GEORGES RIVER REGIONAL

SHELLFISH

MANAGEMENT ORDINANCE

Adopted 1996
Amended March 11, 2002
Amended February 10, 2005
Amended January 26, 2006
Amended January 11, 2007
Amended September 13, 2007
Amended January 15, 2009
Amended February 10, 2011
Amended February 14, 2013
Amended September 11, 2014

Georges River Regional Shellfish Management Ordinance

Section 1. TITLE This Ordinance shall be known, and may be cited as, "The Georges River Regional Shellfish Management Ordinance." The jurisdiction of the Ordinance shall include the participating towns of the Georges River Regional Interlocal Clam Management Agreement of 2002, namely, St. George, South Thomaston, Thomaston, Warren and Cushing, Maine, and will be referred to herein as "this Ordinance." The Ordinance will be voted on by the voters of each participating town, and will apply only to those towns that elect to adopt it.

Section 2. DEFINITIONS

A. **Administrative Municipality**: The town that administers this Ordinance and the directives of the Joint Board of Selectmen. The Administrative Municipality shall be a three (3) year rotation of the member municipalities, starting July 1, 2011 with South Thomaston, then Cushing, then Thomaston, then St. George, and then Warren. The Joint Board will have the authority to deviate from this rotation with just cause.

B. **Annual License Allocation Procedure Plan**: A plan written by the Shellfish Management Committee and submitted to the Joint Board of Selectmen for approval. This plan will outline in detail how licenses are to be allocated on an annual basis and will establish priority status for the allocation of licenses as referred to in Section 11 (B).

C. **Annual Shellfish Management Plan**: A detailed clam resource management plan written on an annual basis by the Shellfish Management Committee and submitted to, and approved by, the Joint Board of Selectmen for submission to, and approval by, the Maine Department of Marine Resources. Said plan will define actions to be taken regarding the number of licenses to be issued, re-seeding activities, conservation closures, limits on allowable harvest and harvesting days and times, and other measures taken to ensure a sustainable harvest of the resource.

D. **Conservation time**: Those measures and activities approved by the Shellfish Management Committee for the purposes of resource enhancement and the support of the Georges River Regional Shellfish Management Program. Said activities shall be outlined in the Annual Shellfish Management Plan.

E. **Georges River Regional Shellfish Management Committee**: A committee comprised of representatives of the participating towns with responsibilities described in Section 8 of this Ordinance.

F. **Joint Board of Selectmen**: A Board consisting of one municipal officer from each of the participating towns. Refer to Part 3 of the Georges River Regional Interlocal Clam Management Agreement and Section 9 of this Ordinance for further information.

G. **Lot**: The total number of soft-shell clams in any bulk, whether in a box, barrel or any other container.

H. **Municipalities**: The towns of St. George, South Thomaston, Thomaston, Warren and Cushing, referred to herein as the participating towns.

I. **Nonresident**: Anyone not qualified as a resident under this ordinance.

J. **Possess**: To dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale soft shell clam shell stock.

K. **Regional**: All the inter-tidal zones of the participating towns, including, but not limited to, the St. George River, Medicos River and Weskeag River watersheds.

L. Resident: A person who has proof of being physically domiciled at a fixed, permanent and principal home in at least one or more of the participating towns continuously for at least two (2) years prior to application for a clam license. Proof of residency may include any of the following requested by the Joint Board:

- *Copy of deed/record of most recent mortgage payment;*
- *Copy of lease, legal affidavit from landlord affirming tenancy, and record of most recent rental payment;*
- *Utility bill within the past 60 days (gas, oil, electric, telephone, cable/satellite TV) ;*
- *W-2 Wage and Tax Form Statement and/or W-9 Independent Contractor SSN/Business Tax ID number;*
- *Excise tax receipts dated within the past 60 days;*
- *Valid driver's license, Maine photo ID, vehicle registration, passport, or state shellfish displaying physical address; and/or*
- *Other verifiable documentation deemed appropriate by the Joint Board of Selectmen.*

Once a Resident Commercial/Resident Student license is obtained, the license holder may keep the license as long as he fulfills all other license requirements and maintains his permanent residence in one of the five towns participating in this Regional Shellfish Ordinance. Should the license holder become a resident of a town other than the five listed in the ordinance and moves there, he is required to surrender his resident license to the Administrative Town as soon as the move is made.

M. Shellfish: Clams and inter-tidal shellfish resources shall mean soft-shell clams (mya arenaria), shellstock, and clams commonly referred to as razor clams. This definition also includes all species of quahogs (other than mahogany quahogs) and oysters.

Section 3. AUTHORITY This ordinance has been prepared in accordance with the provisions of Title 12 MRSA Section 6671, et seq, as revised, and Section 6681, as revised.

Section 4. PURPOSE The purpose of this ordinance is to establish a regional management program for the participating towns of the Georges River Regional Interlocal Clam Management Agreement, which will ensure sustainable harvest practices and optimum utilization of soft-shell clam resources within the limits of these municipalities. These goals will be achieved by means which include, but are not necessarily limited to:

A. Establishing licensing procedures and limiting the number of shellfish harvesters;

B. Restricting the time and area where digging is permitted;

C. Limiting the minimum size of soft-shell clams taken;

D. Limiting the amount of soft-shell clams taken; and

E. Providing effective enforcement of the ordinance.

Section 5. REPEAL Any ordinance regulating the harvesting or management of shellfish on these municipalities and/or any provisions of any municipal ordinance which is inconsistent with this ordinance is hereby repealed as of the effective date of this Ordinance pursuant to Section 7 herein.

Section 6. VALIDITY AND SEVERABILITY 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.

Section 7. EFFECTIVE DATE This Ordinance, upon approval of the Commissioner of Marine Resources, shall become effective after its adoption by the participating towns, provided a certified copy is filed with the Commissioner within twenty (20) days of its adoption.

Section 8. THE SHELLFISH MANAGEMENT COMMITTEE The Regional Shellfish Management Program for the participating towns will be administered jointly by the Joint Board of Selectmen and the Georges River Shellfish Management Committee. The Committee shall consist of three members of each participating town, at least two of whom shall be commercial diggers licensed under this Ordinance if they are available and willing to serve, and shall be appointed by the municipal officers of the participating towns in accordance with the procedures outlined in Section 8 (A) for terms of three (3) years.

A. **Selection of Shellfish Management Committee Members:** Selectmen of each of the participating towns shall appoint Shellfish Management Committee members according to their own policies and procedures.

B. **Shellfish Management Committee's Responsibilities shall include:**

   i. Submitting to the Joint Board of Selectmen by the 1st day of the last month of the fiscal year proposals for the expenditure of funds for the purpose of shellfish management.

   ii. Keeping this Ordinance under review and making recommendations for its amendments.

   iii. Recommending management actions to the Joint Board of Selectmen in conjunction with the Area Biologist of the Department of Marine Resources. Such actions may include, but are not limited to, re-seeding of defined clam flats, establishing conservation closures, shoreline cleanup, and limiting and/or expanding harvesting activities.

   iv. Recommending to the Joint Board of Selectmen enforcement actions for the protection of the resource.

   v. Submitting an annual report to the participating towns and the Department of Marine Resources covering the aforementioned topics and other Committee activities.

vi. Assist in identifying possible sources of pollution harmful to the inter-tidal habitat and the clam resource.

vii. By February 1st of each year submit an **Annual Shellfish Management Plan** to the Joint Board of Selectmen for their approval and the approval of the Department of Marine Resources. The plan will outline in detail the number of licenses to be issued annually, license fees, the amount of clams allowed to be harvested per tide, restrictions on the times and days harvesting will be allowed, and other relevant resource management tools. The plan will be submitted to the Commissioner of Marine Resources for approval prior to May 1st of each year.

viii. By March 1st of each year submit an **Annual License Allocation Procedure Plan** for approval by the Joint Board of Selectmen. This plan will outline in detail how licenses are to be allocated on an annual basis and shall be consistent with 12 M.R.S.A Section 6671 (3-A)(C). After receiving approval for license allocations from the Commissioner of Marine Resources, and prior to May 10th, the Shellfish Management Committee shall notify the Town Clerk, in writing, the number of shellfish licenses to be issued.

C. Attendance: Shellfish Management Committee members shall make every effort to regularly attend Committee meetings.

Section 9. JOINT BOARD OF SELECTMEN Each of the participating towns shall appoint one municipal officer as a member of a Joint Board to act as the town's representative for all issues concerning this agreement. The person so appointed shall serve at the pleasure of the body that made the appointment.

A. **Meetings**: The Chairman of the Joint Board shall be elected at the first meeting of each calendar year by the members of the Joint Board. A quorum shall consist of at least three members of the Board. Notice of all meetings of the Joint Board shall be given to each member of the Board and the Chairman of the Shellfish Management Committee, shall be published in accordance with each town's policies, and shall be open to the public. Minutes shall be recorded and made available for public review.

B. **Powers**: The Joint Board is authorized to approve the number of shellfish licenses to be issued, approve license fees, open and close the flats, set times when digging is allowed, set permitted quantities that may be harvested, and to take such actions as authorized by each of the participating town's Board of Selectmen, and subject to the Department of Marine Resources approval as noted in Section 14, based upon the recommendations of the Shellfish Management Committee. These actions will be described in an Annual Shellfish Management Plan submitted by the Shellfish Management Committee. Unanimous recommendations of the Shellfish Management Committee regarding the management of the clam resource (i.e., those issues related to the sustainable harvest of

the resource and not related to personnel, fiscal expenditures or legal matters) shall be approved by the Joint Board unless a unanimous vote of the Joint Board decides otherwise.

Section 10. AMENDMENTS

A. **Initiation**: A proposal for an amendment to this Ordinance may be initiated by the following:

i. A written petition submitted with the number of voters equal to at least ten percent of the voters in the last gubernatorial election;

ii. A recommendation of the Shellfish Management Committee; or

iii. A recommendation of the Joint Board of Selectmen.

B. **Procedure**:

i. Any proposal for an amendment shall be made to the Joint Board of Selectmen, in writing, stating the specific changes requested. All such proposals shall be transmitted to the Shellfish Management Committee for their review and recommendation.

ii. Within thirty (30) days of receiving a properly initiated amendment, the Joint Board of Selectmen shall hold a public hearing on the proposal. Notice of the hearing shall be posted and advertised in a newspaper of general circulation within the participating towns at least seven (7) days prior to the hearing. The notice shall contain the time, date and place of the hearing and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the Town Clerk's office shall be adequate notice.

C. **Adoption**: Any amendment to this Ordinance shall be adopted by a majority vote of the town meetings. All participating towns must agree to the amendments proposed in order for a proposed change to take effect. Amendments to this Ordinance do not take effect until approved by the Commissioner of the Dept. of Marine Resources.

D. **Period of Ordinance**: This Ordinance shall remain in effect for a period of three (3) years from the date of the written approval of the Commissioner of the Department of Marine Resources, but will remain in effect until a new Ordinance has been adopted or rejected by participating towns in accordance to State law.

Section 11. LICENSING A Georges River Regional Shellfish License is required to harvest soft-shell clams in the jurisdiction of this Ordinance. It is unlawful for any person to dig or take clams from the shores and flats of the participating towns for the purpose of selling the clams without having a current commercial license issued by a participating town as provided by this Ordinance. Additionally, a commercial digger must have a valid State of Maine Commercial Shellfish License issued by the Department of Marine Resources prior

to harvesting clams for commercial purposes. It shall be unlawful for any individual whose state license or right to harvest has been suspended by the state to harvest or possess shellfish. Also, if such individual currently holds a municipal license such license shall be suspended for the same period of time. Restrictions on licenses regarding the harvest of soft-shell clams shall be outlined in the Annual Shellfish Management Plan proposed by the Shellfish Management Committee.

A. **Classification of Licenses** Licenses shall be issued according to the following classifications. Fees and additional restrictions will be established in the Annual Shellfish Management Plan.

i. **Commercial**

a. **Resident Commercial Shellfish License**: This license is available only to residents of the participating towns, who are 18 years or older as of June 1st or a member of the current graduating class.

b. **Nonresident Commercial Shellfish License**: This license is available only to nonresidents of the participating towns, who are 18 years or older as of June 1st or a member of the current graduating class.

c. **Resident Student Commercial Shellfish License**: This license is available to resident students enrolled in an accredited school Kindergarten through 12th grade as outlined in the management plan. The student must remain enrolled, or had graduated, for the period of the license. A resident student license will be half the cost of a regular commercial resident license.

d. **Nonresident Student Commercial Shellfish License**: This license is available to nonresident students enrolled in an accredited school Kindergarten through 12th grade as outlined in the management plan. The student must remain enrolled, or had graduated, for the period of the license. A nonresident student license will be half the cost of a regular commercial nonresident license.

ii. **Recreational**

a. **Annual Resident Recreational Shellfish License**: This license is available upon request to residents and property taxpayers of participating towns who do not hold a valid Maine State Commercial Shellfish License. One license issued per person, per year.

b. **Annual Nonresident Recreational Shellfish License**: This license is available to nonresidents who do not hold a valid Maine State Commercial Shellfish License. This license will be issued on a 10:1 ratio. (Ten resident licenses to one non resident.) One license issued per person, per year.

c. **Daily Recreational Shellfish License**. This license is available on a daily basis upon request to residents or nonresidents who do not hold a valid Maine State Commercial Shellfish License. One license issued per person, per day.

B. Application Procedure Any person may apply to the Town Clerk for the licenses required by this Ordinance on forms provided by the Administrative Town. Notice of available commercial licenses shall be published in a newspaper, or newspapers, in general circulation in the participating towns not less than ten (10) days prior to the period of issuance and shall be posted in the municipal offices of the participating towns until said period expires. Applications for commercial licenses must be received at the town office of the Administrative Municipality as required by the Allocation Plan.

i. **Contents of the application**: The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature and any additional information the participating towns may require.

ii. **Misrepresentation**: Any person who intentionally provides false information on a license application will cause the application to be removed from consideration. If a license is issued as a result of the false information, the license shall become invalid and void.

iii. **Address change**: A person applying for or holding a commercial shellfish license under this ordinance shall notify the town clerk of the Administrative Town within ten (10) days of address change, whether or not the address change is also a change of residence.

C. License Allocation Procedures License sales procedures shall be determined by the Shellfish Management Committee, approved by the Joint Board of Selectmen, and submitted to the Department of Marine Resources for their approval at least thirty (30) days prior to the licenses going on sale. Notice of the number of licenses to be issued, the procedure for application, drawing priorities and related issues shall be defined by an Annual License Allocation Plan and published in a newspaper at least ten (10) days prior to the licenses going on sale.

i. The Town Clerk of the Administrative Town shall issue licenses to those residents and nonresidents who have met the requirement of obtaining a commercial license. The Town Clerk shall issue licenses to residents allocated from June 1st to September 1st. A lottery for the nonresident licenses will be held several days after resident licenses have sold. If there are any licenses left after September 1st, they shall be made available to residents and nonresidents in the form of a lottery.

ii. Conservation time must be completed prior to the issuance of a municipal commercial shellfish license in accordance with the Annual License Allocation Plan and Conservation Regulations.

iii. Applicants who have held a commercial license for a longer period of time will have a greater opportunity of obtaining a license compared to those who have held a commercial license for a lesser period of time. In addition, those who have accomplished the required conservation time for a given year will have a greater opportunity of obtaining a license compared to those who have not completed their time. Details explaining how licenses will be issued will be described in the Annual License Allocation Procedure Plan.

D. **Transfer of Licenses**: Licenses are not transferable.

E. **Limitation of Licenses**: The number of commercial licenses will be limited and issued according to the Annual Shellfish Management Plan.

F. **Open License Sales**: The number of recreational licenses will not be limited. For annual recreational licenses, the Town Clerk of the Administrative Town shall issue one license to a resident and one to a non-resident; thereafter, one non-resident license will be issued for every ten additional licenses issued by the participating towns. Daily recreational licenses shall be issued to residents or non-residents without restriction. Participating towns will forward resident license sales information to the Administrative Town within three (3) working days.

G. **License Expiration Date**: Each Annual Recreational Shellfish License issued under the authority of this ordinance shall expire one (1) year from the date of issue. Daily Recreational Shellfish Licenses are good only for the date of issue. All Commercial Shellfish Licenses expire May 31st of each year.

Section 12. USE OF FEES AND FINES, FUNDING Fees for shellfish licenses will be set forth in the Annual Shellfish Management plan and will accompany the application for the respective license. The municipal town clerk shall pay all fees and fines collected from violators to the Administrative Municipality. Fees and fines received shall be used for costs incurred in the enforcement and management of this ordinance.

A. **Non-lapse Provision**: Monies in the Clam Management Account shall not lapse at the end of the year but shall be carried over to the next year in that account.

B. **Funding**: The Clam Management Program will be self-supporting as much as possible. Funds for operating the Program may be generated by license fees, fines, and financial support from the participating towns.

Section 13. RECIPROCAL HARVESTING PRIVILEGES Resident commercial, non-resident commercial and recreational license holders may harvest shellfish within any municipality governed by this ordinance.

Section 14. OPENING AND CLOSING FLATS The Joint Board of Selectmen, based on recommendations made by the Shellfish Management Committee and conditioned on the approval of the

Commissioner of Marine Resources, may open and/or close areas for shellfish harvesting. The decision of the Joint Board shall be in the form of a request letter to the Department of Marine Resources.

Section 15. MINIMUM LEGAL SIZE OF SOFT-SHELL CLAMS

A. It is unlawful for any person to possess soft-shell clams within a participating town which are less than two (2) inches in the longest diameter, except as provided by subsection B of this section.
B. Any person may possess soft-shell clams less than two (2) inches if those clams less than two (2) inches are ten percent (10%) or less of a lot. The tolerance shall be determined by numerical count of not less than one peck nor more than four pecks taken at random and by a count of the entire lot.

Section 16. DEPURATION DIGGING While depuration digging is controlled by the State, it is the intent of this Ordinance that if and when depuration digging occurs within any of the participating towns it shall be done with an equal number or residents and nonresidents whenever possible. A surcharge will be levied for each bushel of clams dug under a depuration certificate in accordance with state law. Any monies received from depuration harvesting within the jurisdiction of this Ordinance shall be paid directly to the Administrative Municipality as described in the Georges River Interlocal Clam Management Agreement for use in the Clam Management Account.

Section 17. VIOLATIONS, SUSPENSION OF LICENSES, AND FINES Any person who violates this Ordinance or the policies adopted in the Annual Shellfish Management Plan shall be punished as provided by 12 M.R.S.A. Section 6671 and/or Section 6681.

A licensee whose shellfish license has been suspended pursuant to this Ordinance may request return of their license only after the suspension period has expired. A suspended license is not to be returned until the fine is paid in accordance to the court's decree.

The suspension of a commercial license shall begin following conviction. Any violation of this Ordinance and/or the Management Plan may result in a license suspension. All suspensions of licenses shall be authorized by the Joint Board.

Any licensee whose license has been suspended pursuant to this Ordinance shall be entitled to a hearing before the Joint Board of Selectmen upon the filing of a written request for a hearing with the Town Clerk of the Administrative Town within thirty (30) days of the effective date of the suspension.

Classifications of, and penalties for, violations are categorized as follows:

A. **Stopping for inspection**: A person shall produce their license on demand of any Certified Municipal Shellfish Conservation Warden in uniform and having "probable cause" to take such action. It is unlawful for the operator of a motor vehicle, boat, vessel, or conveyance or any kind, or any person:

i. To deliberately fail or refuse to stop immediately upon request or signal of any Certified Municipal Shellfish Conservation Warden.

ii. After the person has stopped, to fail to remain stopped until the said Warden has reached his immediate vicinity and makes known to the operator the reason for his request or signal.

iii. To fail or refuse to stand by immediately for inspection on request of said Warden.

iv. To throw or dump into any coastal waters or flats after having been requested or signaled to stop by a Certified Municipal Shellfish Conservation Warden any shellfish, or any pail, bag, hod or container before said Warden has inspected the same.

v. To attempt to elude, disobey, or assault any Certified Municipal Shellfish Conservation Warden.

Penalties: The first violation of Section 17 (A) of this Ordinance shall result in a one (1) month suspension of the license and a three hundred dollar ($300) fine. The second and subsequent violations of Section 17 (A) of this Ordinance shall result in a twelve (12) month suspension of the license and a one thousand dollar ($1,000.00) fine.

B. **Management Plan:** It is unlawful for any person to violate the Annual Shellfish Management Plan.

Penalties: The first violation of the Annual Shellfish Management Plan shall result in a fine of not less than three hundred dollars ($300.00) and not more than fifteen hundred dollars ($1,500.00). The second and subsequent violations of the Annual Shellfish Management Plan shall result in a fine of not less than five hundred dollars ($500.00) and not more than fifteen hundred dollars ($1,500.00).

C. **Harvesting Clams in a Closed Area:** It is unlawful for any person to harvest clams in a closed area.

Penalties: Any person found guilty of harvesting clams in a closed area shall be subject to a fine of not less than three hundred dollars ($300.00) and not more than fifteen hundred dollars ($1,500.00). The second and subsequent violations of harvesting clams in a closed area shall result in a fine of not less than five hundred dollars ($500.00) and not more than fifteen hundred dollars ($1,500.00). The second violation of this section of this Ordinance shall result in a thirty (30) day license suspension and the third and subsequent violations shall result in a one hundred and twenty (120) day suspension of the person's license.

D. **Minimum Legal Size of Soft-Shell Clams**: It is unlawful for any person to violate Section 15 of this Ordinance:

Penalties: The first violation of Section 15 of this Ordinance shall result in a fine of not less than three hundred dollars ($300.00) and not more than fifteen hundred dollars ($1,500.00). The second and subsequent violations of Section 15 of this Ordinance shall result in a fine of not less than five hundred dollars ($500.00) and not more than fifteen hundred dollars ($1,500.00). If a person exceeds a fifty percent (50%) threshold of undersized clams as described in Section 15 (B) at any time, their license shall be suspended for twelve (12) months and they shall receive a one thousand dollar ($1,000.00) fine

E. **Per Tide Harvest Limit:** It is unlawful for any person to violate the harvesting limits placed on licenses as described in the Annual Shellfish Management Plan.

Penalties: The first violation of Section 17 (E) of this Ordinance shall result in a fine of not less than three hundred dollars ($300.00) and not more than fifteen hundred dollars ($1,500.00). The second and subsequent violations of Section 17 (E) of this Ordinance shall result in a fine of not less than five hundred dollars ($500.00) and not more than fifteen hundred dollars ($1,500.00). If a license holder exceeds the per harvest limit as described in the Annual Shellfish Management Plan by one bushel or more at any time, they shall receive a one thousand dollar ($1,000.00) fine for the first offense upon conviction. If a person exceeds the per harvest limit as described in the Annual Shellfish Management Plan by one bushel or more after their first offense, their license shall be suspended for twelve (12) months and they shall receive a one thousand dollar ($1,000. 00) fine upon conviction.

F. **Aiding and Abetting:** It is unlawful to deliberately aid and abet another to violate the laws of this Ordinance.

Penalties: If a person holding a commercial license uses it to aid and abet the illegal harvest of clams their license shall be suspended for three (3) months and they shall receive a one thousand dollar ($1,000) fine upon conviction. Any second and subsequent convictions under this section of the Ordinance shall result in a twelve (12) months suspension and a one thousand dollar ($1,000) fine. If a person holding a recreational license uses it to harvest clams commercially, their license shall be suspended for twelve (12) months and they shall receive a one thousand dollar ($1,000) fine upon conviction.

G. **Harvesting On Conservation Closure Day:** It is unlawful for any person to harvest clams during their conservation closure day.

Penalties: If a person is found harvesting clams on their closure day their license shall be suspended for thirty (30) days and they shall receive a fine of not less than three hundred dollar ($300) for their first offense upon conviction. The second and subsequent violations of this section of this ordinance shall result in their license being suspended for sixty (60) days and they shall receive a fine of not less than five hundred dollars ($500) and no more than one thousand five hundred dollars ($1,500) upon conviction.

H. **Harvesting Without a License:** It is unlawful to harvest clams without a license.

Penalties: Any person convicted of harvesting clams without any shellfish licenses shall be ineligible to apply for any municipal shellfish license for a period of three (3) years from the date of conviction.

I. **Littering:** A person may not throw, drop, deposit, discard, dump or otherwise dispose of litter in any manner or amount. Any person doing so shall be in violation of the municipal ordinance.

J. **Trespass:** A person may not access or cross private property or lands without permission. A person having been warned by property owner, their agent, shellfish warden, or any other law enforcement officer shall be in violation of the municipal ordinance.

K. **Tagging:** The holder of a commercial shellfishing license shall identify shellstock the license holder has taken by means of a harvesters tag. This tag shall be in accordance with the department of Marine Resources rules.

Section 18. ENFORCEMENT This Ordinance shall be enforced by the Certified Municipal Shellfish Conservation Warden, or by any Municipal Shellfish Conservation Warden appointed by the Joint Board of Selectmen, who within one year of appointment must be certified by the Commissioner of Marine Resources.

September 11, 2014

Daniel Staples, Cushing, Chairman

Cheryl Waterman, South Thomaston

Bill Hahn, Thomaston

Arnold Hill, Warren

Wayne Sawyer, St. George

Georges River Regional Joint Board

A True Copy; Attest

Lisa M. Young
Town Clerk
Town of Cushing