) The area of the activity
 - i) The name of the supervisor
 - ii) The number of diggers involved
 - iii) The area of the activity
4. **The supervisor of the activity will have in his possession a copy of the permit from the Department for the activity and a list of names of diggers involved.**
5. Questions and comments should be addressed to the following:

York, Cumberland and Sagadahoc Counties

Donald Card Telephone: 207-443-6559
72 Indian Carry Rd.
W. Bath, ME 04530

Lincoln, Knox and Waldo Counties

Ron Aho Telephone: 207-586-5572
118 Kings Highway
Newcastle, ME 04553

Hancock and Washington Counties

Hannah Smith Telephone: 207-469-6315
22 Charlie Star Ln.
Orland, ME 04472

Softshell Clam Transplant Permit Application

Date of Application: _____

To: Commissioner, Department of Marine Resources
 21 State House Station
 Augusta, ME 04333-0021

FROM: The town of _____ requests a permit to possess under sized clams for the purpose of transplanting.

Contact Person for the town:

Name _____ Title _____

Address _____

Telephone _____ Fax: _____

Please answer the following:

1. Who will be the supervisor of seeding operation? _____
 Title _____ Telephone # _____ Fax#: _____

2. What is the source of seed clams? (Please mark one)
 Natural _____ Hatchery _____
 Other _____ - Describe: _____

3. Please name the source area and attach a map showing the source area.
 Name of Source Area: _____

4. Please indicate the State classification of the seed source area:
 Approved (Open) _____ (Go to #5)
 Prohibited (Closed) _____ (Go to #11)
 Restricted (Depuration) _____ (Go to #11)

5. What day and time will the seed clams be harvested? Date: _____ Time: _____

6. What is the destination of seed clams? (Please attach a map of the area)
 Destination Name: _____

7. What day and time will the seed clams be planted? Date: _____ Time: _____

8. How will the success of this project be monitored?

9. Is the seeded area being closed to harvest of clams?

10. Are predator controls being used? _____ If yes please describe:

Softshell Clam Transplant Permit Application

If Hatchery seed or Open area clams are used, no further questions need to be answered. If Closed Area clams are used, please go to #11.

CLOSED/RESTRICTED AREA SOURCE SEED CLAMS

PLEASE NOTE:

**CLOSED/RESTRICTED HARVEST AREA MUST
BE MARKED BY ORANGE FLAGS**

11. What day and time will the seed clams be harvested? Date: _____ Time: _____
12. What is the destination of seed clams? (Please attach a map of the area)

13. How will the seed clams be moved to the planting site? _____
14. If seed clams are transported by car, where will the clams be landed? (please note that clams from Closed and Restricted areas must be planted immediately. No storage is allowed)
15. What day and time will the seed clams be planted? Date: _____ Time: _____
16. How will the success of this project be monitored? _____
17. Is the seeded area being closed to harvest of clams?

NOTE: Areas seeded with clams taken from Depuration or Prohibited (Closed) areas must be closed for a period of at least 6 months.

18. Are predator controls being used? _____ If yes please describe:

ANNUAL SHELLFISH MANAGEMENT REVIEW
for the period
January 1st to December 31st, 2004

Annual Review Form Instructions

Prepared for the Shellfish Committee

ANNUAL SHELLFISH MANAGEMENT REVIEW

Instructions for the Shellfish Committee.

The Annual Shellfish Management Review should be prepared by the Shellfish Committee. Worksheets have been provided with these instructions to expedite the collection of information from the Shellfish Warden and Town Clerk. The worksheets should be forwarded to the Shellfish Warden and Town Clerk as soon as possible. It is recommended that the Shellfish Committee schedule a workshop with the Area Biologist to complete the Review once all the necessary information has been obtained. Please read the following instructions now and as you proceed through the Review. Additional instructions will be found in the Review itself.

Page 1

Information on this page is required by DMR regulation (Chpt. 7.30.4.)

Statement of Management Goals and Implementation Actions

This section provides information on the "why, what and how" of your management program. The Goals section has four pairs of statements; each pair is made up of a dissimilar or opposing goal. Check the one statement that more closely fits with your program's goals (note: the last pair is not applicable to municipalities that have recreational digging only and should be left blank). The Controls and Activities sections can have more than one answer; check all that apply. If a control or activity is absent from the list, write it in under "other".

Page 2

Shellfish Committee/Staff

This section provides information on the "who" of your management program. It will provide for better communications between DMR and the committee. Please enter the information for the current shellfish committee and staff. Complete mailing addresses (include municipality and zip code for at least one individual if the same for all) and phone numbers are requested.

Meetings

This section characterizes the meeting activity of the shellfish committee. Regularly scheduled meetings and harvester participation are encouraged.

Conservation Credit

This question provides information on conservation credits. Even if credits are not required to obtain a license, indicate the number of hours necessary to obtain whatever benefit is given for the conservation work (e.g., picking up a license before the regular sale date).

If conservation credits are not provided but conservation work is accomplished through the use of volunteers, enter the number of documented man-hours in the space provided (e.g., four people working for five hours = 20 man-hours).

Page 3

Information on this page is required by regulation (Chpt. 7.30.4 & Chpt. 4.40.4). The Enforcement Activity Worksheet should be filled out by the Warden and returned to the Shellfish Committee to be used in completing this page. Do not simply attach the worksheet but transfer the information. Leave no blanks (i.e., use "0", "n/a" or "-" where appropriate).

Page 4

The information on this page is required by regulation (Chpt. 7.30.4.). The Shellfish Conservation Budget Worksheet should be filled out by the Town Clerk and returned to the Shellfish Committee to be used in completing this page. Do not simply attach the worksheet but transfer the information. Leave no blanks (i.e., use "0", "n/a" or "-" where appropriate).

Page 5

This information is required by regulation (Chpt. 7.30.4.). This page is fairly self-explanatory. The harvest areas in which any one of the management activities has occurred during the reporting year should be listed with the date or duration (e.g., 6/1-9/10) of the activity entered into the box under each activity heading.

'Brushing/Roughing' is spatfall enhancement either through the placement of brush, fences, or netting on the flats or by preparing the sediments by hand or mechanical means. The "Seed/Reseed" column should include seeding with hatchery clams as well as transplanting natural seed (reseed) activities.

The "Conservation Closure" column should contain the date of closure or the duration of the closure if the area was reopened during the reporting year; this column refers to conservation actions and not water quality classifications. If a particular flat is under a seasonal closure but when it is open harvesting is restricted (e.g., weekends only, etc.) enter the opening and closing date in this column preceded by the letter "P" (i.e., P 11/15-5/15).

A box at the top of the page must be checked if no activities took place.

Page 6&7

This information is required by regulation (Chpt. 7.20.B.). This page is fairly self-explanatory. It concerns management controls and activities planned for the coming year as opposed to those activities already accomplished. License allocations, reseeding permits, ordinance changes approval and conservation openings and closings approval must still be requested separately.

Page 8

This information is required by regulation (Chpt. 7.20.B.). This page is fairly self-explanatory. Check one of the boxes at the top of the page if no activities are planned.

Page 9

This information summarizes the data obtained through clam flat surveys conducted during the year. It is also requested that the survey data be attached if it has not been previously submitted to DMR. A box at the top of the page must be checked if no surveys were conducted.

Page 10

This page is fairly self-explanatory. A box at the top of the page must be checked if no reseeding were conducted.

Page 11

The page is divided into two sections, one for conservation closures and another for conservation openings. The first section is for conservation areas that are open most of the time but are closed for limited periods of time. The second section is for conservation areas that are closed most of the time but are opened for limited periods of time. Each section asks for the name of the conservation area, the acreage, the date the area was closed, the date the area was opened, the total days the area was closed (Section 1) or open (Section 2), and the reason for the closure/opening. Reasons for closure might include: over-dug, seed protection, economics, flat rotation or reseeding. Reasons for opening might include: cropping (taking out the larger clams), turning, economics or flat rotation.

If a conservation area was closed or opened a number of times during the year, it may be listed as many times as necessary. If a particular flat is under a seasonal closure but when it is open harvesting is restricted (e.g., weekends only, etc.) enter the flat name in Section 2 and the opening and closing dates in the appropriate columns. Closures or openings that span more than the calendar year should have "n/a" listed in the Date columns where appropriate but do list the Total Days opened or closed for the reporting year.

Please note that areas closed by the state should not be listed as conservation areas during the state closure. If a municipality places a conservation closure on a state closed area, for the purposes of this review, the municipal closure does not take effect until the state opens the area.

ANNUAL SHELLFISH MANAGEMENT REVIEW
for the period
January 1st to December 31st, 2004

Municipality: _____ **Date:** _____

The Shellfish Conservation Committee submits the following information in partial fulfillment of its responsibilities under Chapter 7 of the Department of Marine Resources Regulations and the Shellfish Conservation Ordinance of this municipality.

Statement of Management Goals and Implementation Actions

The goals of shellfish management for this municipality have been: (check only one of each pair)

- 1) provide a harvesting opportunity for the maximum number of participants
 maximize individual harvest by minimizing the number of participants
- 2) increase the clam resource through various enhancement activities
 maintain a sustainable yield through the vigorous use of production controls
- 3) provide for recreational harvesting in preference to commercial harvesting
 provide for commercial harvesting in preference to recreational harvesting
- 4) maximize the economic value of the resource by adjusting production
 maintain a constant production to provide a steady but variable income

The following management controls were utilized: (check all that apply)

- limit the number of commercial harvesters
- limit the number of recreational harvesters
- restrict times of harvest
- restrict the areas of harvest
- limit the amount of commercial harvest
- limit the amount of recreational harvest
- other _____

The following management activities were undertaken: (check all that apply)

- predator protection through fencing, netting, trapping and etc.
- reseedling from high density areas or seeding with hatchery stock
- flat surveys to determine size distribution and density
- harvester surveys to obtain catch and effort data
- enhance natural seeding through brushing, roughing and etc.
- establishing conservation areas for flat rotation
- other _____

Shellfish Committee/Staff

Municipality: _____

Title	Name	Mailing Address	Telephone
Chair	_____	_____	_____
Vice Chair	_____	_____	_____
Secretary	_____	_____	_____
Member(s)	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
Selectmen/ Council Rep.	_____	_____	_____
Wardens	_____	_____	_____
	_____	_____	_____
WQSpec(s)	_____	_____	_____
	_____	_____	_____

Committee Meetings

The Shellfish Committee holds regularly scheduled meetings: yes no

The following number of meetings was held during the past year: _____

Minutes of meetings are recorded, filed and are available upon request: yes no

Conservation Credit

The opportunity to obtain conservation credit is provided: yes no

The total number of conservation hours needed to obtain credit is _____.

Conservation credit is required to obtain a: renewal license

new license

Conservation hours are given for:

- meeting attendance
- committee service
- educational activities
- coastal cleanup
- surveys
- reseeding
- brushing
- predator control
- _____

If conservation credit is not provided, the total number of volunteer man-hours documented for management activities during the past year is _____.

Summary of Warden Activities

Municipality: _____

Hours Patrolled: _____
 Diggers Checked: _____
 Warnings Given: _____
 Summon Issued: _____
 Court Appearances: _____
 Convictions: _____

Enforcement of the shellfish management ordinance has been: satisfactory
 unsatisfactory

Enforcement could be improved by: more hours patrolled better training
 more wardens greater state support
 better equipment other _____

The warden is provided with a written job description: yes no

Production Data Collected by the Warden

Month	Avg. Daily Catch/Digger	Avg. # of Diggers/Day	Total # of Days Dug	Total Lbs or Bushels
January	_____ X	_____ X	_____ =	_____
February	_____	_____	_____	_____
March	_____	_____	_____	_____
April	_____	_____	_____	_____
May	_____	_____	_____	_____
June	_____	_____	_____	_____
July	_____	_____	_____	_____
August	_____	_____	_____	_____
September	_____	_____	_____	_____
October	_____	_____	_____	_____
November	_____	_____	_____	_____
December	_____	_____	_____	_____
			TOTAL	_____

Warden(s)

Training Date

Nomination Date

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Shellfish Conservation Budget

Municipality: _____

License Receipts	Allocation	Sold	Received
<i>Commercial</i>			
Resident			\$
Nonresident			\$
Senior Resident			\$
Senior Nonresident			\$
Junior/Student Resident			\$
Junior/Student Nonresident			\$
Other			\$
<i>Recreational</i>			
Resident			\$
Nonresident			\$
Daily/Weekly/Monthly Res.			\$
Daily/Weekly/Monthly Nonres.			\$
Senior Resident			\$
Senior Nonresident			\$
Junior/Student Resident			\$
Junior/Student Nonresident			\$
Other			\$
SUBTOTAL (1)			\$
Receipts Independent of License Fees			
Shellfish Conservation Account Carried Forward			\$
Funds Raised for Warden			\$
Funds Raised for Management Activities			\$
Fines			\$
Other			\$
SUBTOTAL (2)			\$
TOTAL Receipts (1+2)			\$
Disbursements			
Warden Salary			\$
Mileage			\$
Clothing			\$
Equipment			\$
Training			\$
SUBTOTAL (3)			\$
Advertising			\$
Supplies			\$
Surveys			\$
Seeding			\$
Miscellaneous			\$
SUBTOTAL (4)			\$
TOTAL Disbursements (3+4)			\$

Management Activities by Flat

Municipality: _____

The following is a list of clam harvest areas in which management activities were conducted during the past year and the dates when they occurred. No activities were conducted.

Harvest Area	Clam Survey	Seed/Reseed	Predator Control	Brushing/Roughing	Conservation Closure

Proposed Management Controls

Municipality: _____

The following management controls will be utilized for the coming year: (check all that apply)

- limit the number of commercial harvesters
- limit the number of recreational harvesters
- restrict times of harvest
- restrict the areas of harvest
- limit the amount of commercial harvest
- limit the amount of recreational harvest
- other _____

Proposed Shellfish Licenses

<u>License</u>	<u>Number</u>	<u>Cost @</u>
<i>Commercial</i>		
Resident	_____	\$ _____
Nonresident	_____	\$ _____
Senior Resident	_____	\$ _____
Senior Nonresident	_____	\$ _____
Junior/Student Resident	_____	\$ _____
Junior/Student Nonresident	_____	\$ _____
Other	_____	\$ _____
<i>Recreational</i>		
Resident	_____	\$ _____
Nonresident	_____	\$ _____
Daily/Weekly Monthly Res.	_____	\$ _____
Daily/Weekly Monthly Nonres.	_____	\$ _____
Senior Resident	_____	\$ _____
Senior Nonresident	_____	\$ _____
Junior/Student Resident	_____	\$ _____
Junior/Student Nonresident	_____	\$ _____
Other	_____	\$ _____

License number determination is based upon: calculation using survey data
 survey data as a guide
 harvester input
 need/demand

The above numbers are:

- tentative, the actual numbers to be determined later
- firm, have been or will be submitted to DMR

Proposed Management Activities

Municipality: _____

The following management activities will be undertaken during the coming year: (check all that apply)

- predator protection through fencing, netting, trapping and etc.
- reseeding from high density areas or with hatchery stock
- flat surveys to determine size distribution and density
- harvester surveys to obtain catch and effort data
- enhance natural seeding through brushing, roughing and etc.
- establishing conservation areas for flat rotation
- other _____

In order to implement these management activities the committee will utilize: (check all that apply)

- harvesters vested with conservation credit
- harvester volunteers
- paid harvesters
- municipal employees
- paid consultants
- other _____

To provide a forum for harvester input in management planning, the shellfish committee plans to meet:

- annually
- biannually
- quarterly
- bimonthly
- monthly

Meeting notification for other than regularly scheduled meetings is by:

- mailing
- phone call
- posting
- newspaper
- word of mouth

In order to keep the DMR informed and to solicit advice on management activities, the shellfish committee will:

- request the area biologist to participate in all meetings
- request the area biologist to participate in only specific meetings
- invite the area biologist to attend all meetings
- invite the area biologist to attend only specific meetings

Summary of Clam Flat Survey Data

Municipality: _____

The following is a list of surveys conducted during the past year. Survey data should be attached if not previously provided to DMR.

No surveys were conducted.

Clam Flat	Survey Date	Acreage	Density (bu/a)	Standing Crop (bu.)	%>2" by vol.

The flats surveyed represent approximately _____ % of the total productive flats.

Summary of Transplant Activities

Municipality: _____

The following seeding / reseeding activities were conducted during the past year.

No seeding / reseeding activities were conducted.

	Event 1	Event 2	Event 3	Event 4
Date				
Supervisor				
Crew #				
Amount				
Mean Size				
Size Range				
Source				
Source Flat				
Receiv. Flat				
Netted (y/n)				
Closed until				
	Event 5	Event 6	Event 7	Event 8
Date				
Supervisor				
Crew #				
Amount				
Mean Size				
Size Range				
Source				
Source Flat				
Receiv. Flat				
Netted (y/n)				
Closed until				

Conservation Closures and Openings

Municipality: _____

Summary of Closures

The following is a list of conservation closures implemented or in effect during the past year.

No conservation areas were closed. (This table is for areas normally open.)

Conservation Area	Acreage	Closing Date	Opening Date	Total Days	Reason

Summary of Openings

The following is a list of conservation openings implemented or in effect during the past year.

No conservation areas were opened. (This table is for areas normally closed.)

Conservation Area	Acreage	Opening Date	Closing Date	Total Days	Reason

Enforcement Activities Worksheet

INSTRUCTIONS

This worksheet should be completed by the Shellfish Warden and returned to the Shellfish Committee as soon as possible. The information provided is required by DMR regulation (Chpt. 7.30.4.) and will be used in the preparation of the Annual Shellfish Management Review.

Production Data Collected by the Warden

This section summarizes the harvesting activity documented in the Monthly Enforcement Activity Reports. The following definitions apply:

'Average Daily Catch/Digger' is an estimate based on the average catch of the harvesters checked during routine patrol during a particular month. Enter "0" if no harvesting occurred.

'Average # of Diggers /Day' is an estimate of the average number of harvesters per day on the flats based upon observations made during routine patrols during a particular month. Enter "0" if no harvesting occurred.

'Total # of Days Dug' is the number of days the flats were open and not closed due to a) water quality classification, b) flood, c) PSP, d) conservation or e) ice. If flats are closed during all or part of a particular month, enter "a, b, c or d" along with the number of days open in the appropriate space (e.g., "15 c" means the flats were open for only 15 days that month due to PSP, 0e means the flats were closed for the month due to ice).

Total Lbs. or Bushels' is the multiple of the three previous numbers. Pounds or bushels can be used to record amounts but not both. Check the appropriate box in the heading to indicate which unit is being used. Enter "0" if no harvesting occurred.

For any month in which this information was not obtained due to lack of enforcement, enter "n/a" in the first three columns and "no warden" in the last (Total) column.

Summary of Activities for the Year

This section summarizes the enforcement activities listed in the Monthly Enforcement Activity Reports. Each item should be the actual total for the year and not an estimated number per day, week or month. For the category "Diggers Checked", this includes both identifying a digger and checking their catch for any size or amount restrictions. If an activity did not occur, place a "0" in the appropriate space.

Warden(s) Data

The date the Warden(s) received DMR training and the date the municipality nominated the Warden(s) needs to be entered. If the Warden(s) have yet to receive training, place an "n/a" in the appropriate space. Note: The municipality must nominate its Warden(s) each year.

Should you have any questions regarding the completion of this worksheet, do not hesitate to contact the Area Biologist for your region:

Down East:

Hannah Smith
Phone/fax 469-6315
E-mail Hannah.smith@maine.gov

Mid Coast:

Ron Aho
Phone/fax 586-5572
E-mail ron.aho@maine.gov

Southern:

Don Card
Phone/fax 443-6559
E-mail don.card@maine.gov

Note: A sample worksheet is printed on the back of this page.

Sample Enforcement Activities Worksheet

Production Data Collected by the Warden

Month	Avg. Daily Catch/Digger	Avg. # of Diggers/Day	Total # of Days Dug	Total: Lbs <input type="checkbox"/> or Bushels <input checked="" type="checkbox"/>
January	<u>1</u>	<u>4</u>	<u>31</u>	<u>124</u>
February	<u>1</u>	<u>4</u>	<u>28</u>	<u>112</u>
March	<u>1</u>	<u>5</u>	<u>31</u>	<u>155</u>
April	<u>1</u>	<u>5</u>	<u>30</u>	<u>150</u>
May	<u>1.5</u>	<u>7</u>	<u>31</u>	<u>325.5</u>
June	<u>1.5</u>	<u>12</u>	<u>15c</u>	<u>270</u>
July	<u>2</u>	<u>12</u>	<u>31</u>	<u>744</u>
August	<u>2</u>	<u>12</u>	<u>31</u>	<u>744</u>
September	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>No warden</u>
October	<u>1.5</u>	<u>7</u>	<u>31</u>	<u>325.5</u>
November	<u>1</u>	<u>7</u>	<u>22b</u>	<u>154</u>
December	<u>1</u>	<u>5</u>	<u>31</u>	<u>155</u>
			TOTAL	<u>3,119</u>

Summary of Warden Activities for the Year

Hours Patrolled:	<u>500</u>
Diggers Checked:	<u>150</u>
Warnings Given:	<u>35</u>
Summon Issued:	<u>12</u>
Court Appearances:	<u>3</u>
Convictions:	<u>7</u>

Enforcement could be improved by:

- more hours patrolled
 more wardens
 better equipment

- better training
 greater state support
 other _____

<u>Warden(s)</u>	<u>Training Date</u>	<u>Nomination Date</u>
<u>Barry Robins</u>	<u>05/28/02</u>	<u>03/01/03</u>
<u>Richard Cary</u>	<u>05/30/03</u>	<u>09/15/03</u>
_____	_____	_____
_____	_____	_____

Enforcement Activities Worksheet

Production Data Collected by the Warden

Month	Avg. Daily Catch/Digger	Avg. # of Diggers/Day	Total # of Days Dug	Total: Lbs <input type="checkbox"/> or Bushels <input type="checkbox"/>
January	_____ X	_____ X	_____ =	_____
February	_____	_____	_____	_____
March	_____	_____	_____	_____
April	_____	_____	_____	_____
May	_____	_____	_____	_____
June	_____	_____	_____	_____
July	_____	_____	_____	_____
August	_____	_____	_____	_____
September	_____	_____	_____	_____
October	_____	_____	_____	_____
November	_____	_____	_____	_____
December	_____	_____	_____	_____
			TOTAL	_____

Summary of Warden Activities for the Year

Hours Patrolled: _____
 Diggers Checked: _____
 Warnings Given: _____
 Summon Issued: _____
 Court Appearances: _____
 Convictions: _____

Enforcement could be improved by:

- more hours patrolled
- more wardens
- better equipment

- better training
- greater state support
- other _____

Warden(s)

Training Date

Nomination Date

**ANNUAL SHELLFISH MANAGEMENT REVIEW
for the period
January 1st to December 31st, 2004**

Shellfish Conservation Budget Worksheet

To be completed by the Municipal Clerk.

Shellfish Conservation Budget Worksheet

INSTRUCTIONS

This worksheet should be completed by the Town Clerk and returned to the Shellfish Committee as soon as possible. The information provided is required by DMR regulation (Chpt. 7.30.4.) and will be used in the preparation of the Annual Shellfish Management Review.

- This page should be filled out using information for the last complete fiscal year (i.e., municipalities with a July 1 to June 30 fiscal year would use Fy02/03 figures for a 2003 Annual Review).
- All blanks should be filled in to ensure that no information is inadvertently left out; please use "0", "-", or "n/a" where appropriate.
- The items under the heading "Other Receipts" represent funds independent of license fee receipts although a portion of the "Accounts Carried Forward" may contain funds from license fees not spent during the previous year. If the Warden or Management Activities are funded solely from license sales receipts, then "0" should be entered for those items in this section.
- All funds utilized for the shellfish program should be reported even if they are not a part of the shellfish account (e.g., warden salaries are a part of the enforcement budget in some municipalities).

Should you have any questions regarding the completion of this worksheet, do not hesitate to contact the Area Biologist for your region:

Down East- Hannah Smith
Phone/fax 469-6315
E-mail Hannah.smith@maine.gov

Mid Coast- Ron Aho
Phone/fax 586-5572
E-mail ron.aho@maine.gov

Southern- Don Card
Phone/fax 443-6559
E-mail don.card@maine.gov

Note: A sample worksheet is printed on the back of this page.

Sample Shellfish Conservation Budget Worksheet (last complete fiscal year)

License Receipts	Allocation	Sold	Received
<i>Commercial</i>			
Resident	20	20	\$ 4,000
Nonresident	2	2	\$ 800
Senior Resident	-	-	\$ 0
Senior Nonresident	-	-	\$ 0
Junior/Student Resident	-	-	\$ 0
Junior/Student Nonresident	-	-	\$ 0
Other	-	-	\$ 0
<i>Recreational</i>			
Resident	<i>No limit</i>	156	\$ 1,560
Nonresident	10%	16	\$ 320
Daily/Weekly/Monthly Res.	-	-	\$ 0
Daily/Weekly/Monthly Nonres.	-	-	\$ 0
Senior Resident	-	-	\$ 0
Senior Nonresident	-	-	\$ 0
Junior/Student Resident	-	-	\$ 0
Junior/Student Nonresident	-	-	\$ 0
Other	-	-	\$ 0
SUBTOTAL (1)			\$ 6,680
Receipts Independent of License Fees			
Shellfish Conservation Account Carried Forward			\$ 0
Funds Raised for Warden			\$ 5,000
Funds Raised for Management Activities			\$ 1,000
Fines			\$ 300
Other			\$ 0
SUBTOTAL (2)			\$ 6,300
TOTAL Receipts (1+2)			\$ 12,980
Disbursements			
Warden Salary			\$ 8,000
Mileage			\$ 2,500
Clothing			\$ 200
Equipment			\$ 300
Training			\$ 0
SUBTOTAL (3)			\$ 11,000
Advertising			\$ 125
Supplies			\$ 20
Surveys			\$ 100
Seeding			\$ 1000
Miscellaneous			\$ 75
SUBTOTAL (4)			\$ 1,320
TOTAL Disbursements (3+4)			\$ 12,320

Shellfish Conservation Budget Worksheet (last complete fiscal year)

License Receipts	Allocation	Sold	Received
<i>Commercial</i>			
Resident			\$
Nonresident			\$
Senior Resident			\$
Senior Nonresident			\$
Junior/Student Resident			\$
Junior/Student Nonresident			\$
Other			\$
<i>Recreational</i>			
Resident			\$
Nonresident			\$
Daily/Weekly/Monthly Res.			\$
Daily/Weekly/Monthly Nonres.			\$
Senior Resident			\$
Senior Nonresident			\$
Junior/Student Resident			\$
Junior/Student Nonresident			\$
Other			\$
SUBTOTAL (1)			\$
Receipts Independent of License Fees			
Shellfish Conservation Account Carried Forward			\$
Funds Raised for Warden			\$
Funds Raised for Management Activities			\$
Fines			\$
Other			\$
SUBTOTAL (2)			\$
TOTAL Receipts (1+2)			\$
Disbursements			
Warden Salary			\$
Mileage			\$
Clothing			\$
Equipment			\$
Training			\$
SUBTOTAL (3)			\$
Advertising			\$
Supplies			\$
Surveys			\$
Seeding			\$
Miscellaneous			\$
SUBTOTAL (4)			\$
TOTAL Disbursements (3+4)			\$

DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE 04333

To: Commissioner of Marine Resources Date: _____

From: _____ [Municipality] Ad Hoc Shellfish Ordinance Committee

SHELLFISH MANAGEMENT PLAN
for the
[Municipality]

The Ad Hoc Shellfish Management Committee submits the following information as required by DMR Regulations. Chapter 7. Section 7.20.

Statement of Management Goals and Implementation Actions (check all that apply)

The goal of clam management for this municipality will be:

- maximize harvesting opportunity through minimal management control
- maximize individual harvest through maximum management control
- increase the clam resource through various enhancement activities
- reserve the resource for the benefit of the residents of the municipality
- provide for recreational harvesting in preference to commercial harvesting
- provide for commercial harvesting in preference to recreational harvesting
- maximize the economic value of the resource to improve the local economy
- other _____

The following management controls will be utilized:

- limit the number of commercial harvesters
- limit the number of recreational harvesters
- restrict times of harvest
- restrict the areas of harvest
- limit the amount of commercial harvest
- limit the amount of recreational harvest
- other _____

The following management activities will be conducted:

- predator protection through fencing, netting and etc.
- reseedling from high density or closed areas
- reseedling with hatchery stock
- spatfall enhancement through brushing, roughing and etc.
- relaying from high density or closed areas
- other _____

Committee Meetings

In order to implement the management activities and to provide a forum for digger input the shellfish committee plans to meet:

- annually
- biennially
- quarterly
- bimonthly
- monthly
- biweekly
- weekly
- other

A member of the council or a selectman will plan to attend all shellfish committee meetings:

- yes
- no

Minutes of meetings will be recorded and available upon request:

- yes
- no

Conservation Credits

Harvesters will be encouraged to participate in management activities by the awarding of conservation credits applicable to license renewal:

- yes
- no

Conservation credit will be given for meeting attendance:

- yes
- no

Enforcement

Enforcement of the shellfish management ordinance will be undertaken by:

- full time conservation officer
- constable
- part time conservation officer
- deputy sheriff
- harbor master
- other town official

How many? _____

The following will be provided by the municipality:

- a vehicle
- a boat
- uniform
- radio
- cell phone
- firearm

Enforcement personnel will have the powers of arrest: yes no

They will be responsible for collecting production data: yes no

Proposed Shellfish Licenses

	Number	Cost
Resident Commercial	_____	\$ _____
Nonresident Commercial	_____	\$ _____
Reciprocal Commercial	_____	\$ _____
Resident Recreational	_____	\$ _____
Nonresident Recreational	_____	\$ _____
Reciprocal Recreational	_____	\$ _____
Resident Student	_____	\$ _____
Nonresident Student	_____	\$ _____
Reciprocal Student	_____	\$ _____
Other _____	_____	\$ _____

License numbers will be based upon: _____

- calculation using survey data
- survey data as a guide
- harvester input
- need/demand

Proposed Shellfish Budget

Warden Salary	\$ _____
Mileage	\$ _____
Clothing	\$ _____
Equipment	\$ _____
Advertising	\$ _____
Supplies	\$ _____
Surveys	\$ _____
Seeding	\$ _____
Miscellaneous	\$ _____
TOTAL	\$ _____

Ad Hoc Shellfish Management Committee

Title	Name	Mailing Address	Telephone
Chairman	_____	_____	_____
Vice-Chr.	_____	_____	_____
Secretary	_____	_____	_____
Member	_____	_____	_____
Member	_____	_____	_____
Council/Selectmen	_____	_____	_____
Liaison	_____	_____	_____

Proposed Management Activities by Flat

The following is a list of clam harvest areas in which management activities are planned for the coming year.

Clam Flat	Survey Date	Closure Date	Opening Date	Reseed Date	Brushing Date

Rev: 12/17/97

Application for Certification and Nomination of Shellfish Conservation Warden

Date Submitted: _____ Municipality: _____
Municipality Address: _____ Town: _____ Zip: _____
Telephone: _____ Fax: _____ Email Address: _____

Warden Information

Please refer to DMR Regulations Chapter 4 for warden requirements

First Name: _____ Last Name: _____
Mailing Address: _____ Town: _____ Zip: _____
Telephone: _____ Fax: (207) _____ Email Address: _____
Date of Birth: _____ Last year /Grade School Completed: _____ Last year /High School Completed: _____
Years of College Completed: _____ Full Time Employee? _____ Part Time Employee? _____

Valid Maine Driver's License? Yes ___ No ___ Current ___ or Intended ___ Employee?

Law Enforcement Training? Yes ___ No ___

(If yes, please describe training): _____

Power of Arrest? Yes ___ No ___ Carry Firearm? Yes ___ No ___

Other Towns Responsible for: _____

Date Nominated by Town: _____ Date Certified/Trained by DMR: _____

- ◆ The town must nominate the warden yearly. **Nominations are due by MARCH 1st.**
- ◆ Untrained nominee has up to one year to attend DMR Warden Training. Wardens with no other enforcement training cannot enforce a town ordinance until they are trained by DMR.
- ◆ Trained wardens must attend DMR Warden Training every three years.
- ◆ Town must notify DMR when warden is no longer employed by the town. (Fill in the warden information and check here to **RESCIND** nomination)

Additional Education (Explain):

Shellfish Related Experience:

Training (if MCJA include copy of certification):

Note: Signature of applicant authorizes DMR to check applicant's background for criminal record. If applicant has the **power of arrest and/or carries a firearm**, he or she must complete the appropriate MCJA course prior to DMR certification.

Signature of Municipal Official Date Signature of Applicant Date

Please fill out one application per warden nominated - Duplicate form as needed

MUNICIPAL SHELLFISH LICENSE ALLOCATION APPLICATION

To: Harold C. Winters, Manager
Shellfish Management Program
Department of Marine Resources
21 State House Station
Augusta, Maine 04333

Date: _____

From: _____ Shellfish Conservation Committee

The Shellfish Conservation Committee, upon review of the shellfish resources, and in consultation with the DMR Regional Biologist, requests the following shellfish license allocation for the coming year:

<u>License Class</u>	<u>Number</u>	<u>Cost @</u>
<i>Commercial</i>		
Resident	_____	_____
Nonresident	_____	_____
Senior Resident	_____	_____
Senior Nonresident	_____	_____
Junior/Student Resident	_____	_____
Junior/Student Nonresident	_____	_____
Other	_____	_____
<i>Recreational</i>		
Resident	_____	_____
Nonresident	_____	_____
Day/Week/Month Resident	_____	_____
Day/Week/Month Nonresident	_____	_____
Senior Resident	_____	_____
Senior Nonresident	_____	_____
Resident Junior	_____	_____
Nonresident Junior	_____	_____
Other	_____	_____

Contact Person for the Municipality:

Name: _____ Title: _____
Address: _____
Telephone: _____ Fax: _____

REQUIREMENTS FOR IMPLEMENTING CONSERVATION CLOSURES / OPENINGS WITHIN THE MUNICIPAL SHELLFISH PROGRAM

“Prior to closing or opening an area of a municipality to shellfish harvesting the municipality shall review the status of the resource affected and secure the recommendation of the DMR area biologist and the approval of the commissioner.” **Maine DMR Regulation 7.50**

The following steps should be followed to gain the approval of the Commissioner in a timely manner.

PROCEDURE

1. Contact the Regional DMR biologist responsible for your town. His agreement will be required for any conservation action proposed by the municipality.

York, Cumberland and Sagadahoc Counties

Donald Card Tel/Fax: 207-443-6559
72 Indian Carry Rd.
Bath, ME 04530

Lincoln, Knox and Waldo Counties

Ron Aho Tel/Fax: 207-586-5572
118 Kings Highway
Newcastle, ME 04553

Hancock and Washington Counties

Hannah Smith Tel/Fax: 207-469-6315
22 Charlie Star Ln.
Orland, ME 04472

2. Fill out the attached application
3. Send the completed application, *at least a week prior* to the requested date, to:

Commissioner, Dept. of Marine Resources
21 State House Station
Augusta, Me 04333-0021

**REQUIREMENTS FOR IMPLEMENTING CONSERVATION CLOSURES /
OPENINGS WITHIN THE MUNICIPAL SHELLFISH PROGRAM**

To: Commissioner, Dept. of Marine Resources
21 State House Station
Augusta, ME 04333

Date: _____

FROM: _____

The town of _____ requests approval of the Commissioner of the DMR to open / close the following shellfish growing area: _____

Please write the description of the boundaries of the area and attach a map showing the area:

Contact Person for the town:

Name _____ Title _____

Address _____

Telephone _____ Fax: _____

Please answer or do the following:

1. Why is this area being opened / closed?
2. If this is a conservation closure, how long will the area be closed?
From Date: _____ To Date: _____
3. If this is a conservation opening, date to be opened? _____
4. Who will enforce this conservation action?
5. How will people (harvesters and others) be notified of the action?
6. What is the State of Maine DMR classification of the growing area?
Approved (Open) Prohibited (Closed) Restricted (Depuration)

NOTE: Municipalities do not have authority to stop Depuration harvesting in Restricted areas or to permit harvesting in Prohibited areas.

Softshell Clam Transplant Permit Application

REQUIREMENTS FOR TRANSPLANTING CLAMS WITHIN THE MUNICIPAL SHELLFISH PROGRAM

A community must have a permit from the Maine Department of Marine Resources (DMR) to possess undersized soft shell clams (*Mya arenaria*). This permit will allow the municipality to possess sub legal clams for the purpose of reseeded shellfish areas. Without such a permit, the diggers may be in violation of state law.

The following guidelines should be followed while transplanting clams from all sources:

- 1) The activity will take place during daylight hours.
- 2) The activity will take place on designated days.
- 3) The activity should take place under the supervision of the town's shellfish officer or a designee of the Shellfish Committee.

The following guidelines must be followed when taking seed clams from a Closed or Restricted area.

- 1) All clams harvested must be less than 2" in the longest diameter. This is a no tolerance policy.
- 2) The harvest area must be marked by orange flags.
- 3) There must be a designated landing point for product that is included in the application.
- 4) During harvesting activities, harvest crew diggers shall remain in the same area, close enough for immediate supervision of all diggers at all times by the representative of the shellfish committee. The period of harvesting activity will be considered the time from which the names of the diggers are taken by the representative of the shellfish committee until the clams are landed at the designated landing point.
- 5) The method and route of the transportation of product to the receiving area must be submitted to DMR at the time of application.

NOTE: Areas seeded with clams taken from Depuration or Prohibited (Closed) areas must be closed for a period of at least 6 months.

PROCEDURE

Softshell Clam Transplant Permit Application

PROCEDURE

In order to obtain a permit the Shellfish Conservation Committee (SFC) must do the following:

1. Fill out the attached application
2. Send the completed form, at least a week prior to the requested date, to:

Commissioner, Dept. of Marine Resources
21 State House Station
Augusta, Me 04333-0021
3. Marine Patrol in either W. Boothbay Harbor at Division I (207-633- 9595) or Lamoine at Division II (207-667-3373) must be notified on the morning of the activity, or if the activity is initiated prior to the start of the normal business day or occurring on a weekend, the previous business day, of the following:
 - A) The name of the supervisor
 - B) The area of the activity
 - i) The name of the supervisor
 - ii) The number of diggers involved
 - iii) The area of the activity
4. **The supervisor of the activity will have in his possession a copy of the permit from the Department for the activity and a list of names of diggers involved.**
5. Questions and comments should be addressed to the following:

York, Cumberland and Sagadahoc Counties

Donald Card Telephone: 207-443-6559
72 Indian Carry Rd.
W. Bath, ME 04530

Lincoln, Knox and Waldo Counties

Ron Aho Telephone: 207-586-5572
118 Kings Highway
Newcastle, ME 04553

Hancock and Washington Counties

Hannah Smith Telephone: 207-469-6315
22 Charlie Star Ln.
Orland, ME 04472

Softshell Clam Transplant Permit Application

Date of Application: _____

To: Commissioner, Department of Marine Resources
 21 State House Station
 Augusta, ME 04333-0021

FROM: The town of _____ requests a permit to possess under sized clams for the purpose of transplanting.

Contact Person for the town:

Name _____ Title _____

Address _____

Telephone _____ Fax: _____

Please answer the following:

1. Who will be the supervisor of seeding operation? _____
 Title _____ Telephone # _____ Fax#: _____
2. What is the source of seed clams? (Please mark one)
 Natural _____ Hatchery _____
 Other _____ - Describe: _____
3. Please name the source area and attach a map showing the source area.
 Name of Source Area: _____
4. Please indicate the State classification of the seed source area:
 Approved (Open) _____ (Go to #5)
 Prohibited (Closed) _____ (Go to #11)
 Restricted (Depuration) _____ (Go to #11)
5. What day and time will the seed clams be harvested? Date: _____ Time: _____
6. What is the destination of seed clams? (Please attach a map of the area)
 Destination Name: _____
7. What day and time will the seed clams be planted? Date: _____ Time: _____
8. How will the success of this project be monitored?
9. Is the seeded area being closed to harvest of clams?
10. Are predator controls being used? _____ If yes please describe:

Softshell Clam Transplant Permit Application

If Hatchery seed or Open area clams are used, no further questions need to be answered. If Closed Area clams are used, please go to #11.

CLOSED/RESTRICTED AREA SOURCE SEED CLAMS

**PLEASE NOTE:
CLOSED/RESTRICTED HARVEST AREA MUST
BE MARKED BY ORANGE FLAGS**

11. What day and time will the seed clams be harvested? Date: _____ Time: _____
12. What is the destination of seed clams? (Please attach a map of the area)

13. How will the seed clams be moved to the planting site? _____
14. If seed clams are transported by car, where will the clams be landed? (please note that clams from Closed and Restricted areas must be planted immediately. No storage is allowed)
15. What day and time will the seed clams be planted? Date: _____ Time: _____
16. How will the success of this project be monitored? _____
17. Is the seeded area being closed to harvest of clams?

NOTE: Areas seeded with clams taken from Depuration or Prohibited (Closed) areas must be closed for a period of at least 6 months.

18. Are predator controls being used? _____ If yes please describe:

Enforcement Activities Report

For the Period January 1st to June 30th

INSTRUCTIONS

This worksheet should be completed by the Shellfish Warden and returned to: **Harold C. Winters, 21 State House Station, Augusta, ME 04333** prior to September 15th. The information provided is required by DMR regulation (Ch. 4).

Production Data Collected by the Warden

This section summarizes the harvesting activity documented in the Monthly Enforcement Activity Reports. The following definitions apply:

'Average Daily Catch/Digger' is an estimate based on the average catch of the harvesters checked during routine patrol during a particular month.

'Average # of Diggers /Day' is an estimate of the average number of harvesters per day on the flats based upon observations made during routine patrols during a particular month.

'Total # of Days Dug' is the number of days the flats were open and not closed due to flood, PSP or conservation.

'Total Lbs. or Bushels' is the multiple of the three previous numbers. Pounds or bushels can be used to record amounts but not both. It should be clearly indicated which unit is being used.

Summary of Activities for the Year

This section summarizes the enforcement activities listed in the Monthly Enforcement Activity Reports. Each item should be the actual total for the year and not an estimated number per day, week or month.

Warden(s) Data

The date the Wardens) received DMR training and the date the municipality nominated the Warden(s) needs to be entered. If the Warden(s) have yet to receive training, place an "n/a" in the appropriate space. Note: The municipality must nominate its Warden(s) each year.

Should you have any questions regarding the completion of this worksheet, do not hesitate to contact the Area Biologist for your region:

Down East- Hannah Smith
Phone/fax 469-6315
E-mail Hannah.smith@maine.gov

Mid Coast- Ron Aho
Phone/fax 586-5572
E-mail ron.aho@maine.gov

Southern- Don Card
Phone/fax 443-6559
E-mail don.card@maine.gov

Enforcement Activities Report

for the Town of _____

For the Period January 1st to June 30th, 20____

Production Data Collected by the Warden

Month	Avg. Daily Catch/Digger	X	Avg. # of Diggers/Day	X	Total # of Days Dug	=	Total Lbs. or Bushels
January	_____	X	_____	X	_____	=	_____
February	_____		_____		_____		_____
March	_____		_____		_____		_____
April	_____		_____		_____		_____
May	_____		_____		_____		_____
June	_____		_____		_____		_____
					TOTAL		_____

Summary of Warden Activities: January - June

Hours Patrolled: _____
 Diggers Checked: _____
 Warnings Given: _____
 Summons Issued: _____
 Court Appearances: _____
 Convictions: _____

Warden Name	Training Date	Nomination Date
_____	/ /	/ /
_____	/ /	/ /
_____	/ /	/ /

DMR Shellfish Information Directory

Department of Marine Resources, 21 State House Station, Augusta, ME 04333-0021

Shellfish Sanitation Hotline: 1-800-232-4733

Public Health Division

Amy Fitzpatrick, Director (*Closed/PSP/Deuration Areas: Shellfish Sanitation*)

Boothbay Harbor Office: 194 McKown Point Road, P.O. Box 8, W. Boothbay Harbor, ME 04575

Phone: (207) 633-9554; Fax: (207) 633-9579; email: amy.fitzpatrick@maine.gov

Michelle Mason, Shellfish Program Coordinator (*Municipal Program; Closed/PSP Areas; Shellfish Sanitation*)

Hallowell Office, 21 State House Station, Augusta, ME 04333

Phone: (207) 624-6570; Fax: (207) 624-6015; email: michelle.mason@maine.gov

Biotoxin Monitoring (PSP)

Darcie Couture, Toxin Monitoring Director, Boothbay Harbor Office

Phone: (207) 633-9570 or (207) 633-9582; Fax: (207) 633-9579; email: Darcie.Couture@maine.gov

Laurie Bean, Toxin Monitoring, Boothbay Harbor Office

Phone: (207) 633-9555; Fax: (207) (207) 633-9579; email: laurie.bean@maine.gov

Allie Rohrer, Toxin Monitoring, Lamoine Office

Phone: (207) 667-5654, Fax: (207) 664-0592, email: Alexandra.Rohrer@maine.gov

Microbiology Lab, Boothbay

Cathy Vining, Microbiologist II

Phone: (207) 633-9682; email: Cathy.Vining@maine.gov

Gail Parsons, Microbiologist I

Phone: (207) 633-9515, email: gail.parsons@maine.gov

Ed Thier, Marine Resource Technician

Phone: 633-9557; email: Edward.Thier@maine.gov

Landings Program

Heidi Bray, Commercial Landings Scientist, Boothbay Harbor Office

Phone: (207) 633-9504; Fax: (207) 633-9579

Volunteer Coordinator

Alison Sirois, Boothbay Harbor Office

Phone: (207) 633-9401; Fax: (207) 633-9579; email: Alison.Sirois@maine.gov

Wetlands Alteration Review

Brian Swan, Environmental Coordinator, Hallowell Office

Phone: (207) 624-6573; Fax: (207) 624-6024, email: brian.swan@maine.gov

DMR Development

Cindy Smith, Resource Management Coordinator, Hallowell Office

Phone: (207) 624-6558; Fax: (207) 624-6024

Licensing

Hallowell Office Receptionist

Phone: (207) 624-6550; Fax: (207) 624-6024

Water Quality – Boothbay

(Closed & Depuration Area Openings/Closings)

Jan Barter, Supervisor (*Area from Boothbay Harbor to Friendship, and East side of New Meadows River*)

Phone: (207) 633-9501; email: jan.barter@maine.gov

Laura Livingston (*Area from Kittery to the Sheepscot River*)

Phone: (207) 633-9533; email: laura.livingston@maine.gov

Fran Pierce (*Area from Friendship to Cape Jellison Bay Island*)

Phone: (207) 633-9511; email: fran.pierce@maine.gov

Water Quality – Lamoine

(Closed & Depuration Area Openings/Closings; Microbiology Lab)

Robert Goodwin, Field Supervisor

Lamoine Office, 22 Coaling Station Lane, Lamoine, ME 04605

Phone: (207) 667-5654; Fax: (207) 664-0592; email: Robert.Goodwin@maine.gov

John Fendl

Phone: (207) 667-5654; Fax: (207) 664-0592; email: John.Fendl@maine.gov

Erick Schaefer

Phone: (207) 667-5654; Fax: (207) 664-0592; email: Erick.Schaefer@maine.gov

Mecuria Cumbo, Water Quality Lab Supervisor

Phone: (207) 667-5654; email: Mecuria.Cumbo@maine.gov

Shellfish Sanitation

Bruce Chamberlain, Seafood Technology Supervisor (*Midcoast Maine*)

Cell Phone: 557-3557; email: bruce.chamberlain@maine.gov

Jeffrey Armstrong, Seafood Technologist (*Southern Maine*)

Home phone/fax: (207) 799-7193; Cell phone: 557-3558; email: jeff.armstrong@maine.gov

Jerry Bishop, Seafood Technologist (*Downeast Maine*)

Home phone: (207) 843-5244; Cell phone: 557-3556; email: jerry.bishop@maine.gov

Marine Patrol – Hallowell Office

Colonel Joe Fessenden, Chief of Marine Patrol

Phone: (207) 624-6571; Fax: (207) 624-6024; email: joe.fessenden@maine.gov

Marine Patrol – Division I

(Kittery to St. George)

Lt. Jon Cornish, Boothbay Harbor Office

Phone: (207) 633-9595; Fax: (207) 633-9579; email: Jon.Cornish@maine.gov

Marine Patrol – Division II

(St. George to Canada)

Lt. Alan Talbot, Lamoine Office

Phone: (207) 667-3373; Fax: (207) 667-3972; email: alan.talbot@maine.gov

Municipal Shellfish Management Program

Denis Marc-Nault, *Area Biologist Supervisor, (Washington County, Maine)*

60 Harborview Drive, Sullivan, ME 04664

Home phone: (207) 422-2092; Fax: 629-0414; Cell phone: 592-0512; email: Denis-Marc.Nault@maine.gov

Don Card, *Area Biologist, (Southern Maine)*

72 Indian Carry Road, West Bath, ME 04530

Home phone: (207) 443-5147; Fax: 629-0415; Cell phone: 592-0983; email: Don.Card@maine.gov

Ron Aho, *Area Biologist, (Midcoast Maine)*

118 Kings Highway, Newcastle, ME 04553

Home phone/fax: (207) 586-5572; Cell phone: 592-0974; email: Ron.Aho@maine.gov

Hannah Annis, *Area Biologist, (Hancock County, Maine)*

22 Charlie Star Lane, Orland, ME 04472

Home phone: (207) 469-6134; Fax: 629-0416; Cell phone: 949-4498; email: Hannah.Annis@maine.gov

Other Agencies

Department of Environmental Protection,

Bureau of Land & Water Quality, 17 State House Station, Augusta, Maine 04333-0017

Contact: Richard Green, Phone: (207) 287-7765, Fax: (207) 287-7939; email: Richard.A.Green@maine.gov

Department of Agriculture, Division of Quality Assurance and Regulation, (*for other than molluscan bivalves*)

28 State House Station, Augusta, ME 04333-0028

Contact: David Gagnon, Phone: (207) 287-2161

Peter Koufopoulos, (*Questions about NSSP, Model Ordinance, etc.*)

USFDA, Shellfish Sanitation Program, 1 Montvale Avenue, Stoneham, MA 02180

Phone: (781) 596-7780; Fax: (781) 596-7894; email: peter.koufopoulos@fda.hhs.gov

Ken Moore, (*Questions about ISSC*)

209-2 Dawson Road, Columbia, SC 29223

Phone: (803) 788-7559

Steve Giguere or **Dana Finnamore** (*HACCP training classes*)

Department of Agriculture, 28 State House Station, Augusta, ME 04333-0028

Phone: (207) 287-6319

Visit the DMR web page at: <http://www.maine.gov/dmr>

SHELLFISH CONSERVATION ORDINANCE

Town of *Myaville*

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 *Myaville*, which will insure 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 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 *Myaville* will be administered by the Shellfish Conservation Committee consisting of *seven* members to be *elected annually at town meeting or appointed by selectmen/council* for terms of *three* years.

The Committee's responsibilities include:

- A. Establishing annually in conjunction with the Department of Marine Resources the number of shellfish digging 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 and preparing in conjunction with and subject to the approval of the department a plan for implementing conservation measures.
- C. Submitting to the Board of Selectmen/Council 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 town's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources.
- F. Implementing conservation closures and openings or recommending conservation closures and openings to the Board of Selectme/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* next prior to the time his claim of such residence is made.
- B. **Nonresident**: The term "nonresident" 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" mean soft shell clams (*Mya arenaria*).
- D. **Municipality**: Refers to the Town of *Myaville*, 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 Commercial Digger must also have a valid State of Maine Commercial Shellfish License issued by the Department of Marine Resources.

A. **Designation, Scope and Qualifications**:

- 1) **Resident Commercial Shellfish License**: The license is available to residents of the municipality and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities.
- 2) **Nonresident 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.
- 3) **Residential Recreational Shellfish License**: The license is available to residents *and real estate taxpayers* of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of himself and his family.
- 4) **Nonresident Recreational Shellfish License**: The license is available to any person not a resident of this municipality and entitles the holder to dig and take not more than one peck of shellfish in any one day for the use of himself and his family.
- 5) **License must be signed**: The licensee must sign the license to make it valid.

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 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 license to become invalid and void.

C. **Fees:** The fees for the licenses are as stated below and must accompany in full the application for the respective license. The Town Clerk shall pay all fees received to the Town Treasurer except for \$1.00 of 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.

Resident Commercial:	\$200
Nonresident Commercial:	\$400
Resident Recreational:	\$30
Nonresident Recreational:	\$60

D. **Limitation of Diggers:** Clam resources vary in density and size distribution from year to year and over the limited soft clam producing area of the town. It is essential that the town carefully husband its shellfish resources. If, following the annual review of the town's clam resources, its size distribution, abundance and the warden's reports, as required by Section 3, the Shellfish Conservation Committee in consultation with the DMR area biologist determine limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year;

- 1) Prior to *January 1st* the committee shall reports 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 *February 1st* , 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 a 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, not less than 10 days prior to the period of issuance and shall be posted in the municipal offices until the period concludes.
- 4) The Town Clerk shall issue licenses to residents and nonresidents as allocated (paragraph 1) from *March 1st* and

until *May 31st* after which licenses shall be issued to residents and nonresidents on a first-come, first-served basis or by lottery.

- 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.*

E. 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;*

- 1) *Notice of the dates, places, times and the procedures for the license sales shall be published in a 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, not less than 90 days prior to the initial sale date and shall be posted in the municipal offices. A copy of the notice shall be provided to Commissioner of Marine Resources.*
- 2) *For each commercial license category, the Town Clerk shall issue one license to nonresidents 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 resident license issued. For each recreational license category, the Town Clerk shall issue one license to a resident and one to a nonresidents; thereafter one nonresident license will be issued for every ten additional resident licenses issued.*

F. License Expiration Date: *Each license issued under authority of this ordinance expires at midnight on last day of February next following date of issuance.*

G. Reciprocal Harvesting Privileges: *Licenses from any other municipality cooperating with this municipality on a joint shellfish management program may harvest shellfish according to the terms of this license.*

H. Fee Waivers: *Recreational shellfish license fees will be waived for individuals 65 years or older and 12 years or younger.*

I. Suspension: *Any shellfish licensee having three convictions for a violation of this ordinance within a three year period shall have his shellfish license 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 effective from the date of mailing of a Notice of Suspension by the Town Clerk to the Licensee.*
- 3) *Any licensee whose shellfish license has 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 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 Board of Selectmen/Town Council by filing a written Request for Appeal with the Town Clerk within seven (7) days of the decision of the Shellfish Conservation Committee.*

6. **Opening and Closing of Flats:** The Town Council/Board of Selectmen/Shellfish Conservation Committee, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon concurrence of the Department of Marine Resources Area Biologist that the status of shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Town Council/Board of Selectmen/Shellfish Conservation Committee may call a public hearing, and shall send a copy of the notice to the Department of Marine Resources. The decision of the Town Council/Board of Selectmen/Shellfish Conservation Committee 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 municipality 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. 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 shell stock.

B. **Tolerance:** Any person may possess soft shell clams that are less than two inches if they comprise less than 10% of any lot. The tolerance shall be determined by count of not less than one peck nor more than four pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one 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 (10).
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. **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.
11. **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.

[NOTE: *Items in italics are optional, or in the case of amounts and dates, variable to the extent allowed by law*]

Rev. 11/07/001

Softshell clam landings from dealer reports

	2000	2001	2002	2003	2004	2005	2006	7 Yr. Avg.
MAINE TOTAL	10,938,625	13,117,522	11,809,161	11,584,135	11,049,549	8,847,439	8,965,712	10,901,735
STATE UNKNOWN			132	2,361	1,460	10,219	8,230	3,200
	2000	2001	2002	2003	2004	2005	2006	7 Yr. Avg.
BIDDEFORD	10,793			7,240	17,390	18,750	10649	9,260
ELIOT	4,215		917					733
KENNEBUNK								0
KENNEBUNKPORT								0
KITTERY	826		1,019					264
S. BERWICK								0
YORK							209	30
WELLS								0
YORK COUNTY	15,834	0	1,936	7,240	17,390	18,750	10,858	10,287
	2000	2001	2002	2003	2004	2005	2006	7 Yr. Avg.
BRUNSWICK	519,713	745,369	1,049,547	905,596	923,144	706,930	732,943	797,606
CAPE ELIZABETH		815				2,769	2,544	875
CUMBERLAND	14,706	12,270	15,254	6,105	21,141	7,096	19,198	13,681
CUMBERLAND UNKNOWN								0
FALMOUTH	2,679	801	9,788	12,830	17,303	4,600	69,940	16,849
FREEPORT	572,954	558,838	541,719	512,701	452,325	512,290	909,808	580,091
HARPSWELL	847,419	880,400	910,389	677,311	568,807	427,583	513,633	689,363
LONG ISLAND				52				7
PORTLAND	14,580		21,701			5,000		5,897
SCARBOROUGH	196,624	127,417	143,338	268,555	331,462	129,258	581,596	254,036
SOUTH PORTLAND								0
YARMOUTH	254,634	63,872	65,855	94,301	80,496	32,456	82,476	96,298
CUMBERLAND COUNTY	2,168,675	2,325,909	2,691,737	2,477,451	2,394,677	1,827,981	2,914,142	2,400,082
	2000	2001	2002	2003	2004	2005	2006	7 Yr. Avg.
ARROWSIC	2,763		212	1,044			143	594
BATH		74,004	550	50	151		282	10,720
GEORGETOWN	117,105	134,849	216,479	140,961	122,358	145,716	102,610	140,011
PHIPPSBURG	250,001	307,554	288,502	319,274	244,332	169,855	128,690	244,030
WEST BATH	99,693	120,453	296,562	294,218	278,759	300,561	200,441	227,241

Softshell clam landings from dealer reports

WOOLWICH	10,127	147,288	136,880	113,896	88,315	44,984	54,066	85,079
SAGadahoc County	479,687	784,147	939,185	869,443	733,915	661,116	486,231	707,675
	2000	2001	2002	2003	2004	2005	2006	7 Yr. Avg.
BOOTHBAY	354,295	310,405	209,492	215,389	235,536	135,286	120,362	225,824
BOOTHBAY HARBOR	29	197	544		193	8,545	9,245	2,679
BREMEN	199,167	200,494	130,252	125,335	113,291	91,673	117,932	139,735
BRISTOL	10,829	13,512	2,978	18,244	1,422	6729	33746	12,494
DAMARISCOTTA	356,945	347,020	326,884	314,582	426,427	332,412	121,069	317,906
EDGEComb	36,007	15,201	9,876	15,139	10,143	799	5,595	13,251
LINCOLN UNK		11,718					344	1,723
NEWCASTLE	30,021	35,238	37,223	117,999	26,051	2,399	36,874	40,829
SOUTHPORT							13,866	1,981
S BRISTOL	346,771	260,561	259,266	221,061	161,111	116,070	164,454	218,471
WALDOBORO	889,708	1,337,886	1,196,482	1,097,344	725,990	414,411	535,393	885,316
WESTPORT	3,132	5,121	5,369	18,961	8,684	205	4,652	6,589
WISCASSET	37,661		50,715	21,224	24,995	25,786	25,674	26,579
LINCOLN County	2,264,565	2,537,353	2,229,082	2,165,277	1,733,844	1,134,313	1,189,205	1,893,377
	2000	2001	2002	2003	2004	2005	2006	7 Yr. Avg.
CUSHING	364,949	511,975	379,969	375,183	814,202	470,306	333,796	464,340
FRIENDSHIP	225,562	266,558	186,731	105,912	78,704	84,637	143,312	155,916
ISLE AU HAUT	1,946	2,343	4,184	581	825	87	3,612	1,940
KNOX UNK			58					8
MUS. RDG. SHLS TWP.								0
NORTH HAVEN	4,542	1,484	446	522	11,082	2,113	1,741	3,133
OWLS HEAD		2,322	1,699	528	127		697	767
ROCKLAND	133	9,253						1,341
SO THOMASTON	133,444	285,841	367,882	181,692	35,809	20,623	20,633	149,417
ST. GEORGE	779,535	690,944	676,940	689,923	774,852	644,566	341,503	656,895
THOMASTON	58,223	378,378	175,886	110,910	224,770	273,405	204,782	203,765
VINALHAVEN	56,459	75,619	30,323	42,810	69,518	39,022	7,508	45,894
KNOX County	1,624,792	2,224,716	1,824,115	1,508,060	2,009,887	1,534,757	1,057,583	1,683,416
	2000	2001	2002	2003	2004	2005	2006	7 Yr. Avg.
WALDO UNKNOWN				683				98

Softshell clam landings from dealer reports

ISLESBORO	527		268	408				172
NORTHPORT		262				476		105
PROSPECT		1,197						171
SEARSPORT	217	1,735	2,111	42				586
STOCKTON SPRINGS	2,350	2,889	2,074	2,300	143			1,394
WALDO			1,205					172
WALDO COUNTY	3,094	6,083	5,658	3,433	143	476		2,698
	2000	2001	2002	2003	2004	2005	2006	7 Yr. Avg.
BAR HARBOR	452	1,200	1,046	3,902	5,804	9,779	8,526	4,387
BLUE HILL	4,340	15,291	23,176	17,102	29,064	15,124	5,414	15,644
BROOKSVILLE	10,694	8,438	14,775	20,658	13,073	9,142	3,198	11,425
BROOLKIN	41,649	33,721	34,043	57,652	37,445	39,690	50,176	42,054
CASTINE	38	394					317	107
COREA		26	92	319	57			70
CRANBERRY ISLES	4,939	145					112	742
DEER ISLE	398,223	484,558	488,798	269,498	363,140	381,836	402,617	398,381
ELLSWORTH	4,878	101,777						15,236
FRANKLIN	8,836	7,329	11,700	36,460	61,487	82,531	31,915	34,323
FRENCHBORO		202			151	247		86
GOULDSBORO	184,074	192,670	40,621	73,579	40,714	36,250	40,047	86,850
HANCOCK	47,198	70,766	69,047	42,331	27,379	48,570	20,857	46,592
HANCOCK UNK				135	267		219	89
LAMOINE	64,556	36,932	59,734	69,121	72,384	103,971	59,312	66,573
MT DESERT	7,827	311	194	1,864	267			1,495
NORTHEAST HARBOR		5,472	38		29			791
PENOBSCOT	8,108	4,634	11,277	52,997	36,693	968	131	16,401
SEDGEWICK	5,493	8,406	2,348	1,861	2,171	96,476	8,018	17,825
SORRENTO	94,321	66,201	56,293	3,283	18,142	12,953	19,749	38,706
SOUTHWEST HARBOR		8,060	409	1,378	126	317		1,470
STONINGTON	104,096	117,075	118,961	48,055	71,279	50,242	215,233	103,563
SULLIVAN	74,338	149,952	139,759	9,974	9,960	17,970	6,459	58,344
SURRY	451		90		83		122	107
SWANS IS	81,611	63,850	41,940	32,427	15,105	3,404	17,471	36,544
TREMONT		1,081	664	877	470	45	1,300	634

Softshell clam landings from dealer reports

TRENTON	5,440	9,362	46,519	23,063	27,547	32,891	16,300	23,017
WINTER HARBOR	2,978	3,866	1,521	6,621	1,131	452	280	2,407
HANCOCK COUNTY	1,154,538	1,391,717	1,163,043	773,156	833,969	942,855	907,772	1,023,864
	2000	2001	2002	2003	2004	2005	2006	7 Yr. Avg.
ADDISON	113,778	180,033	166,237	159,963	184,440	95,115	90,392	141,422
BEALS	83,623	84,709	58,973	77,778	64,929	32,750	25,651	61,202
CALAIS						1,740		249
CHARLOTTE		69						10
COLUMBIA		153						22
CRAWFORD		69						10
CUTLER	129,170	394,046	364,336	373,573	308,496	230,813	190,600	284,433
DEBLOIS		192						27
DENNYVILLE	785	2,644	548				15	570
E MACHIAS	17,027	8,691	15,639	102				5,923
EASTPORT	27,587	38,483	63,386	23,145	2,150	3,800	13,319	24,553
EDMUNDS	7,499	15,716	1,256	26,100	23,275	28,200	11,064	16,159
HARRINGTON	142,860	213,642	264,707	307,103	368,600	322,975	269,705	269,942
JONESBORO	267,280	173,304	108,365	137,515	88,670	84,770	46,726	129,519
JONESPORT	265,700	505,082	220,642	196,324	178,342	112,712	100,465	225,609
LUBEC	349,208	102,065	136,429	254,255	375,486	281,045	361,738	265,747
MACHIAS	14,817	207,196	114,367	151,967	172,856	188,591	42,874	127,524
MACHIASPORT	871,386	1,096,021	745,400	1,144,126	864,839	664,524.63	564,902	850,171
MEDDYBEMPS		210				53,065		7,611
MILBRIDGE	119,777	59,122	71,154	104,096	73,592	144,347	30,955	86,149
PEMBROKE	87,772	106,260	144,286	210,008	125,185	151,335	92,529	131,053
PERRY	162,347	129,810	87,199	168,942	160,717	166,490	245,626	160,162
ROBBINSON							51,579	7,368
ROQUE BLUFFS	337,116	282,823	287,179	274,984	217,043	83,156	142,159	232,066
STEBEN	127,313	164,359	84,054	108,385	74,780	53,700	51,487	94,868
TRESCOTT	8,587	23,639	5,247	41,155	21,040	17,845	49,123	23,805
WHITING	93,808	59,259	14,874	18,193	19,825		10,787	30,964
WASHINGTON COUNTY	3,227,440	3,847,597	2,954,274	3,777,714	3,324,264	2,716,972	2,391,692	3,177,136