

Proposed Shellfish Ordinance Changes

1. Removed the requirement for a flat survey every three years (changed to “as needed”).
2. Removed “Committee Members Missing Meetings” section which required a replacement of a member if he/she missed three consecutive meetings.
3. Changed the definition of “Resident” to require a person to be domiciled in town for 180 days (vs. 90) and to remain domiciled during the license period (was not required before). If the harvester is no longer domiciled in Town they must surrender their license within 30 days and it would then be re-issued. The same will apply to a non-resident moving to town. (This applies to Commercial Licenses).
4. Removed Ocean View Campgrounds from list of campgrounds.
5. Removed requirement that a resident accompany a guest to get their recreational license and sign an affidavit.
6. Added the following to the definition of Shellfish or Clams that you need a Town issued license for and added the amount allowed to be taken by a person with a recreational license:
 - A. Razor Clams (*Ensis Directus*) – one peck with recreational license.
 - B. Eastern/American Oysters (*Crassostrea Virginica*) – one peck with recreational license.
 - C. European Oysters (*Ostrea edulis*) - one peck with recreational license.
7. Moved the “Required Conservation Time” out of the Commercial licensing categories and put it into the definitions section. Kept the 12 hour requirement but:
 - A. Increased the reseeding hours from 4 to 8 (and changed any reference throughout the ordinance for reseeding from 4 to 8).
 - B. Removed requirement to complete survey for license renewal.
8. Added the word “Commercial” when referencing student licenses. Clarified that seniority of “having held a license” when applying for a Commercial adult license includes time having held a student license.
9. Removed all references to reciprocal Commercial licenses.

10. Combined the “Designation, Scope and Qualifications” for Resident and Non Resident Recreational Licenses.
11. Removed the allowance for a holder of a State of Maine Commercial license to sign an affidavit and obtain a recreational license. If you have a Commercial license you cannot get a Recreational license.
12. Combined all hearing references into one section (11) and all appeal procedures into one section (12). All license action requiring a hearing will be held by the Shellfish Commission with the Selectmen being the appeal authority. All appeals will be conducted as appellate hearings (no new evidence can be submitted) – the Selectman must consider the same evidence as the Shellfish Committee did.
13. Different primary system for reduction of Commercial licenses through attrition if needed – currently it is based on seniority. The attrition system would be for the Committee to get approval from the Selectmen to reduce licenses and then cut back or delete the number of licenses being issued in the “New License category”. A harvester who fails to complete the required conservation time for a renewal license would not transfer into the New License category (they do not get a license). We would still keep the reduction of licenses based on “Seniority” in the event that we need to cut back licenses and the attrition system is not working.

This change will require that we change the license allocation approval date from April 15th to May 15th (30 days prior to issuance of licenses) since the conservation period runs until the last day of May, we would need to change our conservation period to run from May 1st to April 30th. This will allow us to know how many harvesters in the renewal license category meet the required conservation time before we request our license allocation from DMR.

14. Combined the time frame sections for setting license numbers, license fees and sending notifications of this to DMR.
15. Commercial New license and Commercial Unissued License categories – changed the “not more than 1 conviction” to obtain a license to “No convictions” to obtain a license.
16. Changed the Commercial “General Category” label to “Unissued Licenses”. In the event that the number of applications exceeds the number of available licenses, the licenses will be awarded by lottery rather than first come - first served basis.
17. If a harvester moves from a Commercial Resident to a Commercial Non-resident category or from a Commercial Non-resident to a Commercial Resident category they lose all seniority for license issuance.

18. If the holder of a Commercial license dies the license will not be reissued as part of the “reduction of licenses through attrition program.”
19. Added “**Molesting of Municipal Shellfish Gear**” as a violation of the ordinance.
20. Added “**Harvesting from a closed area**” as a violation of the ordinance.

Need to discuss

1. West Bath section says under Renewal Conservation Time: If these requirements are not met, a new license will not be issued the following year and will no longer be available to the applicant.
2. In relation to the tie between Echo Alexander and Tim Davis – does seniority follow a harvester from one category to another (ie. from Student to Adult and from Resident to Non Resident or Non Resident to Resident)? No.
3. Should we add this? **Harvesting from a closed area** – It shall be unlawful for any person to harvest, take or possess shellfish from any areas closed by the town of Phippsburg in accordance with DMR Regulation, Chapter 7.
4. What if a Non Resident moves into Town – do they have to surrender their license like we wrote for a resident moving out of Town? No.
5. Do you want to go back to 2005 for Seniority instead of five years (that is how far back our database goes)? No.