

TOWN OF GOULDSBORO
2026 ANNUAL TOWN MEETING WARRANT

Hancock County

State of Maine

To: Brianna L. Mitchell, Resident, Town of Gouldsboro

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Gouldsboro in said County of Hancock, qualified by law to vote in Town affairs, to meet at the Gouldsboro Community Center on Route 195, Pond Road, Gouldsboro on Tuesday, the Ninth (9th) day of June, A. D. 2026 at Eight O'clock (8:00 AM) in the forenoon, then and there to act on Articles numbered 1 and 2.

You are also to notify and warn said voters to meet at the Peninsula School Gym on Main Street, Prospect Harbor on Wednesday, the Tenth (10th) day of June, A.D. 2026 at Seven O'clock (7:00 PM) in the evening, then and there to act on Articles numbered 3 through 36, all of said Articles being set out below, to wit:

ARTICLE 1. To choose a Moderator to preside at said meeting.

ARTICLE 2. To elect the following Town Officials by secret ballot:

One Select Board member	3 Year Term – Expires June 2029
Two Planning Board members	3 Year Terms – Expires June 2029
One Planning Board member	2 Year Term – Expires June 2028

MUNICIPAL GENERAL FUND WARRANT ARTICLES:

ARTICLE 3. To see if the Town will vote to raise and appropriate the sum of \$3,073,776 for Administration for the period of July 1, 2026 to June 30, 2027.

The Select Board and Budget Committee recommend approval.

OTHER MUNICIPAL FINANCIAL WARRANT ARTICLES:

ARTICLE 4. To see if the Town will vote to raise and appropriate the sum of \$300,000 for the Paving Reserve.

Estimated balance in the Paving Reserve as of April 2026 is \$706,915.

Of that balance, \$309,042.38 is already committed to projects for Spring/Summer 2026.

The Select Board and Budget Committee recommend approval.

ARTICLE 5. To see if the Town will vote to raise and appropriate the sum of \$73,333 for the Public Works Reserve.

Estimated balance in the Public Works Reserve as of April 2026 is \$68,978.

The Select Board and Budget Committee recommend approval.

ARTICLE 6. To see if the Town will vote to raise and appropriate the sum of \$100,000 for the Fire Equipment Reserve.

*Estimated balance in the Fire Equipment Reserve as of April 2026 is \$279,340.
The Select Board and Budget Committee recommend approval.*

ARTICLE 7. To see if the Town will vote to raise and appropriate the sum of \$2,500 for the Community Cemetery Reserve.

*Estimated balance in the Community Cemetery Reserve as of April 2026 is \$6,018.
The Select Board and Budget Committee recommend approval.*

ARTICLE 8. To see if the Town will vote to raise and appropriate the sum of \$110,000 for the Buildings and Grounds Reserve.

*Estimated balance in the Buildings and Grounds Reserve as of April 2026 is \$81,550
The Select Board and Budget Committee recommend approval.*

ARTICLE 9. To see if the Town will vote to retain \$10,000 from the EMS Reserve and transfer the remaining balance from EMS Reserve to the general fund to offset medical/ambulance services.

*Estimated balance in the EMS Reserve as of April 2026 is \$243,319
The Select Board and Budget Committee recommend approval.*

ARTICLE 10. To see if the Town will vote to raise and appropriate the sum of \$70,000 for the Ambulance Reserve.

*Estimated balance in the Ambulance Reserve as of April 2026 is \$92,560.
The Select Board and Budget Committee recommend approval.*

ARTICLE 11. To see if the Town will vote to raise and appropriate the sum of \$50,000 for the Harbor Reserve.

*Estimated balance in the Harbor Reserve as of April 2026 is \$112,765.
The Select Board and Budget Committee recommend approval.*

ARTICLE 12. To see if the Town will vote to raise and appropriate the sum of \$20,000 for the Jones Pond Reserve.

*Estimated balance in the Jones Pond Reserve as of April 2026 is \$35,132
The Select Board and Budget Committee recommend approval.*

ARTICLE 13. To see if the Town will vote to raise and appropriate the sum of \$80,000 for the Legal & Executive Search Reserve.

*Estimated balance in the Legal & Executive Search Reserve as of April 2026 is \$50,723
The Select Board and Budget Committee recommend approval.*

ARTICLE 14. To see if the Town will vote to raise and appropriate the sum of \$67,000 for the Revaluation Reserve.

*Estimated balance in the Revaluation Reserve as of April 2026 is \$71,342
The Select Board and Budget Committee recommend approval.*

ARTICLE 15. To see if the Town will vote to raise and appropriate the sum of \$30,000 for the Coastal Planning & Protection Reserve.

*Estimated balance in the Coastal Planning & Protection Reserve as of April 2026 is \$76,437
The Select Board and Budget Committee recommend approval.*

ARTICLE 16. To see if the Town will vote to raise and appropriate \$10,000 for the Dorcas Library request.

The Select Board and Budget Committee recommend approval.

ARTICLE 17. To see if the Town will vote to raise and appropriate \$8,000 for the Historical Society request.

The Select Board and the Budget Committee recommend approval.

ARTICLE 18. To see if the Town will vote to raise and appropriate \$13,800 for the Schoodic Food Pantry.

The Select Board and the Budget Committee recommend approval.

ARTICLE 19. To see if the Town will vote to raise and appropriate the sum of \$3,200 for the following organizations:

- The sum of \$400 for Community Health and Counseling
- The sum of \$400 for Eastern Area Agency on Aging
- The sum of \$400 for The Life Flight Foundation
- The sum of \$400 for WIC Nutrition Program
- The sum of \$400 for Families First Community Center
- The sum of \$400 for Northern Light Home Care & Hospice Foundation
- The sum of \$400 for Sweetser
- The sum of \$400 for Friends of Dixon Clinic

The Select Board and Budget Committee recommend approval.

ARTICLE 20. To see if the Town will vote to raise general funds to donate to tax-exempt organizations (charities) during the next budget cycle.

ARTICLE 21. To see if the Town will vote to appropriate a maximum of \$250,000 from Undesignated Fund Balance (surplus) to offset taxes, if necessary and available.

The Select Board and Budget Committee recommend approval.

OTHER WARRANT ARTICLES

ARTICLE 22 – To see if the Town will vote to authorize the Select Board to accept, on behalf of the Town, unconditional gifts of property and/or donations which they feel are in the Town’s best interest to accept.

ARTICLE 23 – To see if the Town will authorize the Select Board to accept donations of money or private, state or federal grants for the purpose of supplementing a specific appropriation already made in order to reduce the Town’s tax assessment or long-term debt.

ARTICLE 24 – To see if the Town will vote to have unexpended balances and overdrafts in all accounts at the end of the fiscal year, except those which remain by law or are deemed necessary by the Select Board, transferred to Unappropriated Surplus.

ARTICLE 25 – To see if the Town will allow the Select Board to authorize the Treasurer to waive automatic lien foreclosures when it is in the best interest of the Town.

ARTICLE 26. To see if the Town will vote to authorize the Select Board to dispose of tax-acquired property (1) in accordance with Title 36, Section 943-C of the Maine Revised Statutes, as may be amended, or (2) should the Select Board be unable to list or sell the property pursuant to Section 943-C, in any manner reasonably calculated by the Select Board to establish fair market value of the property. For sales to someone other than the former owner, excess sale proceeds, as calculated pursuant to Section 943-C, shall be returned to the former owner.

The Select Board recommends approval.

ARTICLE 27. To see if the Town will vote to have the Fiscal Year 2026/2027 taxes due in two installments: half to be due on or before October 30, 2026 and the other half to be due on or before March 31, 2027 and to have interest charged at the annual rate of 7.00% on any taxes unpaid after the due dates.

ARTICLE 28. To see if the Town will authorize the Tax Collector to pay interest to any taxpayer who makes an overpayment of taxes, pursuant to 36 M.R.S.A., Section 506-A, at a rate of 3.50% per annum.

ARTICLE 29. To see if the Town will authorize the Select Board to dispose of surplus town vehicles Engine 2 (1992 Ford F800), Tanker 1 (1990 Ford L8000), Tanker 2 (2004 Freightliner M2-106), Utility Truck (1988 Ford F-350), Schoodic 1 (2018 Chevrolet Silverado), Schoodic 52 (2014 Chevrolet ambulance), and Police Truck (Dodge Ram), under such terms and conditions as they deem advisable.

ARTICLE 30. To see if the Town will vote to authorize the Select Board to dispose of town-owned property, excluding tax-acquired property, with a value of five thousand (\$5,000.00) or less, under such terms and conditions as they deem advisable.

The Select Board recommends approval.

ARTICLE 31. To see if the Town will vote to authorize the Select Board to enter into multi-year contracts for public services.

The Select Board recommends approval.

ARTICLE 32. To see if the Town will vote to retain the right to control the harvesting of alewives.

The Select Board recommends approval.

ARTICLE 33. To see if the Town will approve amendments to the Harbor Management Ordinance.

The Select Board and Harbor Committee recommend approval.

ARTICLE 34. To see if the Town will approve amendments to the Shellfish Conservation Ordinance.

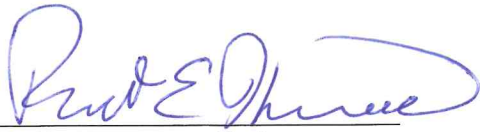
The Select Board and Shellfish Committee recommend approval.

ARTICLE 35. To see if the Town will vote to accept donations by the Ray Scholarship Fund for the benefit of Gouldsboro students at Sumner High School.

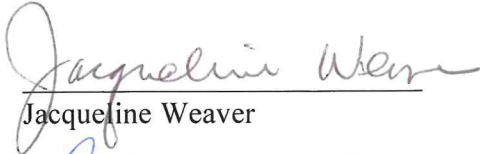
The Select Board recommends approval.

ARTICLE 36. To see if the Town will vote to set the next Town Meeting as the second Tuesday in June 2027, to start at 8AM.

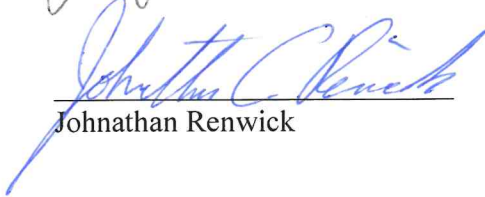
The Registrar of Voters, or Deputy, hereby gives notice that she will be in session at the Community Center on the Pond Road from 8AM until 8PM on the day of the election, Tuesday, June 9, 2026, and at 7PM at the Peninsula School on Wednesday, June 10, 2026 for the purpose of revising and correcting the list of registered voters.



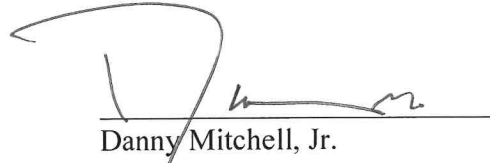
Robert Harmon, Chair



Jacqueline Weaver




Johnathan Renwick



Danny Mitchell, Jr.



Peter McKenzie II

Attest: 
Brianna L. Mitchell, Town Clerk
Town of Gouldsboro

TOWN OF GOULDSBORO, MAINE

SHELLFISH CONSERVATION ORDINANCE

Adopted: June 19, 2001

Revisions:

June 2008

2013

2015

2016

2019

1. AUTHORITY

This ordinance is enacted in accordance with M.R.S.A. Section 6671.

2. PURPOSE

To establish a shellfish conservation program for the Town of Gouldsboro which will ensure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:

- A. Licensing
- B. Limiting the number of shellfish harvesters
- C. Restricting the number and area where digging is permitted
- D. Limiting the minimum **and maximum** size of clams taken
- E. Limiting the amount of clams taken daily by a harvester

3. SHELLFISH CONSERVATION COMMITTEE

The Shellfish Conservation Committee consisting of five (5) members to be appointed by the ~~selectmen~~ **Select Board** for terms of one (1) year will administer the Shellfish Conservation Program for the Town of Gouldsboro.

The Committee's responsibilities include:

- A. Submitting to the ~~Board of Selectmen~~ **Select Board** proposals for the expenditures of funds for the purposes of shellfish conservation;
- B. Keeping this ordinance under review and making recommendations for its amendments;
- C. 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;
- D. Recommending conservation closures and openings to the ~~Board of Selectmen~~ **Select Board** in conjunction with area biologists of the Department of Marine Resources;
- E. Submitting an annual report to the Municipality and Department of Marine Resources covering the above topics and all other committee activities;
- F. Conducting conservation programs.

4. AUTHORIZATION TO MAKE CONSERVATION CHANGES

The ~~Board of Selectmen~~ **Select Board** are authorized to make change to certain conservation limits in this ordinance after receiving recommendations from the Shellfish Committee and after following proper hearing procedures. The changes will take effect five days from the date of approval and with public notification.

5. DEFINITIONS

- A. Resident: The term "resident" refers to a person who has been domiciled in this municipality for at least three (3) months directly prior to the time his/her claim of such residence is made.
- B. Nonresident: The term "nonresident" means anyone not qualified as a resident under this ordinance.
- C. Municipality: Refers to the Town of Gouldsboro, Maine.
- D. Conservation Time: Those measures and activities approved by the Shellfish Committee for the purposes of resource enhancement and the support of the

Gouldsboro Shellfish Conservation Ordinance. Conservation time must be completed to be eligible for a commercial shellfish license in accordance with the shellfish ordinance.

- E. Municipal License Allocation Request: Annually, as indicated by the ordinance, the Municipality must submit a request for the number of licenses to be sold during the next licensing period.
- F. Shellfish: When used in the context of this ordinance, the word “shellfish” means soft-shell clams, *Mya arenaria*, Quahogs (*Mercenaria mercenaria*) and Razor Clams (*Ensis directus*)
- G. Bulk Pile. “Bulk Pile” means any pile or contents of any box, barrel or other container
- H. Lot: The word “Lot” as used in this ordinance means the total number of soft shell clams in any bulk pile. Where soft shell clams are in a box, barrel, or other container, the contents of each box, barrel, or container constitutes a separate lot.
- I. Possess: For the purpose of this section, "possess" means dig, take, harvest, ship, transport, hold, buy, and sell retail and wholesale soft shell clam stock.
- J. Harvest: Means to take, dig or pull shellfish from the flats.
- K. Shore Access Agreement: It is an agreement between a land owner, the Town and commercial shellfish harvesters. It grants access across the land owners' property in a specific location, and could include other stipulations.
- L. Commercial Harvester: Refers to commercial shellfish harvesters licensed by the Town of Gouldsboro.

6. LICENSING

A Gouldsboro Municipal Shellfish License is required to harvest shellfish within the jurisdiction of this ordinance. It is unlawful for any person to harvest or take shellfish from the shores and flats of this municipality as provided by this ordinance. Additionally, a commercial harvester must also have a valid State of Maine Commercial Shellfish License issued by the Department of Marine Resources prior to harvesting clams for commercial purposes.

6.1 Designation, Scope and Qualifications

- A. Resident Commercial Shellfish License: This license is available to residents of the Town of Gouldsboro who have completed the shellfish conservation requirement and entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality.
- B. Nonresident Commercial Shellfish License: This license is available to nonresidents of this municipality who have completed conservation requirements and entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality.
- C. Resident Junior Commercial License: This license is available to any resident, who has attained his or her 13th birthday, but has not yet attained his or her 18th birthday as of 30 June of the application year. Conservation work will be required of

anyone 16 years of age by June 30th. This license entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality.

- D. Nonresident Junior Commercial License: This license is available to any nonresident, who has attained his or her 13th birthday but has not yet attained his or her 18th birthday as of 30 June of the application year. Conservation work will be required of anyone 16 years of age by June 30th. This license entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality.
- E. Resident Recreational Shellfish License: This license is available to residents and Maine real estate tax payers of this municipality who do not hold a valid Maine State Commercial Shellfish License and entitles the holder to harvest and take no more than one peck of shellfish in any one day for personal use.
- F. Nonresident Recreational Shellfish License: This license is available to any person that is not a resident or real estate tax payer of this municipality who does not hold a valid Maine State Commercial Shellfish License and entitles the holder to harvest and take no more than one peck of shellfish in any one day for personal use.
- G. License must be signed: The licensee must sign the license to make it valid. The license must be in the holder's possession when engaged in harvesting. By signing the license, the harvester acknowledges that he/she must submit to inspection by the Municipal Shellfish Warden.
- H. A person over 18 years of age enrolled in a secondary education program will be exempted from the 5 meeting requirements, but they will still be required to complete the 5 hours of conservation time in the field to obtain a shellfish license.

6.2 Application Procedure: A person may apply to the Town Clerk for licenses required by this ordinance on forms provided by the municipality. Notice of available licenses shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the ~~Selectmen~~ **Select Board** consider effective in reaching persons affected, not less than 10 days prior to the period of issuance and shall be posted in the Municipal Office until the period expires. A copy of the notice shall be provided to the Commissioner of Marine Resources.

- A. 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 whatever information the municipality may require. The applicant must provide proof of residency consistent with the standard of proof that is required to register to vote.
- B. In addition to completing an application, an applicant for a junior commercial license shall also provide:
 - 1. Proof that the applicant has attained his or her 13th birthday but has not yet attained his or her 18th birthday.
 - 2. Proof of residency.
 - 3. The junior's parent or legal guardian must sign the application, in person at the town office.

- C. Misrepresentation: Any person who gives false information on a license application will cause said application to become invalid and void. If a license is issued as a result of the false information, said license shall become invalid and void. Licenses that are voided may be reissued to another person at the current fee according to the priorities established in this section. Fees for voided licenses are nonrefundable.
- D. Change of Residency: A person applying for or holding a commercial shellfish license under this ordinance shall notify the Town Clerk within ninety (90) days of residency change. The Shellfish Committee shall vote to void a resident license after a license holder has moved from Gouldsboro and is domiciled elsewhere for ninety days.

6.3 Use of Fees and Fines, Funding: Fees for the license must accompany, in full, the application for the respective license. The Town Clerk shall pay all fees received to the Town Treasurer except for \$1.00 for each license which will be retained by the Clerk as payment for issuing the license. Fees and fines received for shellfish licensing shall be used by the Town for costs incurred in the shellfish management, conservation and enforcement of this ordinance.

6.4 License Allocation Procedures: License sales procedures shall be determined by the Shellfish Committee, approved by the ~~Selectmen~~ **Select Board**, and submitted to the Department of Marine Resources for their approval at least thirty (30) days prior to the date of issuance. Notices of the number of licenses to be issued and the procedure for application shall be defined annually by the Municipal License Allocation Request.

- A. The Town Clerk shall issue commercial licenses to those residents and nonresidents who have met the requirements of obtaining a commercial license. The Town Clerk shall issue licenses as allocated starting July 1st or the next business day. Nonresident licenses will be issued at a rate of 10% of all resident licenses issued on a first-come first-serve basis or by lottery.
- B. 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. Licenses will be allocated from a list of qualified applicants prepared by the Shellfish Committee. Applicants will be prioritized in the following order and will only be eligible after completing required conservation time.
 - 1. Applicants who have held a commercial license for three (3) of the last three (3) years.
 - 2. Applicants who have held a commercial license for two (2) of the last three (3) years.
 - 3. Applicants who have held a commercial license for one (1) of the last three (3) years.
 - 4. Applicants who are applying for a commercial license for the first time in the last three (3) years.

6.5 Limitation of Diggers: The number of licenses issued may be limited and will be issued according to the Municipal License Allocation Request as approved by Marine Resources.

- A. Limited License Sales: If it is determined that Limited Licenses are necessary the Town Clerk shall issue licenses to residents and nonresidents as allocated from July 1st or the next business day and then for 90 days, after which licenses shall be sold without regard to residency on a first-come first-serve basis or by lottery.
- B. Open License Sales: When the Shellfish Conservation Committee determines limiting shellfish licenses is not an appropriate shellfish management option for one or more license categories for the following year.
 - 1. The Town Clerk shall issue licenses as allocated. On the first day of license sales, the total number of non- resident commercial licenses shall be issued in accordance with DMR regulations Chapter 7.4 section 1. Thereafter, non-resident licenses will be issued in accordance with the 10% rule as described in 12 M.R.S.A. § 6671(3-E) and DMR Regulations Chapter 7.4, Section 2, Table 1.

6.6 License Expiration Date: Each license issued under the authority of this ordinance expires at midnight on the 30th day of June of the next year following date of issue.

6.7 Reciprocal Harvesting Privileges: Not available.

6.8 Military Exemption Clause: Residents serving or completing full time active duty in the U. S. Armed Forces will be exempt from Municipal licensing requirements for up to thirty (30) days after separation from those services. The ~~Selectmen~~ **Select Board** may waive the conservation requirements on a case by case basis.

6.9 Fees Waived: Recreation and Commercial Shellfish license fees will be waived for residents and nonresidents sixty-five (65) years or older and twelve (12) years or younger.

- A. This amendment would make a Resident Recreation Shellfish license for a person 65 years of age or older a Lifetime License.
- B. This amendment would make a Nonresident Recreational Shellfish License for a person 65 years of age or older a Lifetime License. The license holder must notify the Town each year of their intent to use the Shellfish license or the license will be invalid.

7. VIOLATIONS, SUSPENSION OF LICENSES, AND FINES

Any person who violates this Ordinance shall be punished as provided by 12 M.R.S.A. Section 6671 and/or 6681.

- A. 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.
- B. The suspension shall be effective from the date of mailing of a Notice of Suspension by the Town Clerk to the licensee.
- C. Any violation of this ordinance may result in a license suspension.

- D. Any shellfish licensee having three (3) convictions for any other violations of this ordinance shall have his/her shellfish license suspended for a period of thirty (30) days.
- E. Any person who has their State of Maine Commercial Shellfish License or their right to obtain a license suspended by The Dept. of Maine Resources for any reason shall have their Municipal Shellfish License from the Town of Gouldsboro suspended or right to obtain a license suspended until reinstated by DMR.
- F. It shall be unlawful to engage in the activity of harvesting shellfish while your right to do so is under suspension. If an individual is caught harvesting soft shell clams while under suspension you will be charged as if you are harvesting soft shell clams without a license.
- G. It shall be unlawful to harvest shellfish beyond restriction of the municipal license held by the individual engaging in the activity of harvesting shellfish. The fine shall be \$100 to \$500.
- H. A non-license holder or a recreational license holder may not accompany a licensed commercial harvester with the intent of assisting in the harvesting and taking of shellfish.

7.1 A. Any licensee whose shellfish license has automatically been suspended pursuant to this section shall be entitled to a hearing before the Shellfish Committee upon the filing of a written request for hearing with the Town Clerk within thirty (30) days following the effective date of the suspension.

- B. The licensee may appeal the decision of the Shellfish Committee before the ~~Board of Selectmen~~ **Select Board** by filing a written request of appeal with the Town Clerk within seven (7) days of the decision of the Shellfish Committee.

7.2 A. Harvesting of Clams in a Closed Area: Any shellfish licensee convicted of harvesting in an area closed for conservation shall have his/her license automatically suspended for thirty (30) days.

- B. Harvesting Clams at Night: Any shellfish licensee convicted of night harvesting shall have his/her license automatically suspended for thirty (30) days.

8. CONSERVATION TIME

All commercial license applicants will be required to complete ten (10) hours of conservation time for the purpose of executing shellfish conservation measures, including, but not limited to, reseeded and brushing projects, shellfish surveys, five (5) hours attending conservation committee meetings. Conservation time needs to be completed by May 25 of each year to be eligible to have a Commercial Shellfish License in the coming year. The Shellfish Warden will determine what combination of activities will be needed to meet the above requirements. The amount of conservation time which includes committee meeting and flat work will be regulated by the ~~Selectmen~~ **Select Board** upon recommendation from the Shellfish Committee. Or ten (10) hours of conservation time in the field with Shellfish Committee approval.

- A. At 65 years of age an applicant may earn their entire ~~ten-five~~ hours of conservation time by attending Shellfish Committee meetings. The amount of meeting time will be regulated by the ~~Selectmen~~ **Select Board** (This requirement is effective as of 1 July 2008.)

- B. Applicants for Junior Commercial Licenses must complete conservation time, that must be completed as work in the field. The amount of conservation time will be regulated by the ~~Selectmen~~ **Select Board** upon recommendation by the Shellfish Committee.

Conservation time can be earned in three ways throughout the year:

1. By participating in conservation work days scheduled by the Shellfish Conservation Committee.
2. By attending the Shellfish Conservation Meetings. Attendance will be counted for conservation time to the nearest half hour in fifteen (15) minute increments. The applicant must attend the entire meeting to earn the conservation hours. Up to one half of the total conservation hours required to purchase a commercial license can be earned by attending Shellfish Conservation Meetings.
3. For those individuals who have completed their conservation time and who are not offered a shellfish license due to license limitations can carry their time forward until such time they are offered a license. The individual must apply for a shellfish license each year in order for their conservation time to carry forward. If they fail to apply for a license each year or they refuse a license after being offered one their conservation time will be taken off the books.
4. By contacting the Shellfish Warden, with at least seven working days' notice, an applicant may schedule to complete conservation hours under the supervision of the Shellfish Warden.

9. OPENING AND CLOSING OF FLATS

The Municipal Officers, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendations of the Shellfish Conservation Committee and concurrence of the Department of Marine Resources Area Biologist that the status of 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 findings of fact. Any area within the Town of Gouldsboro which is closed by the Department of Marine Resources to the harvesting of shellfish shall be considered a town closure. The municipality will provide notification to the public of conservation closures/openings in accordance with DMR Regulations Chapter 7.50(1) (c). This section requires a 5-day notice of Openings and Closings.

- A. It shall be unlawful for any person to harvest, take or possess shellfish from any closed area in the Town of Gouldsboro. Harvesting shellfish in a closed area is a violation of this ordinance. Harvesting in a is a violation of this ordinance and is punishable under section 6671.

10. MOLESTING MUNICIPAL SHELLFISH GEAR PLACED IN A PROTECTED AREA

The Town of Gouldsboro may, as part of its municipal shellfish program, place protective netting, fencing, traps or other gear in the intertidal zone to provide protection from shellfish predators. Any netting, fencing, traps or other gear placed for the purpose must be clearly marked with signs or tags that state that the gear belongs to the Town of Gouldsboro and indicate the purpose for the gear.

- A. A person may not tamper with, molest, disturb, alter, destroy or in any manner handle gear placed by the Town of Gouldsboro in accordance with the above section.
- B. A person who violates Section A commits a civil violation for which a fine of not less than \$300 and not more than \$1000 may be adjudged.

11. MINIMUM LEGAL SIZE OF SOFT SHELL CLAMS

It is unlawful for any person to possess soft shell clams within the Town of Gouldsboro, County of Hancock which are less than two (2) inches in the longest diameter except as provided by Subsection A of this section.

- A. Tolerance: Any person may possess soft shell clams that are less than two inches if they comprise less than 5% 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 a count of the entire lot if it contains less than one (1) peck.
- B. Penalty: Whoever violates any provision of this section shall be punished by a fine of not less than ~~\$100-\$300~~ for 5% to 10% short clams under 2 inches and not less than ~~\$300 \$500~~ for over 15% short clams under 2 inches.

12. MAXIMUM SIZE OF SOFT SHELL CLAMS

It shall be unlawful for any person to possess soft shell clams within the Town of Gouldsboro, Hancock County which are greater than four (4) inches in the longest diameter except as provided by subsection A.

- A. Tolerance: Any person may possess soft shell clams that are greater than (4) four inches if they comprise less than 10 % of any lot. The tolerance shall be determined by using the same method listed in above in subsection A.
- B. Penalty: Whoever violates any provision of this section shall be punished by a fine of not less than ~~\$100-\$300~~ for 10% to 20% large clams over 4 inches in length in its longest diameter and not less than ~~\$300-\$500~~ for over 20% clams over 4 inches.

13. MINIMUM LEGAL SIZE OF QUAHOGS

It is unlawful for any person to possess quahogs within the town of Gouldsboro which are less than one (1) inch at the hinge.

14. MINIMUM LEGAL SIZE OF RAZOR CLAMS

It is unlawful for any person to possess razor clams within the town of Gouldsboro which are less than four (4) inches in the longest diameter.

15. VOLUME LIMITS

The volume of clams harvested is subject to a limited take. The volume limit may vary from flat to flat. Exceptions to this section shall be regulated by the ~~Selectmen~~ **Select Board** upon recommendation from the shellfish committee. Exceptions shall be listed in the back of the ordinance packet.

16. NIGHT DIGGING

Clams in the Town of Gouldsboro can be harvested 30 minutes before sunrise and 30 minutes after sunset all year long. Exceptions shall be regulated by the ~~Selectmen~~ **Select Board** upon recommendation from the shellfish committee. Exceptions shall be listed in the back of this ordinance packet.

17. SUNDAY HARVESTING

It shall be unlawful for commercial license holders to harvest shellfish on Sundays. Recreation harvesters may harvest shellfish on Sunday. Exceptions shall be regulated by the ~~Selectmen~~ **Select Board** upon recommendation of the shellfish committee. Exceptions shall be listed in the back of this ordinance packet.

18. SHORE ACCESS AGREEMENTS

The municipality will provide public notice of all Shore Access Agreements it and the Shellfish Committee have established with property owners to provide commercial harvester access to specific properties. The public notice will include a map showing where harvester access is permitted, along with any other access restrictions.

- A. It shall be unlawful for commercial license holders to violate the terms of any municipal Shore Access Agreement.
- B. If a violation occurs, the Shellfish Committee may recommend license suspension as described in Section 7, VIOLATIONS, SUSPENSION OF LICENSES, AND FINES, of this ordinance.

19. INTERTIDAL MUSSEL HARVESTING

This section is enacted in accordance with 12 M.R.S.A. Section 6671(12) and 13-188 Chapter 7 (7.70). A copy of the Intertidal Management Plan will be made available through the Town Clerk or on the Department of Marine Resources website.

20. PENALTY

A person who violates any provision of this ordinance shall be punished as provided by 12 M.R.S.A. Section 6671(10), (10A).

21. CERTIFICATE AS EVIDENCE

A certificate from the clerk of the municipality or any other custodian of the records of a municipal shellfish conservation ordinance adopted under this section stating what the records of the municipality show is admissible as evidence in all courts as proof of the municipal records. A certificate stating that the records do not show that a person held a license is prima facie evidence that a person did not hold the license on the date specified in the certificate. A certificate stating that the records show that a shellfish conservation ordinance or portions of an ordinance were in effect on particular date is prima facie evidence that the ordinance was in effect on the date specified in the certificate. The certified copy is admissible in evidence on the testimony of a municipal shellfish conservation warden that the warden received the certificate after requesting it from the municipality. Further foundation is not necessary for admission of the certificate.

22. EFFECTIVE DATE

This ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the municipality provided a certified copy of the ordinance is filed with the Commissioner within twenty (20) days of its adoption.

23. AMENDMENTS

23.1 Initiation: A proposal for an amendment to this ordinance may be initiated by the following:

- A. A written proposal submitted to the Shellfish Committee;
- B. A recommendation of the Shellfish Committee; or
- C. A recommendation of the ~~Board of Selectmen~~ **Select Board**.

23.2 Procedure:

- A. Any proposal for an amendment shall be made to the ~~Board of Selectmen~~ **Select Board** in writing stating the specific changes requested. All such proposals shall be transmitted to the Shellfish Committee for their review and recommendation.
- B. Within thirty (30) days of receiving a properly initiated amendment, the ~~Board of Selectmen~~ **Select Board** 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 community 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.

23.3 Amendment: This ordinance may be amended after proposed changes have been reviewed by the Department of Marine Resources by a majority vote of the ~~Board of Selectmen~~ **Select Board** and approved by the legislative body of the municipality.

23.4 State Law Changes: Any change to referenced State Laws in this Ordinance shall automatically update in the Ordinance upon enactment.

24. 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 of this ordinance.

25. 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 this ordinance, is hereby repealed.

26. PERIOD OF ORDINANCE

This ordinance shall remain in effect until amended or repealed by the town.

27. ABILITY TO MAKE EXCEPTIONS

The ~~Board of Selectmen~~ **Select Board** are authorized to make changes to certain limits in this ordinance after receiving recommendations from the Shellfish Committee and after following proper hearing procedures. These changes will take effect five days from the date of approval and with public notification.

Exception: Night Harvesting: The change would allow the harvest of clams 2 hours before sunrise and 2 hours after sunset from November 1 until March 1.

Exception: Sunday Harvesting: The change would allow the harvest of clams 2 hours before sunrise and 2 hours after sunset from November 1 until March 1.

Exception: Volume Limits: It shall unlawful to take or harvest more than 1 bushel of softshell clams from Stave Island Bar in 1 day.

Approval Date

Attested: _____
Brianna L. Mitchell
Gouldsboro Town Clerk

TOWN OF GOULDSBORO, MAINE

HARBOR MANAGEMENT ORDINANCE

Adopted: September 20, 1984

Revisions:
June 2007
2018
2023
2024
2025
[2026](#)

HARBOR MANAGEMENT ORDINANCE TOWN OF GOULDSBORO, MAINE

TABLE OF CONTENTS

ARTICLE 1 INTRODUCTION

- 1.1 AUTHORITY
- 1.2 PURPOSE
- 1.3 JURISDICTION
- 1.4 CONFLICTS WITH OTHER ORDINANCES
- 1.5 EFFECTIVE DATE
- 1.6 VALIDITY AND SEPERABILITY
- 1.7 AMENDMENTS
- 1.8 ACCOUNTABILITY

ARTICLE 2 DEFINITIONS

- ~~2.1 ABANDONED WATERCRAFT~~
- ~~2.2 ANCHORAGE~~
- ~~2.3 BOAT~~
- ~~2.4 BUOY, / NO WAKE~~
- ~~2.5 COMMERCIAL FISHING~~
- ~~2.6 COMMERCIAL VESSEL~~
- ~~2.7 DEBRIS~~
- ~~2.8 DOCK~~
- ~~2.9 ENTRANCE CHANNEL~~
- ~~2.10 FLOAT~~
- ~~2.11 FLOATING STRUCTURE~~
- ~~2.12 HARBOR~~
- ~~2.13 HARBORMASTER~~
- ~~2.14 HOUSEBOAT~~
- ~~2.15 LANDING~~
- ~~2.16 LIABILITY~~
- ~~2.17 MOORING~~
- ~~2.18 PIER~~
- ~~2.19 PLEASURE VESSEL~~
- ~~2.20 RIPARIAN OWNER~~
- ~~2.21 RESIDENT~~
- ~~2.22 SEAWORTHY VESSEL~~
- ~~2.23 SHALL / MAY~~
- ~~2.24 TO ANCHOR~~
- ~~2.25 VESSEL~~
- ~~2.26 WATERCRAFT~~

ARTICLE 3 OFFICE OF THE HARBORMASTER

- 3.1 APPOINTMENT
- 3.2 DUTIES
- 3.3 CERTIFICATION
- 3.4 TRAINING
- 3.5 CONTINUING EDUCATION

3.6 TERM

ARTICLE 4 ADMINISTRATION

- 4.1 DUTIES
- 4.2 ENFORCEMENT
- 4.3 OBEDIENCE TO ORDERS
- 4.4 OFFENSE
- 4.5 LEGAL ACTION
- 4.6 PENALTIES
- 4.7 SUSPENSION OR REVOCATION OF PRIVILEGES
- 4.8 APPEALS

ARTICLE 5 HARBOR COMMITTEE

- 5.1 APPOINTMENT
- 5.2 POWERS
- 5.3 TERM
- 5.4 MEETINGS
- 5.5 VOTE
- 5.6 QUORUM

ARTICLE 6 MOORINGS

- 6.1 PLACEMENT OF MOORINGS
- 6.2 DESIGNATION OF MOORING SPACE
- 6.3 INSPECTION OF MOORINGS
- 6.4 PRIORITY
- 6.5 TRANSFERRING OF MOORING PRIVILEGES
- 6.6 NOTIFICATION OF VACANCY
- 6.7 REASSIGNMENT
- 6.8 RECREATIONAL WATERCRAFT REMOVAL
- 6.9 MOORING APPLICATION
- 6.10 WAITLISTS

ARTICLE 7 FEES

ARTICLE 8 WHARVES, DOCKS, PIERS, FLOATS & RAMPS

- 8.1 OBSTRUCTION
- 8.2 BLOCKAGE OF PUBLIC RAMPS / FACILITIES
- 8.3 BAIT
- 8.4 REMOVAL OF VESSELS
- 8.5 REMOVAL OF DEBRIS
- 8.6 REFLECTORS REQUIRED ON LOBSTER CARS [AND FLOATS](#)
- 8.7 USE PRIORITY
- 8.8 TOWN WHARF & LANDING USE
- 8.9 TOWN HOIST
- 8.10 WIND ADVISORY
- 8.11 MISUSE OF TOWN PROPERTY
- 8.12 INCLEMENT WEATHER
- 8.13 FLOATS AT TOWN FACILITIES

ARTICLE 9 OPERATION OF VESSELS

- 9.1 GENERAL
- 9.2 SPEED LIMIT
- 9.3 ABANDONMENT
- 9.4 OIL POLLUTION
- 9.5 INFECTED VESSEL

ARTICLE 10 NONWATER-DEPENDENT FLOATING STRUCTURES AND HOUSEBOATSLIVEBOARDS

- 10.1 NONWATER-DEPENDENT FLOATING STRUCTURES
- 10.2 HOUSEBOATSLIVEBOARDS

ARTICLE 1 INTRODUCTION

1.1 AUTHORITY

This Ordinance is adopted under the authority granted by Titles 12, 17, 30-A and 38 of the Marine Revised Statutes Annotated (M.R.S.A.), as amended, and the home rule provisions of the Constitution of the State of Maine.

1.2 PURPOSE

The purpose of this Ordinance is to establish and maintain order for the arrangement and utilization of the mooring areas, public landings, piers, boat ramps, harbor channels and related properties in the harbors in the Town of Gouldsboro, Maine in a manner that will best serve the interests of the citizens of Gouldsboro and the boating public.

1.3 JURISDICTION

The provisions of this Ordinance shall govern all maritime activities on and within the ~~tidal & coastal and~~ inland waters located within the boundaries of the Town of Gouldsboro, Maine and to all land areas at an elevation below the normal high-water mark and to all piers, parking lots, beaches and other public facilities serving the maritime resource. For inland waters the ~~H~~harbormaster shall have jurisdiction only on matters regarding ~~houseboats-liveboards~~ and ~~nonwater-dependent~~ floating structures.

1.4 CONFLICTS WITH OTHER ORDINANCES

Should any provision of this Ordinance conflict with any ordinance, regulation, or statute administered by the Town, the more stringent provision shall control.

1.5 EFFECTIVE DATE

The effective date of this Ordinance or any amendments thereto shall be the day immediately following it/their adoption at a regular or special town meeting.

1.6 VALIDITY AND SEPARABILITY

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

1.7 AMENDMENTS

This Ordinance may be amended in part or in whole by a majority vote of the citizens of the Town at a regular or special town meeting.

1.8 APPLICABILITY

The provisions of this Ordinance shall apply to activities occurring within or directly affecting the waters within the Town of Gouldsboro, Maine.

ARTICLE 2 DEFINITIONS

In this Ordinance the following terms shall have the meanings as shown:

~~2.1~~ **ABANDONED WATERCRAFT** – Abandoned watercraft means any watercraft that is inoperative and neglected, submerged or partially submerged or that has been left by the owner in coastal waters without intention of removal, as determined by the Harbormaster. This term includes motors, electronics and mechanical equipment and other machinery customarily used in the operation of watercraft.

~~2.2~~ **ANCHORAGE** – An area of the harbor set aside for permanent moorings or for the temporary anchoring of boats or vessels.

~~2.3~~ **BOAT** - ~~Boat shall include~~ vessels of ~~all-any~~ sizes powered by sail, machinery or hand, including but not limited to floats, rafts, scows, canoes, kayaks, dredges, lobster, crab and shellfish cars, houseboats-liveboards and crafts of any kind.

~~2.4~~ **BUOY, NO-WAKE** – A marker defining an area beyond which no wake is allowed.

~~2.5~~ **COMMERCIAL FISHING** – Any activity involving the landing or processing of shellfish, finfish or other natural products of the sea or other activities directly related to landing or processing shellfish, finfish or natural sea products, aquaculture products, including fueling, loading or selling these products.

~~2.6~~ **COMMERCIAL VESSEL** – Any vessel used for or engaged in any type of commercial venture, including but not limited to fishing or the carrying of cargo and/or passengers for hire, push-boats, tugs, and barges.

~~2.7~~ **DEBRIS** – Includes floats, old traps, rope, wood and items that are not commonly found in the coastal waters.

~~2.8~~ **DOCK** – The slip or waterway extending between two piers or projecting wharf or cut into the land for the reception of vessels.

~~2.9~~ **ENTRANCE CHANNEL** – Shall mean an access passageway through natural obstructions to navigate or a passageway defined by regulation to provide safe access through moored vessels to some particular point of interest such as a pier or ramp.

~~2.10~~ **FLOAT** – A floating structure that is anchored, moored, or secured at or near the shore, used for landing, transfer of passengers, goods, or other purposes.

~~2.11~~ **FLOATING STRUCTURE** – ~~A floating structure on or in the waters of the Town of Gouldsboro that is not principally used for transportation regardless of the capability of the structure to propel itself across the water. A floating structure is usually designed, fitted out, or principally used for residential or commercial habitation, including commercial seasonal or short-term rental (as evidenced by the existence of one or more bedrooms, cabins, and/or berths, as well as a sink, a toilet/head, or both) or as a food or eating establishment. This definition does not include houseboats. "Floating structure" has the same meaning as "nonwater-dependent floating structure."~~

2.12 *HARBOR* – Includes all waters within the boundaries of The Town of Gouldsboro excluding the agreement with the Town of Bar Harbor.

~~2.13~~ *HARBORMASTER* – An official appointed by the Select Board and employed by the Town of Gouldsboro to enforce the provisions of this Ordinance and certain duties and responsibilities set forth in 38 M.R.S.A. §1-13. “Harbormaster” in this Ordinance can refer to the Harbormaster and/or Deputy Harbormaster.

~~2.14~~ *HOUSEBOAT-LIVEABOARD* – A watercraft whose primary purpose is navigation and as a means of transportation on water, which is (i) fitted out with living quarters (as evidenced by the existence of one or more bedrooms, cabins, and/or berths, as well as a sink, toilet/head, or both) that may be used for residential or commercial habitation as a secondary purpose; (ii) is equipped with propulsion and steering controls in a location on the watercraft that also provides its operator a 180-degree forward view; and (iii) has all safety and sanitation devices required by the United States Coast Guard. This definition does not include nonwater-dependent floating structures.

~~2.15~~ *LANDING* – A place for landing or discharging person(s) or things from a vessel.

~~2.16~~ *LIABILITY* – Any person using the facilities within the limits of a harbor or maritime facility shall assume all risk of damage or loss of his property and the Town of Gouldsboro assumes no risk on account of fire, ~~theft,~~ Act of God, or damages of any kind to vessels within said harbor or maritime facility.

NONWATER-DEPENDENT FLOATING STRUCTURE – A waterborne structure that is supported wholly or partially by the structure’s own buoyancy and that supports a nonwater-dependent use. This definition includes: (i) any such waterborne structure that is designed or has been substantially and structurally remodeled or redesigned to serve primarily as a residence that is not designed for navigation as its primary purpose and is not capable of self-propulsion or use as a means of transportation on water; and (ii) any vessel that is permanently docked and not intended to be used for transportation on water. This definition does not include a liveaboard.

NONWATER-DEPENDENT USE – A use that can function in a location other than on the surface waters of the State and that does not require, for its primary purpose, location on submerged lands or direct access to inland or coastal waters. A “nonwater-dependent use” includes but is not limited to: (i) a food or eating establishment; and (ii) a residence, commercial lodging facility, and commercial seasonal or short-term rental, as evidenced by the existence of one or more bedrooms, cabins, and/or berths, as well as a sink, a toilet/head, or both.

~~2.17~~ *MOORING* – The equipment used by a vessel for anchoring purposes, providing a permanent, adequate means of securing a vessel to the bottom in an anchorage, and which cannot be carried aboard such vessel, when such vessel is underway, as regular equipment.

“Mooring” may mean, as the context dictates:

1. A place where buoyant vessels are secured other than to a pier;
2. The equipment used to secure a vessel; or

3. The process of securing a vessel other than by anchoring.

~~2.18~~ *PIER* - A platform type structure contiguous with the shoreline and built there from over the water, supported by wooden or stone piles and used for the berthing, loading and unloading of vessels.

~~2.19~~ *PLEASURE VESSEL* – A pleasure vessel is any vessel used for activities which do not produce a significant portion of the vessel user’s income.

~~2.20~~ *RIPARIAN OWNER* –Any person who owns land abutting the waters of Gouldsboro.

~~2.21~~ *RESIDENT* – Any person who is a registered voter or who owns or rents real estate in the Town of Gouldsboro and uses that property for their home at least 6 months of the year.

~~2.22~~ *SEAWORTHY VESSEL* – A vessel in a fit state for travel or movement without extraordinary effort or assistance provided to affect such travel or movement.

~~2.23~~ *SHALL / MAY* – “Shall” is mandatory; “May” is permissive.

~~2.24~~ *TO ANCHOR* –To secure a vessel to the bottom within a body of water by dropping an anchor or anchors or other ground tackle.

~~2.25~~ *VESSEL* – ~~Any type of boats, barge, float, or craft of all used or capable of being used as a means of transportation on water, other than a seaplane.~~ Vessel has the same meaning as “watercraft.”

~~2.26~~ *WATERCRAFT* – ~~Watercraft has the same meaning as “vessel.” Any type of vessel, boat, canoe, houseboat, or liveaboard (excluding a seaplane) capable of being used as a means of transportation on water that satisfies all applicable laws and rules pertaining to navigation and safety equipment on watercraft. “Watercraft” includes motors, electronic and mechanical equipment, and other machinery, whether permanently o temporarily attached, that are customarily used in the operations of the watercraft. “Watercraft” does not include a vessel located and intended to be permanently docked in one location and not used as a means of transportation on water.~~

ARTICLE 3 OFFICE OF THE HARBORMASTER

3.1 APPOINTMENT

The Harbormaster and Deputy Harbormaster, if any, shall be appointed by the Select Board with the recommendation of the Harbor Committee.

3.2 DUTIES

The Harbormaster / Deputy Harbormaster shall:

1. Carry out the provisions of the Harbor Ordinance.
2. Provide advice to the Harbor Committee.
3. Assign temporary and permanent berthing and mooring locations within the harbors.

4. Remove or cause to be removed obstructions to navigation equipment for moorings and berths within the harbors.
5. Advise on the usage of proper equipment for moorings and berths within the harbors.
6. Be authorized to inspect moorings and other equipment **repairs**.
7. Carry out responsibilities delegated by state and federal and local governments as applicable to general rules of the road, proper moorings and safe operations of the subject harbor.
8. Remove or cause the removal of abandoned vessels or other objects within the harbors of the Town of Gouldsboro.
9. Oversee the efficient and safe operation of town facilities within the coastal and inland waters of the Town of Gouldsboro.
10. Enforce the provisions of this Ordinance in accordance with its terms.

3.3 CERTIFICATION

The Harbormaster or Deputy Harbormaster shall be approved to make arrests and carry a **weapon** firearm by the Gouldsboro Select Board, after successfully completing the training requirements prescribed in 25 M.R.S. § 2804-I and providing a copy of the Maine Harbor Masters Association certificate of completion to the Town.

3.4 TRAINING

A person appointed or reappointed as Harbormaster or a Deputy Harbormaster must complete a basic harbor master training course offered by the Maine Harbor Masters Association within one year after being appointed or reappointed unless that person has previously completed such a course. If a person has not held the position of harbormaster or deputy harbor master within the last 3 years prior to being appointed or reappointed, that person upon appointment or reappointment must complete the basic harbor master training course.

3.5 CONTINUING EDUCATION

A person appointed or reappointed as Harbormaster or Deputy Harbormaster who has completed the basic training course under Section 3.4 shall complete, at a minimum, 8 hours of training every 3 years to maintain certification as a harbormaster or deputy harbormaster. The training requirement of this section may be met by completing continuing education training offered or approved by the Maine Harbor Masters Association.

3.6 TERM

The Harbormaster and Deputy Harbormaster shall serve at the pleasure of the Select Board. The Select Board may, for cause by the Select Board declared in writing, after due notice and a hearing, if requested, remove the Harbormaster or Deputy Harbormaster and appoint another one.

ARTICLE 4 ADMINISTRATION

4.1 DUTIES

It shall be the duty of the Harbormaster to carry out the provisions of this Ordinance. If the Harbormaster shall find that any provision of this Ordinance is being violated, he shall notify, in writing, the persons responsible for such violation, indicating the nature of the violation and

ordering the action necessary to correct it. A copy of every such notice shall be maintained as a permanent record.

4.2 ENFORCEMENT

This Ordinance may be enforced by the Harbormaster, Deputy Harbormaster, or any law enforcement officer vested with the authority to carry a firearm and make arrests. Violations shall be prosecuted as provided in 38 M.R.S.A. §12 (which incorporates the enforcement mechanism of 30-A M.R.S.A. §4452) and, where applicable, 38 M.R.S.A. §13.

4.3 OBEDIENCE TO ORDERS

No person shall fail to observe any lawful order of the Harbormaster with reference to the navigation and disposal of his watercraft within the limits of Gouldsboro's Harbors.

4.4 OFFENSE

A person is guilty of failure to obey an order of a Harbormaster if the person intentionally, knowingly or recklessly fails to obey any lawful order of a Harbormaster authorized pursuant to this Ordinance.

4.5 LEGAL ACTION

When notification of a violation does not result in the correction of the violation or nuisance condition, the Select Board, upon complaint from the Harbormaster, is hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town.

4.6 PENALTIES

Any person who violates any provision of this Ordinance may be assessed a civil penalty not less than \$100 nor more than \$5,000 for each specific violation. A repetition or continuation of any violation of any provisions of this Ordinance on successive days after notification by the Harbormaster constitutes a separate offense for each day during any portion of which such violation is committed, continued, or permitted. Failure to obey a lawful order of a Harbormaster is a Class E crime.

4.7 SUSPENSION OR REVOCATION OF PRIVILEGES

All permits and privileges granted under the authority of this Ordinance shall be valid only for such period as specified and privileges of unqualified duration of validity shall not be granted. A violation of the provisions of this Ordinance or of any other applicable Ordinance by any person shall be grounds for suspension or revocation of such privilege.

4.8 APPEALS

Any action or decision of the Harbormaster may be appealed by an aggrieved party to the Select Board, except that notices of violation, enforcement orders, suspensions or revocations of permits or privileges, written determinations of no violation, or any other enforcement decisions of the Harbormaster are advisory only and may not be appealed. An appeal must be submitted in writing no later than thirty (30) days after the action or decision. The Select Board shall

promptly schedule an appeal hearing, giving notice to the applicant and to the Harbormaster of the date, time and place of the hearing. The Select Board shall hear appeals de novo. The appellant and the Harbormaster ~~each~~ shall ~~each~~ have an opportunity to be heard and to present written and oral evidence. After the hearing, the Select Board shall promptly issue a written decision. There is no appeal under this Ordinance from the decision of the Select Board.

ARTICLE 5 HARBOR COMMITTEE

5.1 APPOINTMENT

The Select Board shall appoint a committee of up to seven (7) individuals familiar with the harbor and their activities, as follows:

1. Up to seven (7) public members shall be made up of interested commercial fishermen; and
2. Representatives of marine related business, and private citizens.

5.2 POWERS

The Harbor Committee shall:

1. Plan the development and establish policy for the Harbors of Gouldsboro.
2. Refer policy or implementation conflicts related to this Ordinance that are unable to be readily resolved to the appropriate authority.
3. Recommend rules and regulations including mooring fees, for use of the harbor.
4. Review the activities of the Harbormaster.
5. Review and recommend changes, if any, to the Harbormaster's assignments of mooring locations.

5.3 TERM

Beginning with the fiscal year of 2023 – 2024, the terms of the Committee members shall be as follows: one member for one year, two members for two years, two members for three years. Thereafter, the terms shall continue rotation.

5.4 MEETINGS

The Committee shall meet a minimum of quarterly or as often as the Committee may determine.

5.5 VOTE

The Committee decisions will be made by vote of a majority of members present and voting.

5.6 QUORUM

A majority of the members appointed to the Committee shall constitute a quorum.

ARTICLE 6 MOORINGS

6.1 PLACEMENT OF MOORINGS

No person shall place a mooring or mooring buoy of any type within the boundaries of Gouldsboro's Harbors without a mooring assignment permit from the Harbormaster. Initial

placement and relocation of moorings must be done in the presence or direction of the Harbormaster.

6.2 DESIGNATION OF MOORING SPACE

The Harbormaster shall designate mooring spaces and shall maintain a mooring and traffic plan of the anchorage areas indicating locations of moorings, size of boats, and areas designated as Ship Channels. A copy of this map will be kept on file at the Town Office.

6.3 INSPECTION OF MOORINGS

Each mooring in any harbor of the Town must be inspected by the Harbormaster or a third-party inspector designated by the Harbormaster every three years or more frequently at the Harbormaster's discretion. A designated inspector may be any person with experience in properly rigging moorings. The Harbormaster ~~is authorized to inspect all moorings and must~~ notify in writing the mooring owners of any repairs, replacement, or removal of a mooring that the Harbormaster deems necessary for the safety of ~~the watercraft or others any~~ vessels or equipment adjacent to it. All costs associated with the correction of a defect, repair, replacement, or removal of a mooring shall be the responsibility of the mooring owner.

6.4 PRIORITY

Vessel mooring locations shall be assigned in accordance with the following order of priority:

1. Whenever more than one vessel qualifies for a single location, priority shall be given to the year-round resident, commercial vessel owner.
2. Whenever practicable, requests from riparian property owners for moorings adjacent to their upland shall be honored in accordance with 38 M.R.S.A. § 3.
3. Wherever practicable, the applicant for renewal shall be assigned the same location assigned in the immediately preceding years.
4. All moorings not located in the correct locations shall be moved at the owner's expense in accordance with the instructions of the Harbormaster. Failure to do so shall result in the Harbor master moving or removing the improperly located moorings; the cost shall be borne by the owner of the mooring.

6.5 TRANSFERRING OF MOORING PRIVILEGES

Unless prior written permission of the Harbormaster is obtained, assignment of mooring privileges is not transferable. Mooring assignments shall not be rented.

6.6 NOTIFICATION OF VACANCY

The holder of an assigned mooring location must notify the Harbormaster if the mooring will not be utilized on a continuing basis. All second party user approvals must be cleared through the Harbormaster.

6.7 REASSIGNMENT

Mooring locations not actually used in the preceding year, may be reassigned by the Harbormaster with prior notice.

6.8 RECREATIONAL WATERCRAFT REMOVAL

All recreational watercraft shall be removed from Gouldsboro waters by December 1st of each year until May 1st of the following year.

6.9 MOORING APPLICATION

A mooring application must be submitted by July 1st each year at the Town Office. The mooring fee will be due at that time. The Harbormaster shall act upon a complete mooring application within two (2) weeks by approving, approving with conditions, or denying the application. Filing an incomplete mooring application is grounds for denial of the application and the loss of mooring privileges. A record of all mooring applications, showing the date of receipt, mooring permit numbers (if applicable), and the date of the Harbormaster's decision shall be kept at the Town Office.

6.10 WAITLISTS

All mooring sites shall be assigned by the Harbormaster on a first-come, first-served basis in accordance with the order of priority provisions of this Ordinance and 38 M.R.S.A. §7-A. If the Harbormaster receives, in any 12-month period commencing on July 1st each year, more applications for mooring permits than there are mooring sites available within a particular harbor, the Harbormaster shall maintain one or more waitlists of applicants who have applied for a mooring in a particular harbor. To remain on the waitlist, applicants must update their request in writing annually prior to June 1st. If an applicant refuses a mooring when offered one, the applicant may choose to be removed from the waitlist or be moved to the bottom of the waitlist. The Harbormaster shall make the waitlists available for public inspection by appointment.

ARTICLE 7 FEES

Mooring fees shall be established by the Gouldsboro Select Board and may be increased or decreased as the Select Board in its discretion deems necessary and appropriate. The fee changes will take effect five days from the date of the Select Board's approval after public notification. The fee will be due upon submission of a mooring application to the Harbormaster each year. An additional charge of ~~half the regular fee~~ \$200.00 plus a \$20.00 processing fee and the costs of any certified mailings sent by the Town notifying applicants of overdue mooring applications will be imposed.

ARTICLE 8 WHARVES, DOCKS, PIERS, FLOATS & RAMPS

8.1 OBSTRUCTION

No owner or master of any vessel shall permit his watercraft or float to be docked or moored in such a manner as to obstruct the free passage of other vessels going in and coming out of any wharf in Gouldsboro.

8.2 BLOCKAGE OF PUBLIC RAMPS / FACILITIES

No person shall place any watercraft for repairs, trailers or vehicles on the town landing, parking lot or other town harbor facilities in Gouldsboro in such a way as to block access by other users. Fueling of vessels is not allowed at the town pier unless approved containers are used. Repairs or maintenance lasting more than 2 hours while docked at town pier shall not be permitted. The Harbormaster at his discretion may extend the time. No vessel will be left unattended.

There shall be no overnight parking at any Town Facility in the Town of Gouldsboro.

8.3 BAIT

No person shall leave on public facilities any fish or lobster bait so as to cause a public nuisance. No salting or processing of bait on the Town Pier.

8.4 REMOVAL OF VESSELS

The Harbormaster is hereby authorized to remove at the owner's expense, any vessel, vehicle, trailer, or other obstruction in violation of the provisions of this Ordinance. No vessel or fishing gear shall be stored on town property without first obtaining a permit from the Harbormaster.

8.5 REMOVAL OF DEBRIS

No person using the public wharf, float or launching ramp [in the Town's coastal waters](#) shall leave any rubbish, trash, or debris. Dumpsters located near town landings shall be only for the use of boaters. Unauthorized use of dumpsters shall be deemed an infraction of this Ordinance.

8.6 REFLECTORS REQUIRED ON LOBSTER CARS [AND FLOATS](#)

Reflectors or reflective tape a minimum of four (4) inches in diameter or width, visible 360 degrees, shall be installed and maintained ~~four (4)~~ [at least two \(2\)](#) feet above the water line on at least both ends of all lobster cars [and floats](#) moored in the waters of the Town.

8.7 USE PRIORITY

All harbor facilities are open to the public and priority will be given to the vessel that arrives first and subsequent vessels will have priority in the order they arrive. Parking at town harbor facilities is given priority to the first to arrive. No parking overnight is allowed and vehicles in violation of this Ordinance may be towed and the owner billed for the expense. Parking will be done in such a manner to allow free access to the facility.

8.8 TOWN WHARF & LANDING USE

Only individuals involved in the harvesting of marine products (e.g., Lobster, scallop, urchins, etc.) and individuals involved in recreational activities will be permitted on town wharves and landings. No buying, transferring, or selling of marine products will be permitted on town wharves and landings. This includes licensed dealers of marine products or individuals. Marine products are any items harvested from the waters within the State of Maine.

8.9 HOIST LIMIT

The hoist limit of any town owned facility is not to exceed ~~3250~~ [3250](#) pounds. ~~There will be no barrels of any kind or size, raised or lowered using the town hoist.~~

8.10 WIND ADVISORY

All skiffs tied to the town float will need to be removed before a predicted ~~northerly to southeast wind of 30mph or greater~~southeasterly or northerly wind of 33 knots (38 MPH) or greater. The skiff shall be removed at the owner's expense.

8.11 MISUSE OF TOWN PROPERTY

Use of any town facility is a privilege not a right. Continued misuse of town property may result in the permanent revocation of the privilege of using town owned property.

8.12 INCLEMENT WEATHER

Skiffs tied to the town float need to be free of water, especially when inclement weather is predicted.

8.13 FLOATS AT TOWN FACILITIES

There shall be no skiffs tied to the eastern float in Prospect Harbor at the town pier, and no skiffs shall be placed on top of either float.

ARTICLE 9 OPERATION OF VESSELS

9.1 GENERAL

No person shall use or operate any watercraft in Harbors of Gouldsboro so as to cause danger, annoyance, disturbance or inconvenience to the public.

9.2 SPEED LIMIT

All water vessels must observe the posted speed limit within the harbor. Such speed limits shall be posted in a conspicuous place by the Harbormaster. In the absence of such limits, all water vessels must operate in a manner which does not create a wash and at a speed which does not endanger persons or property.

9.3 ABANDONMENT

No person shall cause to be abandoned any boat, vessel, hulk, cradle, raft, or any other possible obstruction on the shores within Gouldsboro. Any such abandonment left within the confines of Gouldsboro and which has been unattended for a period of ninety (90) days shall be deemed to be abandoned. The Harbormaster, upon his own complaint or the complaint of another shall notify the town manager of such abandoned boat, vessel, hulk, cradle, or raft. The Harbormaster upon the direction of the Town may cause its removal or destruction at the cost of the said last owner of record. Any violation of the above shall be considered a misdemeanor and punishable as stipulated in the penalties section of this Ordinance.

9.4 OIL POLLUTION

Except in case of emergency, imperiling life or property, or unavoidable accident, collision, or stranding, no person shall discharge or suffer or permit the discharge of oil by any method, means or manner into or upon the waters of Gouldsboro.

9.5 INFECTED VESSEL

Whenever a vessel arrives in Gouldsboro, having on board any persons afflicted with a contagious disease or suspected of being afflicted with such disease, the master, commander or pilot thereof, and the Health Officer of the Town of Gouldsboro, shall comply with the provisions of the Revised Statutes of Maine.

ARTICLE 10 NONWATER-DEPENDENT FLOATING STRUCTURES AND HOUSEBOATSLIVEBOARDS

10.1 NONWATER-DEPENDENT FLOATING STRUCTURES

Except as otherwise provided in 38 M.R.S.A. Ch. 37, No nonwater-dependent floating structure shall be docked, moored, or anchored in, on, or over the coastal or inland waters of the Town of Gouldsboro for any length of time.

10.2 HOUSEBOATSLIVEBOARDS

A houseboat-liveboard shall not be docked, moored, or anchored in the coastal or inland waters of the Town of Gouldsboro if it is principally used for (i) seasonal or year-round habitation, including by the owner or master of the houseboat-liveboard, or (ii) commercial habitation (including commercial seasonal or short-term rental).

Approval Date

Attested: _____
Brianna L. Mitchell, Town Clerk