Town of Ipswich Massachusetts

Shellfish Rules & Regulations

(Amended through May 1st, 2012)

By virtue of the authority granted by the Voters of the Town of Ipswich at a Town Meeting held on June 12, 1946, and in accordance with the provisions of Section 52 of Chapter 130 of the General Laws and amended by Chapter 598, Acts of 1941 and amendments thereto, the Board of Selectmen hereby make the following regulations for the taking of shellfish and marine worms. All rules and regulations now in effect are hereby repealed.

No person shall take shellfish from Ipswich without a permit. No person with a Recreation Permit shall take shellfish or marine worms for commercial purposes.

SECTION 1 -DEFINITIONS

"Shellfish" - as used herein, includes soft-shelled clams, hard-shelled clams/quahogs, mussels, razor clams, surf clams and oysters. (Amended 6/29/92)

"Resident" - as defined by the Board of Selectmen. (Amended 3/16/09)

“Summer Resident" - A person who owns and pays real estate or personal property taxes upon a summer residence in Ipswich or who rents residential property for a time period which includes the continuous period from May 1 to October 14, inclusive, shall be eligible for a resident recreational permit under the terms of these Rules and Regulations.

"Week" - Sunday-Saturday. (Amended 3/16/09)

"Shellfish Enhancement Fund" - A dedicated resource funded by commercial shellfish permit holders and/or contributions used to conserve and enhance shell fishing in Ipswich. (Amended 3/16/09)

"Commercial Purposes" - The taking of shellfish or marine worms for sale, trade or other consideration. (Amended 3/16/09)

SECTION 2 -COMMERCIAL PERMITS

Any person who has been an Ipswich resident for the calendar year (January 1-December 31) immediately prior to the permit year (Amended 3/16/09) may be granted a permit for the taking of shellfish by means of his or her own labor for commercial purposes. (Amended January 7, 1991; January 26 1998; August 1, 2002; Amended 3/16/09)

The limit shall be one hundred eighty (180) pounds of shellfish per licensee per day. Unless otherwise temporarily suspended by vote of the Board of Selectmen, commercial shell fishermen shall be restricted to digging only one tide per day from May 1st to September 30th , inclusive. (Amended effective August 1, 1991, October 30, 2003) The tide would be the choice of the digger. (Added May 24, 1990) The holder of a commercial permit shall have a daily limit of thirty (30) oysters and a weekly limit of sixty (60) oysters. Sea clams may be taken on a commercial permit for personal use only. The limit for sea clams is thirty (30) per day and sixty (60) per week. (Last sentence amended November 28, 1988)

The fee for a resident commercial permit shall be $450 per year and shall be payable to the Town Treasurer of the Town of Ipswich upon application to the Board of Selectmen. (Amended effective January 1, 2005) The permit fee includes $400 for the permit and $50 for the Shellfish Enhancement Fund.

The cap for commercial permits shall be set at 125 permits. All permit holders in the prior year shall have the right of first refusal to renew the permit the following year. All permit holders over seventy years of age are excluded from this cap. The Board of Selectmen may grant a commercial permit without fee to any Ipswich resident who is above the age of seventy (70) years who can demonstrate that he or she has held an Ipswich commercial permit for any five (5) permit years. (Last sentence added August 1, 2002*)*. The remaining available permits shall be issued through a public lottery process prior to the start of the commercial shell fishing season. Individuals wishing to be placed into the lottery must first be placed on the lottery list, established during the lottery application period, December 1st – December 31st. A new lottery list shall be created each application period. (Amended 5/1/12)

No application for a commercial permit shall be accepted until evidence of a State commercial shell fishing permit has been presented and copied, and full payment of the applicable fees. (Amended June 29, 1992; Amended 3/16/09) Applications for a resident commercial permit shall be received by the Town Clerk during the period December 1st through February 28th. (Amended May 27, 1986; subsequently amended January 7, 1991) The Board of Selectmen shall review the applications for said permits and renewals thereof during the month of March, and shall issue permits, effective April 1st of each year, to those applicants the Board considers as qualified. (Amended June 29, 1992) The Board of Selectmen may consider applications for hardship reasons outside of this application period, provided there are permits available under the cap. (Amended 3/16/09)

A person who is a full time resident and full time student, having completed the 8th grade and reached the age of 14 years old by April 1st of the year of application, may apply to the Town Clerk for a student commercial shell fishing permit during the period of December 1st to February 28th. At the time of application, the individual must present written evidence from his or her current school of attendance that he or she is a bona-fide full time student, and their primary residence is in Ipswich. Individuals, who have attained the age of 19 years old, or have received their High School Diploma on or before Dec. 1st of the year of application, shall not be eligible for the student commercial permit. No application for a student commercial permit shall be accepted until evidence of a State commercial shell fishing permit has been presented and copied by the Town Clerk. The $250 fee associated with the student permit shall be paid in full at the time of issuance on April 1st with $50.00 of said fee being deposited into the Shellfish Enhancement Fund. Student commercial permits will have a separate cap of five (5), and will be awarded through a lottery process. There shall be no implied right to a student permit from year to year. The student commercial shell fishing season will commence on Memorial Day and continue through Labor

Day. All permits issued under these conditions shall be subject to the same State Laws, local regulations and daily harvest limits as a regular commercial shell fishing permit. (Amended 5/1/12)

No person shall take shellfish for commercial purposes except with a permit issued by the Board of Selectmen in accordance with the provisions of this Section. No person who holds a commercial shellfish permit shall take shellfish from any area which has been designated as being restricted by the Board of Selectmen for recreational harvesting. (Amended August 15, 1996)

During the period May 1st to September 30th of each year, the holder of a commercial permit who harvests shellfish from any flat north of Little Neck (State designated area N4) shall be required to utilize the Eagle Hill landing as the designated landing area. (Amended December 1985) The following areas are designated as Recreational Harvesting Only:

1. Richard's Grounds (N4)
2. Mitchell's Ground (N4) (Amended 5/1/12)

All shellfish harvested shall be landed by one-half hour after sunset. (Added January 7, 1991)

Every commercial permit holder will perform 1 conservation/enhancement/predator control task as defined by the Constable during the permit year or pay an additional $100.00 into the Shellfish Enhancement Fund in order to receive the subsequent year's permit. (Amended 3/16/09)

SECTION 3 -RESIDENT RECREATIONAL PERMITS

Any person with proof of residency in the Town of Ipswich may be granted a permit to take shellfish by means of his or her own labor for consumption by his or her own family or for his or her own use as bait provided that his or her take shall not exceed the following limits:

Daily Limit:

One (1) 10-quart pail of soft-shelled clams

One (1) 10-quart pail of mussels (Amended 3/16/09)

One (1) 10-quart pail of quahogs

Thirty (30) sea clams

Three dozen worms

One (1) 10-quart pail of razor clams (Amended July 1985)

Thirty (30) oysters (Amended November 28, 1988; August 1, 2002)

Weekly Limit:

Two (2) 10-quart pails of soft-shelled clams

Two (2) 10 quart pails of mussels (Amended 3/16/09)

Two (2) 10-quart pails of quahogs

Two (2) 10-quart pails of razor clams

Sixty (60) sea clams

Six dozen worms (Amended July 1985)

Sixty (60) oysters (Amended November 28, 1988; August 1, 2002)

The fee for such resident Recreational Permit shall be $30.00 per year effective January 1, 2010. (Amended 3/16/09)

No person with a Recreational Permit shall take shellfish or marine worms for commercial purposes.

The Board of Selectmen may grant a Recreational Permit without fee to Ipswich residents who are above sixty years of age or in the active military service.

SECTION 4 -RESIDENT RECREATIONAL FAMILY PERMITS

Any head-of-household whose principal year-round domicile is within the Town of Ipswich may be granted a resident family permit which entitles said head-of-household, his or her spouse living within the same domicile, his/her children fourteen years of age or younger, and any other person living within the same domicile whose legal guardian is the said head-of-household or spouse, to take shellfish and marine worms. (Amended effective October 30, 2003.) The head-of-household, in whose name the permit is issued, MUST be present while members of the household are digging. Regardless of the number of persons digging at any one time, the total amount of shellfish and marine worms taken shall not exceed the following daily and weekly limits. No applicant will be granted a family permit in his or her name if the applicant is the holder of a resident commercial shellfish permit (Amended effective October 19, 1989) Shellfish Rules and Regulations

Daily Limit:

Two (2) 10-quart pails of soft-shelled clams

Two (2) 10-quart pails of mussels

Two (2) 10-quart pails of quahogs

Thirty (30) sea clams (Amended November 28, 1988)

Six dozen worms

Two (2) 10-quart pails of razor clams (Amended July 1985)

Thirty (30) oysters (Amended November 28, 1988; August 1, 2002)

Weekly Limit: (Amended 3/16/09)

Four (4) 10-quart pails of soft-shelled clams

Four (4) 10-quart pails of mussels

Four (4) 10-quart pails of quahogs

Sixty (60) sea clams (Amended November 28, 1988)

Twelve dozen worms

Four (4) I0-quart pails of razor clams (Amended July 1985)

Sixty (60) oysters (Amended November 28, 1988; August 1, 2002)

The fee for a Resident Recreational Family Permit shall be $40.00 per year effective January 1, 2010. (Amended 3/16/09)

No person with a Resident Recreational Family Permit shall take shellfish or marine worms for commercial purposes.

SECTION 5 -NON-RESIDENT RECREATIONAL PERMITS

A person who is a Massachusetts resident (Amended 3/16/09), but not a resident of the Town of Ipswich, may be granted a permit for the taking of shellfish or marine worms not exceeding the following limits:

The Daily and Weekly Limits shall be the same as for a Resident Recreational Permit, as set forth in SECTION 3 of these Rules and Regulations. (Amended November 28, 1988)

The fee for a Non-Resident Recreational Permit shall be $20.00 per day and $150.00 per year effective January 1, 2010. (Amended 3/16/09. Reference to reduced fee licenses has been deleted. (Amended 2/28/11)

No person with a Non-Resident Recreational Permit shall take shellfish or marine worms for commercial purposes.

Out of state residents may be issued a one day recreational shellfish permit under the following conditions: (Amended 2/28/11)

a. They name in the application the name and permit number of the Ipswich resident holding a valid shellfish permit (whether recreational or commercial) that will accompany them.

b. That they in fact be accompanied while harvesting by the sponsoring permit holder on the day specified on the permit

c. That a fee of $20.00 be paid at the time of the application

d. One time each year any active member of the armed forces of the United States shall be issued a license exempt from the fee. All other requirements for the issuance of this permit shall apply.

SECTION 6 -PERMIT RESTRICTIONS

All recreational shellfish permits shall be displayed in a visible manner on outer clothing while taking shellfish in the Town of Ipswich.

All recreational permits shall terminate the thirty-first day of December of each year. All commercial permits shall terminate the thirty-first day of March of each year.

SECTION 7 -AUTHORITY OF SHELLFISH CONSTABLE, SPECIAL POLICE OFFICERS (SHELLFISH) AND THE SHELLFISH ADVISORY BOARD

The Shellfish Constable and/or the Shellfish Advisory Board, or its successor, with the approval of the Board of Selectmen shall have the authority to open, close and/or otherwise control and restrict the shellfish flats or a portion thereof for the taking of shellfish or marine worms as they may deem necessary and desirable. In the event a clam flat(s) or portions thereof, are in need of an emergency closure, restrictions or controls, the Shellfish Constable or Chief of Police may act without the authorization of the Board of Selectmen, and close, restrict or control said flat until the issue can be legally heard on the agenda for the Board of Selectmen's Meeting. (Amended 4/30/12)

The Shellfish Constable and/or Special Police Officers (Shellfish) are authorized to prosecute any person or persons who violate any law or regulations governing the taking of shellfish in the Town of Ipswich.

In the event the Shellfish Constable, a Deputy Shellfish Constable, or a Special Police Officer (Shellfish) confiscates shellfish, he/she may sell them; and upon such sale, he/she shall thereupon deposit the monies in the Town treasury (Amended June 29, 1992). Amounts so confiscated which exceed two bushels may be disposed of at the discretion of the Constable, Deputy, or Special Police Officer (Shellfish); amounts so confiscated of less than two bushels may be reseeded. (Amended June 29, 1992)

SECTION 8 -LEGAL SIZE OF SHELLFISH

Minimum Size Limit: (Amended 3/16/09)

Soft-shelled clams--2 inches in length

Quahogs--2 inches in length

Sea Clams--5 inches in length

Razor Clams--5 inches in length

Oysters--3 inches in length

No person shall take or have in his or her possession any shellfish less than the minimum size limit in the amount of more than five percent (5%) by count. *(*Amended June 29, 1992*)* (Amended 3/16/09)

SECTION 9 -CLAM FORKS AND CONTAINERS

No person shall dig soft-shelled or razor clams from any flats in the Town of Ipswich except with a clam fork, the form of which is to be approved by the Shellfish Constable and/or the Shellfish Advisory Board, or its successor. Long-handled digging instruments such as shovels, spades, rakes, pitchforks and the like are illegal instruments for the digging of soft-shelled or razor clams. (Amended December 1985)

No person shall dig shellfish for non-commercial purposes on any of the flats in the Town of Ipswich unless said person has in his or her possession and utilizes no larger than a ten quart container. (Amended December 1985)

SECTION 10 -CLOSING OF FLATS

No shellfish or marine worms shall be taken during the hours of one-half (1/2) hour after sundown until one-half (l/2) hour before sunrise.

The taking of oysters shall be prohibited between May 1 and September 30, inclusive. (Adopted January 7, 1991)

All areas shall be closed for the taking of all shellfish on every Sunday from May 1st until September 30th, inclusive. (Amended July 16, 1984; further amended November 28, 1988)

Whoever, with or without a permit or license, shall take shellfish from the flats, shores, banks or other land in the Town of Ipswich where the tide ebbs and flows, from areas within which have by order, proclamation, rules, or notice, been declared posted, or ordered to be closed for the taking of shellfish, shall be punished as prescribed in Section 14.

SECTION 11 -CONTAMINATED AREAS (Deleted in its entirety 3/16/09)

SECTION 12 -CONFORMANCE TO STATE AND LOCAL LAW

The holders of permits issued for the taking of shellfish must at all times conform to the provisions of Chapter 130 of the General Laws of the Commonwealth of Massachusetts, as amended, all local rules and regulations, and any subsequent amendments thereto. (Amended June 29, 1992)

SECTION 13. SHELLFISH GRANT REGULATIONS (Amended in its entirety 2/28/11)

The Town of Ipswich advocates and supports the orderly development of private aquaculture that is complementary to the continuing development of the Town's shellfishery. In consideration of approval of any aquaculture grant, the Town is obligated to protect and preserve the existing fisheries and to minimize the impact on other uses of the marine environment. The right of public navigation through a grant area shall not be infringed upon, except in areas containing approved equipment. The size and scope of the grant shall co-exist with, and not diminish, the common property commercial and recreational shellfisheries and other existing water-related activities.

Shellfish grants may be approved by the Board of Selectmen, subject to the following conditions:

A. General Provisions

1. Grants shall be issued only for the purpose of farming soft-shell clams.

2. The Board of Selectmen may issue a moratorium on the issuance of new grants.

3. The maximum size of a grant shall be one (1) acre.

4. An individual may not hold more than one (1) grant at any time.

5. Grants shall be issued only to individuals holding a Town of Ipswich commercial clamming license.

6. Each grant shall be held individually, and the grantee shall be responsible for the care of his/her grant.

7. Potential grant sites shall be reviewed by the Shellfish Advisory Board. Grants shall be issued only in areas that have been identified as non-productive. It shall be the duty of the Shellfish Constable to identify, map, and present evidence before the Shellfish Advisory Board of the following:

   (a) The area being considered is non-productive and has been non-productive for at least fifteen (15) years;

   (b) If the proposed area is privately owned by an organization or individual, the owner will allow such use; and

   (c) The proposed grant area is not in an area with significant conflicting uses, such as a mooring area, public beach, etc.

   The Shellfish Constable's reports of the findings of non-productive areas and the report of the Shellfish Advisory Board regarding its review of the Shellfish Constable's report shall be forwarded to the Board of Selectmen in conjunction with any application.

8. All grants shall take effect on January 1 of each grant period and terminate on December 31 of each grant period.

9. All grants shall expire at the end of a twelve (12) year period. At this time, the private grant area and all shellfish remaining on the grant area shall return to the Town for public use.

10. The grantee shall file all reports relative to the activities of the grant, amounts harvested from the grant and any and all other information required by law or the issuing authority with the Chief of Police, the Shellfish Constable and the Town Clerk no later than December 31 of each year. Any and all fees shall be paid at this time.

11. An annual review of each grant will be conducted by the Shellfish Constable in order to determine reasonable production value.

12. The Shellfish Constable shall provide a summary report of all grant activities to the Board of Selectmen no later than January 30 of each year.

13. There shall be no subleasing of any grant.

14. A copy of the grant map and official notification of the grant shall be posted by the Shellfish Constable on the bulletin board at the police station.

15. The Chief of Police, in consultation with the Shellfish Constable, shall have the authority to establish grant procedures in accordance with these regulations.

16. The Shellfish Constable may delegate certain requirements under this Section 13 to properly appointed and sworn Deputy Shellfish Constables.

17. In addition to any application fees, all other fees shall be established by applicable Massachusetts General Laws, c.130, § 62 & 64 at the maximum amount provided therein

18. Where applicable, and as determined by the Shellfish Constable, all grantees are expected to adhere to the current version of the publication "*Best Management Practices for the Shellfish Culture Industry of Massachusetts*." This publication shall be kept on file by the Chief of Police and the Shellfish Constable. A copy shall be provided to all approved grantees.

19. All grants are subject to the provisions of Chapter 130 of the General Laws of Massachusetts, and all other applicable federal, state and local regulations.

20. Except as noted in this Section 13, all other Shellfish Rules and Regulations and pollution and red tide closures shall apply to shellfish grants.

B. Initial Application

1. Applicants for new grant shall complete and submit all information required on the Town's application form, signed under the pains and penalties of perjury, to the Chief of Police during the period of four (4) days immediately following the Labor Day holiday. This is the only time period that new applications will be accepted.

2. A fee of One Hundred ($100.00) Dollars, payable to the Town of Ipswich, shall be submitted to the Chief of Police with the grant application.

3. All local tax obligations must be paid.

4. As part of the application, the applicant must submit an aquaculture plan acceptable to the Shellfish Advisory Board and to the Shellfish Constable that encompasses all aspects of the planned activities on the grant.

5. Following the receipt of a grant application, the Chief of Police shall consult with the Board of Selectmen to establish a public hearing date.

6. A list of applicants for grants shall be kept on file by the Chief of Police. The grants shall be awarded by lottery.

7. Within five (5) business days of receipt of a completed grant application, the Chief of Police shall deliver a copy of the completed application to the Shellfish Constable, the Harbormaster, the Waterways Advisory Committee, the Conservation Commission, and the Shellfish Advisory Board for their review and written comments. Said written comments must be received by the Chief of Police no later than ten (10) business days after the applications are received by the reviewing departments and committees.

8. An initial grant shall be for a period of three (3) years. By August 31 of the third year, the Shellfish Constable shall determine if productivity in accordance with the aquaculture plan filed with the original application has been demonstrated.

C. <u>Renewal</u>

1. A grant may be renewed up to a maximum of twelve (12) years. Renewals will be granted in three year increments. During the first renewal period, the first year would require a further increase in productivity as determined by area worked or harvest of at least 10%; the second year, at least 20%; and the third year, at least 30%. The Shellfish Constable shall monitor and report to the Board of Selectmen each year as to whether or not these standards have been met. The Shellfish Constable's reports shall be due to the Board of Selectmen as follows:

   (a) Year 1: Constable's report due by December 31.

   (b) Year 2: Constable's report due by December 31.

   (c) Year 3: Constable's report shall be due by August 31..

   Failure to meet said productivity standards may result in the forfeiture of the grant.

2. All applications for renewal shall be submitted in a manner consistent with these rules and regulations and in a form as determined by the Chief of Police.

3. All applications for renewal shall be submitted to the Chief of Police during the period of four (4) days immediately following the Labor Day holiday. This is the only time period that renewal applications will be accepted.

4. Time deadlines for renewals shall be strictly enforced.

5. A renewal application fee of One Hundred ($100.00) Dollars, payable to the Town of Ipswich, shall be submitted along with the renewal application.

6. Grantees shall provide any and all information requested by the Shellfish Constable as may be necessary for the Shellfish Constable to determine the viability of the grant.

7. Approval of any aquaculture grant renewal shall be subject to all applicable federal, state and local laws, rules and regulations in force and as amended from time to time.

D. <u>Harvesting</u>

1. The daily harvest limit from any grant shall be twice the daily limit in Section 2 of the Shellfish Rules and Regulations.

2. The grantee must notify the Shellfish Constable at least twenty-four (24) hours in advance for each day harvesting is planned on the grant.

3. The grantee shall be prohibited from harvesting from any other area on any day that shellfish are harvested from his or her grant.

4. One additional harvester may assist the grantee, provided that:

   (a) The assisting harvester holds a Town of Ipswich commercial shellfish license.

   (b) The total of the combined harvest from the grant area does not exceed the daily harvest limit set forth in Subsection D.1. of this Section 13.

   (c) The additional harvester is prohibited from harvesting from any other area on any day he/she harvests from the grant.

   (d) The Shellfish Constable is notified at least twenty-four (24) hours in advance of the name of the additional harvester.

E. <u>Farming Activities</u>

1. Following the issuance of a grant, and prior to any work being done in the grant area, the grantee shall:

   (a) Provide the Town Clerk with the required fees.

   (b) In the presence of the Shellfish Constable, properly mark the boundaries of the grant with approved wood or metal stakes and approved form of floatation devices and/or painted markers sufficient to properly identify all pertinent boundaries of the grant.

2. Prior to any work commencing on a grant, the grantee shall mark any and all gear placed upon flats or in waterways so as to identify ownership in a manner determined by the Shellfish Constable. The grantee shall be responsible for the proper care and security of any and all gear placed upon flats and in waterways.

3. Additional persons will be allowed to work on the grant, provided he/she holds a Town of Ipswich commercial shellfish license.

4. At least twenty-four (24) hours prior to the commencement, the grantee shall notify the Shellfish Constable of the nature of all farming activities expected to be performed on the grant, as well as the name of any other participant.

5. The grantee must be present when any and all work is performed on the grant.

6. In the event of illness of the grantee, the Shellfish Constable shall be notified and, if appropriate, may allow work to be performed in the grantee's absence, provided that the provisions of this Subsection E are adhered to.

7. A grantee is prohibited from transplanting any size shellfish.

8. A grantee shall purchase seed only from organizations properly licensed and certified for this business by the Commonwealth of Massachusetts. In all instances of seed purchase and prior to introduction of seed onto any flat, the grantee shall provide documentation to the Shellfish Constable identifying source of said seed.

9. The grantee assumes all liability for all gear and tackle used on the grant. If any gear must be removed from the grant, it shall be the responsibility of the grantee to remove said gear. Within seven (7) days following notification by the Shellfish Constable, if the grantee has not complied with this requirement, the Town may cause such gear to be removed at the expense of the grantee.

F. <u>Enforcement and Penalties</u>

1. Any information on a grant application that is determined to be untruthful, before or after approval of any grant application, may be grounds for denial or forfeiture of a grant.

2. In addition to any other penalty as determined by law, it shall be considered a violation to dig or remove shellfish from a shellfish grant, not being the grantee or a person named as a harvester by the grantee. Following a hearing and determination before the Board of Selectmen, the penalty for digging or removing shellfish illegally from a grant area will be the revocation of the Town of Ipswich commercial shellfish license for one year. At the end of the revocation period, any person wishing to reestablish his/her commercial shellfish license may do so through an initial application and will be subject to the commercial license cap.

3. In addition to any other penalty as determined by law, following a hearing before the Board of Selectmen, any person holding a shellfish license issued by the Town of Ipswich who has been found to have caused malicious damage to a private grant or the equipment thereon, or to the Town of Ipswich's public aquaculture program or the equipment thereon, shall have his/her license revoked for one (1) year. Reinstatement of a commercial shellfish license shall be subject to the initial application process and shall be subject to the commercial license cap.

4. Any grant shall be declared void and forfeited if the holder of same ceases to be a resident of the Town of Ipswich.

5. If a grantee's commercial shellfish license is revoked for any reason, the grant shall be immediately forfeited.

6. Failure to comply with any of the aforementioned laws, rules and regulations shall be cause to revoke the grant following a hearing before the Board of Selectmen.

7. If a grant is revoked or forfeited, all shellfish on the grant shall become the property of the Town of Ipswich.

8. The holder of a grant that has been revoked or forfeited shall not be eligible to apply for a new grant for a period of five years and shall be subject to the initial application procedures.

G. Authority

These regulations are adopted pursuant to G.L. c. 130, §§ 52 and 57, and are intended to establish uniform rules and policies for the issuance of shellfish aquaculture licenses under G.L. c. 130, § 57, and for the enforcement thereof. Nothing in these regulations shall be deemed or interpreted to limit or impair the rights or authority of the Director of the Division of Marine Fisheries, or of the public, under said chapter.

SECTION 14 -PUNISHMENT OF VIOLATIONS

The penalty prescribed in Sections 7 and 13J notwithstanding, each violation of Section 2, and/or Section 8, and/or Section 10, paragraph 3, shall be punished as follows: first offense, $100.00 fine; second offense, within one calendar year of the first offense, $300.00 for and ten day suspension of license; third offense, within one calendar year of the second offense, $300.00 fine and suspension of license for one year.

Each violation of any other rule and/or regulation shall be punished by a fine of not less than fifty dollars ($50.00) for a first offense, not less than one hundred dollars ($100.00) for a second offense within one year of the first offense, and not less than three hundred dollars ($300.00) for a third offense within one year of the second offense, or as otherwise provided by Chapter 130 of the Massachusetts General Laws, as amended.

Enforcing authorities are authorized to confiscate any shellfish and or marine worms harvested in violation of the Shellfish Rules and Regulations and dispose of such shellfish and or marine worms as prescribed in Section 7.

The Board of Selectmen may suspend or revoke any commercial, recreational, or family permit for the violation of these rules and regulations following the conviction of a violator or following the results of a hearing.