

**TOWN OF MARION
FAMILY SHELLFISH REGULATIONS**

Approved by the Board of Selectmen -

Fees:

Resident	\$ 25.00 {Marion, Mattapoisett and Rochester}
Non-Resident	\$120.00 {see Special Notice to Non-Residents}
30 Day Non-Resident	\$ 25.00

GENERAL REGULATIONS

1. Non-Criminal Disposition of Violations

Anyone violating any provision of these Shellfish Regulations shall be subject to a penalty of \$25.00 for each offense. Each violation of each provision shall constitute a separate offense. For continued violations, each day or portion thereof during which a violation is continued shall constitute a separate offense.

The provisions of the Marion Non-Criminal Disposition Regulation and M.G.L. Chapter 40, Section 21D shall apply to violations of these Regulations.

These Regulations may be enforced by the Harbormaster/Shellfish Officer, any assistant or Deputy Harbormaster/Shellfish Officer, any Marion Police Officer or any State or Federal Law Enforcement Officer.

2. Any violation of these Regulations may result in the suspension or revocation of all shellfishing rights {Commercial and Family} in the Town of Marion.
3. Times allowed: Shellfish may only be taken between sunrise and sunset. {Local Time}. The shellfish week runs Monday through Sunday.
4. Shellfishing on a Commercial Shellfish Permit and a Family Permit, for the same species, on the same day, is not allowed. No person shall sell or offer for sale for money or other consideration any shellfish taken under a Family Permit. See Mass. General Laws Chapter 130, Section 52.
5. Licensed holders will allow the Shellfish Officer, his deputies, or any member of the Police Department to examine any boat, receptacle, or vehicle to check the shellfish therein upon request and without the need for a warrant.
6. A record of the catch will be kept and will be sent to the Town Hall or given to the Shellfish Officer at the end of each year on the forms given to the license holder. A Catch Report must be provided prior to the issuance of a new license.
7. Shellfish Permits Available:
 - A. Resident shellfish licenses may be issued to permanent residents or summer residents who can provide proof of residency and are real estate taxpayers;
 - B. Thirty {30} day non-resident licenses may be issued to temporary, non-resident visitors; Fee \$25.00
 - C. Non-residents may purchase a Family Shellfish Permit for an annual fee of \$120.00 {see Special Notice to Non-Residents};
 - D. Permanent residents of Mattapoisett and Rochester may purchase Marion Resident Shellfish Permits; and,
 - E. Person applying for license must appear in person and have a current driver's license or other means of positive identification or proof of residency {if requested}.

8. All defined municipal swimming areas will be closed to shellfishing from July 1st through Labor Day. Swimming areas will be posted with appropriate signs.

A shellfish permit is good only in the Town where you buy it. A Family Shellfish Permit is for husband, wife, and children under 21 years old in the same household. Anyone 21 or older must have an individual shellfish permit.

9. License holders with license in possession must be present when shellfish are taken. Other persons may assist the license holder in the harvest of shellfish as long as only one {1} limit is taken.
10. Digging for shellfish in grass is prohibited.
11. The use of shovels, hoes, rakes, garden tools, and commercial digging equipment such as bull rakes* or tongs are prohibited in the posted area of Wing's Cove {Clapp's Island}, Planting Island Cove {upper end} and in Sippican Harbor from Hughes' flagpole {28 West Drive} to Black's Point. Diggers used must be of the type approved by the Shellfish Officer.

FAMILY PERMITS

SOFT-SHELL CLAMS

- Season is September 15th through June 15th.
- May be dug on Wednesdays and Sundays only.
- One {1} peck - per family - per week.
- Size: Clams must measure at least two {2} inches in length.
- The two {2} inch ring and shellfish permit must be carried. A one {1} peck wire basket {level = one peck} and approved diggers must be used {standard clam rake}.
- The following areas in Marion are closed to the taking of soft-shell clams until further notice:
 1. Wings Cove
 2. The Haven
 3. Areas that are posted and closed because of pollution.
- All other areas are open for soft-shell clamming.
- Kittansett Point {odd years} and Converse Point {even years} will alternate on a yearly basis for Family Permit clamming - seven {7} days a week - year round. See maps for locations and details.
- An annual catch report is required.

OYSTERS

- Season is September 1st through April 30th.
- May be taken on any day.
- One half {1/2} bushel {level} - per family - per week.
- Size: Oysters must measure at least three {3} inches in length.
- Three {3} inch measure and shellfish permit must be carried. A wire basket must be used.
- All areas are open except those designated as closed. Closed areas will be posted at the Marion Town Hall, the Harbormaster's Office, Old Landing, Wings Cove and the Police Station.
- An annual catch report is required.

QUAHOGS

- Season is open year-round.
- May be dug on any day.
- One {1} peck - per family - per week.
- Size: One {1} inch shell thickness or hinge width.
- Measuring gauge and shellfish permit must be carried. One {1} peck wire basket {level = one {1} peck} and approved diggers must be used {see General Regulation #11}.
- Areas with increased limits will be posted (no increase on neck)
- The culling (high-grading, low grading of quahogs, other than for the purposes of measuring and immediately returning undersized (seed) quahogs to the water, is prohibited between Dec 1 and April 1.
- An annual catch report is required.

SCALLOPS

- Scallop Rules and Regulations will be published when the season is opened by the Selectmen.
- Only two {2} drags per boat allowed inside in the Inner Harbor through November 30th. Up to four {4} drags per boat thereafter.
- No more than four {4} drags may be used per boat in Marion waters. No drag shall be over thirty-five {35} inches in width or over forty {40} pounds in weight unless specifically approved before use by the Shellfish Officer. One {1} drag only on each rode.
- No dragging in Planting Island Cove, Blankinship Cove, and inside the staked area at Clapp's Island.
- Scallops may not be harvested when the air temperature is below twenty-eight {28°} degrees Fahrenheit.
- There will be no diving for scallops --- this includes snorkeling and scuba.

WHELKS

- Whelk {channeled and knobbed} may be fished with this permit. Hand methods only - no pots. This resource will offer an additional species plus it will reduce an increasing predator problem. They can be used in conch fritters and conch chowder.
- The whelk must be 2 3/4" [two and three quarter inch] shell width.
- One {1} bushel per week harvested in approved open areas only.

CRABS

- The local edible crab fishery is regulated by the Commonwealth of Massachusetts, Division of Marine Fisheries Laws {Chapter 130}.
- A State Permit is not required for the taking of edible crabs for use of one's immediate family providing that the number of edible crabs so taken by any one person shall not exceed fifty {50} in one day and such edible crabs shall not be taken by pots or traps {See State Regulations}.
- Closed season Jan 1 - April 30.

EELS

- Six {6} pots allowed.
- Catch limit - 50
- Eel length - minimum six {6} inches.
- Open year round

DIVISION LINE BETWEEN INNER AND OUTER HARBORS

A line drawn from the northeast corner of Nye's Wharf to the northeast corner of the most southerly pier on Allen's Point.

DEFINITION OF BLANKINSHIP AND PLANTING ISLAND COVE

All areas east of a line drawn from the southeast corner of the most southerly pier on Allen's Point to the western most edge of Meadow Island to the Western tip of Planting Island Bar.

AREAS CLOSED TO DRAGGING UNTIL FURTHER NOTICE

Blankinship Cove

Planting Island Cove

Wing's Cove - inside stakes at Clapp's Island

Aucoot Cove - north of an east/west line at the north end of Haskell's Island

ZONES CLOSED TO THE TAKING OF ALL SHELLFISH

Because areas are closed from time to time for various reasons, closed areas will be posted with appropriate signs. Notices will also be posted at the Town Hall; the Harbormaster's Office, Old Landing, Wings Cove and the Police Station.

30 DAY FAMILY SHELLFISH PERMIT

Fee: \$25.00 per thirty {30} day period.

1. Permits are available from May 20th to September 10th
2. Rental or lease agreement must be submitted upon application.
3. Guests visiting residents must have residents co-sign the application.
4. All standing Family Shellfish Regulations will apply for the thirty {30} day permit.

Special Notice to Non-Residents

The purchase of a non-resident shellfish permit does not grant parking privileges in areas designated for Town of Marion Residents. Due to the fact that public access to the shore for shellfishing is very limited, this fact should be considered prior to purchase.

*** Bull Rake - a device with an overall width of more than thirteen {13} inches and ten {10} or more teeth with adjustable "T" handles and basket.**