

TOWN OF HARRINGTON
MUNICIPAL SHELLFISH CONSERVATION ORDINANCE

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

2. **Purpose:** To establish a shellfish conservation program for the Town of Harrington, which will insure the protection and optimum utilization of shellfish resources within the town limits? These goals will be achieved by means which may include:
 - A. Licensing
 - B. Limiting the number of shellfish harvester
 - C. Restricting the number 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 Harrington will be administered by the Shellfish Conservation Committee which will consist of seven (7) members to be appointed by the Selectmen for terms of one (1) year. The Committee's responsibilities include:
 - A. Surveying each clam producing area at least once every three years to establish size distribution and density and annually estimating the status of the town's shellfish conservation;
 - B. Submitting to the Board of Selectmen proposals for the expenditures of funds for the purpose of shellfish conservation;
 - C. Keeping this ordinance under review and making recommendations for its amendments;
 - D. Securing and maintaining records of shellfish harvest from the town's managed shellfish areas and closed areas that are conditionally opened by The Department of Marine Resources;
 - E. Recommending conservation closures and openings to the Board of Selectmen in conjunction with Area Biologists of the Department of Marine Resources.
 - F. Submitting an annual review to the municipality and Department of Marine Resources covering the above topics and all other committee activities;
 - G. Conducting conservation programs.

4. **Definitions:**
 - A. **Resident: (Amended 9/15/2021)** The term resident refers to a person who has been domiciled in this municipality for at least six consecutive months directly prior to the time of their claim of such Residence is made. The burden of proof will be on the applicant. To best determine resident eligibility new residents shall provide "**three**" (3) forms of proof of residency from the list below. At least one shall be from Section 3 in the chart below. All licenses harvesters will provide proof of residency on an annual basis. Junior/Student residents must have Parental/Custodial proof of residency.

Section 1	Section 2	Section 3
<ul style="list-style-type: none"> • Copy of Deed AND record of most recent mortgage payment • Copy of lease AND record of most recent legal affidavit from landlord affirming tenancy • Legal affidavit from landlord affirming tenancy AND record of most recent rent payment 	<p>A utility bill or other work order dated within the past 60 days including:</p> <ul style="list-style-type: none"> • Gas bill • Oil bill • Electric bill • Telephone bill • Cable or satellite bill dated within the past year • W-2 form • Excise tax bill • Property tax bill <p>Dated within the past 60 days</p> <ul style="list-style-type: none"> • Letter from approved Government Agency • Payroll stub • Bank or Credit card statement 	<ul style="list-style-type: none"> • Valid Driver's License displaying physical address • Valid Maine photo ID card displaying physical address • Valid passport displaying physical address • Current vehicle registration displaying physical address.

B. Non-resident: The term “non-resident” means anyone not qualified as a resident under the language of this ordinance.

C. “Shellfish” and “Clams” (Amended 03/09/2026) means softshell clams (*mya arenaria*), hen or surf clams (*Spisula solidissima*), hard clams, quahogs, cherrystones (*Mercenaria mercenaria*), razor clams (*Ensis directus*), American Oysters (*Crassosterea virginica*)

D. Municipality: Refers to the Town of Harrington, Maine.

5. Licensing: A Municipal Shellfish Digging License is required to dig or take shellfish in this municipality. 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 the municipality as provided by this ordinance in their possession.

A. Designation, Scope, and Qualifications:

- 1. Resident Commercial Shellfish License:** This license is available to residents of the Town of Harrington and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.
- 2. Resident Jr. Commercial Shellfish License:** This license is available to residents of the Town of Harrington who are under 16 years of age and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.
- 3. Resident Sr. Commercial Shellfish License:** This license is available to residents of the Town of Harrington who are over 65 years of age and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.
- 4. Non-resident Commercial Shellfish License:** This license is available on a lottery basis to non-residents and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.
- 5. Non-resident Jr. Commercial Shellfish License:** This license is available on a lottery basis to non-residents who are under 16 years of age and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.

6. **Non-resident Sr. Commercial Shellfish License:** This license is available on a lottery basis to non-residents who are over 65 years of age and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.
7. **Resident Recreational Shellfish License:** This license is available to residents and real estate taxpayers of this municipality and entitles the holder to dig and take no more than one (1) peck of shellfish in any one day for consumption by him/herself and his/her family.
8. **Non-Resident Recreational Shellfish License:** This license is available to any person that is not a resident nor real estate tax payer of this municipality and entitles the holder to dig and take no more than one (1) peck of shellfish in any one day for consumption by him/herself and his/her family.
9. **Resident Complimentary Shellfish License:** This license is available to residents and real estate tax payers of this municipality who are under 12 years of age and over 65 years of age and entitles the holder to dig and take no more than one (1) peck of shellfish in any one day for consumption by him/herself and his/her family.
10. **Non-resident Complimentary Shellfish License:** This license is available to any person that is not a resident nor real estate tax payer of this municipality who are under 12 years of age and over 65 years of age and entitles the holder to dig and take no more than one (1) peck of shellfish in any one day for consumption by him/herself and his/her family.
11. **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 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 any other 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:** License fees shall be determined by the Shellfish Committee, approved by the Selectmen, and submitted to the Department of Marine Resources for their approval at least thirty (30) days prior to the date of issuance. Notice of the number of licenses to be issued and the procedure for application shall be defined annually by the Municipal License Allocation Request.
- Fees received for shellfish licenses shall be used by the town for shellfish management, conservation and enforcement.
- D. Issuance of licenses:** Clam resources vary in density and size from year to year and over the limited soft-shell clam producing area of the town. It is essential that the town carefully husband its shellfish resources.
1. Notice of the date on which licenses will be issued and procedure for application shall be published via a combination the following to reach those effected:
 - a trade paper or newspaper,
 - via Facebook and/or other social media platforms or electronic means
 - and posted in the municipal offices not less than 10 days prior to the period of issuance.

2. The Town Clerk shall issue commercial licenses beginning May 15th or the first business day after May 15th should the 15th fall on a weekend. Commercial licenses will be issued to residents on a first come first served basis. The Town Clerk shall issue the equivalent of 10% of the number of resident commercial licenses to non-residents on a lottery basis.
3. The Town Clerk shall issue recreational licenses beginning May 15th or the first business day after May 15th should the 15th fall on a weekend. Recreational licenses will be issued to residents on a first come first served basis. The Town Clerk shall issue the equivalent of 10% of the number of resident recreational licenses to non-residents on a lottery basis.

- E. License Expiration Date:** Each license issued under the authority of this ordinance shall be valid for a maximum of one (1) year, from June 1st through May 31st. All licenses will expire at midnight on the 31st date of May following the date of issue.
- F. Reciprocal Harvesting Privileges:** Not available.
- G. Military Exemption Clause:** Residents serving or completing full time active duty in the U. S. Armed Forces will be exempt from licensing requirements for up to thirty (30) days after separation from those services.
1. **(Amended 03/09/2026)** Veterans and Active-Duty military will receive a 50% discount on resident commercial licenses with the presentation of a DD-214 showing either active duty or an honorable discharge.
- H. Fees Waived:** Recreational Shellfish License fees will be waived for residents sixty-five (65) years or older and twelve (12) years or younger.
- I. Suspension:** Any shellfish licensee having three (3) convictions for violations of this ordinance shall have his/her shellfish license automatically suspended for a period of thirty (30) days.
1. Any 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 automatically been suspended pursuant to this section shall be entitled to a hearing before the Shellfish Conservation Committee upon the filing of a written Request for a Hearing with the Town Clerk with thirty (30) days following the effective date of the suspension. The licensee may appeal the decision of the Shellfish Conservation Committee before the Board of Selectmen by filing a written Request of Appeal with the Town Clerk within seven (7) days of the decision of the Shellfish Conservation Committee.
- J. Mandatory Shellfish Conservation Requirements: (Amended 03/09/2026)** All resident and non-resident commercial license holders are required to perform 10 conservation hours each year, supervised by the Shellfish Conservation Committee or the Shellfish Conservation Warden for the purpose of executing shellfish conservation measures. These measures may include reseeding, picking brush, placing nets/brush, removing netting, or shellfish abundance surveys. Exceptions

for senior citizens, students, active-duty military, and veterans in which there will be a 5 hour requirement each year. Individuals 16 years of age and younger are exempt from completing mandatory conservation.

1. Mandatory participation in 3 Shellfish Committee meetings for resident commercial license holders per year. Students are exempt from participation in meetings.
2. Transferability: Those individuals that have completed their conservation time and who are not offered a shellfish license due to license limitations can carry over their logged conservation hours to the next year or until such time they are offered a license. Each individual must apply for a license each year in order for their conservation time to carry forward. If they fail to apply for, or refuse an offered license, their conservation hours will be forfeited.

6. Opening and Closing Flats: The Municipal Officers, upon approval of the Commission of the Department of Marine Resources, may open and close areas for shellfish harvest. Upon recommendations of the Shellfish Conservation Committee and with the concurrence of the Department of Marine Resources Area Biologist that the status of the shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Municipal Officers may call a Public Hearing, and shall send a copy of the notice to the Department of Marine Resources. The decision of the Municipal Officers made after the hearing shall be based on finding of fact. Any area within the Town of Harrington, which is closed by the Department of Marine Resources, shall be considered a town closure.

7. Minimum Legal Size of Clams: (Amended 03/09/2026)

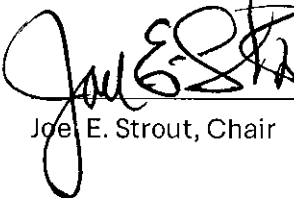
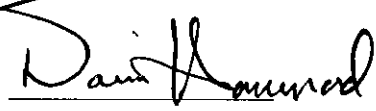

1. **Soft-shell Clams:** It is unlawful for any person to possess soft-shell clams in the Town of Harrington which are less than two (2) inches in the longest diameter except as provided by Subsection B of this section;
2. **Atlantic Razor Clams:** which are less than four (4) inches;
3. **Hard Clams:** which are less than one (1) inch thickness as measured across the hinge width to the amount of not more than 5% of any lot. Hinge width is measured at the thickest part of the clam near where the shells are joined together.
4. **American Oyster:** which are less than two point five (2.5) inches in the longest diameter to the amount of not more than 10% of any lot.

A. Definitions:

1. **Lot:** The word "lot" as used in this ordinance means the total number of clams in any bulk pile. Where clams are in a box, barrel, or other container the contents of each box, barrel, or other container constitutes a separate lot.
2. **Process:** For the purpose of this section the word "process" means to dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale clams shell stock.
3. **Tolerance:** Any person may process soft-shell clams that are less than (2) inches if they comprise less than 10% of any lot. The tolerance shall be determined by numerical count of not less than one (1) peck or more than four (4) pecks, taken at random from various parts of the lot, or by count of the entire lot if it contains less than one (1) peck.

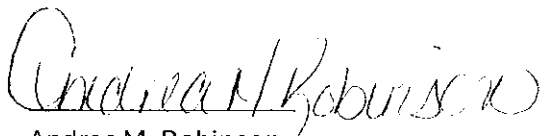
8. **Penalty:** A person who violates any provision of this ordinance shall be punished as provided by 12 M.R.S.A. §6671 (10).
9. **Effective Date:** This ordinance has been approved by the Commissioner with twenty (20) days of adoption.
10. **Repeal:** Any ordinance regulating the harvesting or conservation of shellfish in the town and any provisions of any other town ordinance which is inconsistent with its ordinance, is hereby repealed.
11. **Period of Ordinance:** This ordinance shall remain in effect until it is repealed or amended.
12. **Night Digging:** Night digging is not permitted. There will be no digging or taking of clams from the shores or flats of the Town of Harrington from one half (1/2) hour after sunset to one half (1/2) hour before sunrise.
 - A. **Artificial Light Source:** Artificial light sources (headlights, flashlights, etc.) shall not be used for illumination when harvesting clams from the shores or flats of the Town of Harrington.
13. **Tagging Required:** The holder of a commercial license issued under §6601 shall identify the license holder has taken by means of a harvester's tag. The tag must be consistent with the format required by the Department of Marine Resources under rules adopted under this section. Each container, roller, hod or bag of shell stock must be tagged prior to landing. The tag must accompany the harvested product while the product is in wholesale or retail commerce within the State.
14. **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 or this ordinance.

This ordinance shall be effective on its adoption at Annual Town Meeting on March 09, 2026.

 Joe E. Strout, Chair Darin Hammond, Selectman Matthew Nichols, Selectman

Attest: A true copy of an ordinance entitled "Town of Harrington, Municipal Shellfish Conservation Ordinance" as certified to me by the municipal officers of the Town of Harrington on the 10th day of March 2026.



 Andrea M. Robinson
 Clerk, Town of Harrington