

Revised City of Eastport Shellfish Conservation Ordinance Amendments for 2022.

On 06 April 2022, Ms. Heidi Leighton, of the Maine Department of Marine Resources Shellfish Management Program, advised the shellfish committee that some of the proposed amendments presented to the City Council in March 2022 are not compliant with State rules and regulations. Citing Marine Resources Statutes defined in 12 M.R.S.A. §6671.

The recommended changes to bring the City's shellfish ordinance amendments into compliance with State Law are noted in **bold print and ***** below.

Mission Statement page. Under the Purpose statement, include an additional goal item D: Reducing the population of invasive, predatory green crab.

1. Amend Section 104 Definitions to include:
 - a. Junior Harvester: is a person who is a resident or non-resident age of 18 and under, in good standing in a public, **private, or home** school, or college and possesses a junior commercial shellfish license.
 - b. First come first served: the first person to arrive at City Hall for a commercial license is the first to be served, sold the next available license until all licenses are sold. The harvester to use the license must purchase it in person and cannot transfer or hold the license for another person.**
 - c. Amend Section 304 Licenses Defined to include:
 - a. Junior Resident or Junior Non-Resident Commercial Shellfish License
This license entitles the licensee age 18 and under, to harvest any amount of shellfish from the tidal waters or clam flats of Eastport where and when it is otherwise lawful to do so.
 - b. *** Change 304.4 back to previous version, allowing sale of the nonresident yearlong recreational license issuance. (State Law requires that a license offered to a resident, must also be available to a none-resident.) Add the definition of Nonresident Recreational Shellfish License back to the ordinance*****
 - c. 304.10 Limited License sales: 304.10 – 2 to read - Nonresident Commercial and nonresident Junior Commercial Shellfish licenses will be awarded on a first-come basis or lottery. There will be a minimum number of commercial license available for non-residents, which shall be not less than 10% of the number of commercial harvester licenses provided to residents. **(Remove *** junior commercial shellfish licenses available shall be not less than available nonresident commercial shellfish licenses***. See note below).**
 - d. Each Junior Commercial shellfish harvester shall have a mentor who holds a Commercial shellfish license. Junior Commercial harvesters 16 and under must be accompanied by a Resident or Non-Resident commercial shellfish license holder.

*****Recommend remove the listing license fees in the shellfish ordinance. In doing so fees can be adjusted each year as needed without approval of the State DMR.*****

- d. Amend Section 305 Fees: **(*** Nonresident license fees reduced to 1.5 x that of a resident license IAW 12 M.R.S.A. §6671(3-A)(B)***)** With removal of the list of license fees, amendment to section 305.1.a - e are not necessary. However, not later than 30 days prior to sale, the shellfish committee shall present to the City Council, the recommended license fees and number of license to be sold for each category of shellfish license offered. Because commercial licenses for 2022 have already gone on sale at the previous year fees, it is recommended fees not be adjusted until the next sale in 2023.
- a. Amend 305.1 Resident Commercial Shellfish License fee to \$400.00 each, per year
- b. Amend 305.2 Non-resident Commercial Shellfish License fee to *****\$600.00 each*****, per year.
- c. Amend 305 to include Junior Commercial Shellfish License: Resident \$100.00 each, per year. Non-Resident *****\$150.00 each*****, per year.
- d. *****Restore 305.4 Non-Resident Recreational Shellfish license: \$35.00 each, per year.*****
- e. 305.5 Three (3) Day Recreational Shellfish License: Resident \$10.00 each, for a specific three (3) days. ***** (Non-Resident \$15.00 each)*****, for a specific three (3) days.
Fees will be waived for residents and non-residents aged 60 and over, or age 10 and under.
- e. As a result of higher than usual interest for a 2022 Resident Commercial Harvester License, the shellfish committee recommends effective immediately the following:
- a. Include a new category of resident commercial harvester license:
1. New category and definition: Senior Resident Commercial Harvester. A resident 60 years of age and older. (Except as noted below, license in kind for none resident are not required for sale, provided that the number of licenses to be sold are 5 or less.)
 2. Proposed sale of up to four (4), Senior Resident Commercial Harvester Licenses, effective immediately. Priced at the current fee as for the 2022 Resident Commercial Harvester license, which is \$200 for the year.
- b. Reduce the number of JR commercial harvester license sale from 5 to 4 to align with the number of SR commercial license sales. The fee for JR Resident Commercial License is \$100.
- If approved, the shellfish ordinance will include 3 categories of commercial harvester licenses: Senior Commercial Harvester (4), Commercial Harvester (10 Res + 1 None Res) and Junior Commercial Harvester (4)

Note: State Law mandates that any Resident Commercial Shellfish License not sold after 90 days of licenses going on sale, must be made available to none residents on a first come first serve basis, or by lottery. Should commercial licenses remain unsold after the 90 day period, lottery is the recommended method of sale.