

## **A Short History Of The Clam Industry In The State of Maine**

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This short history of the development of the clam industry covers only some of the highlights, and omits the names of the many key people involved. From prehistoric use, through to present times, clams have been highly valuable food products in the channels of trade.

- 1641-1647     The Colonial Ordinances decreed that "Every householder shall have free fishing and fowling as far as the tide doth ebb and flow within the precinct where they dwell, unless the freemen of the same town or the General Court have otherwise appropriated them, provided that this shall not be extended to give leave to any man to come upon other's property without their leave."
- 1820           Upon becoming a state, Maine embraced the tenets of the Colonial Ordinances as part of our Common Law.
- 1821           The 1st Maine Legislature placed the regulation of local clam harvesting in the respective municipal offices, including the assurance that inhabitants of the community, including Native Americans, could take shellfish at any time for personal and family use. Fishermen could take them for bait.
- 1850           The clam industry began with fresh shucked-out clams being used for bait by the inshore fishermen. Steamed-out meats were salted and barreled during the winter for sale to the offshore summer fishermen. The buyers included European boats fishing for cod on the Grand Banks.
- 1875           With the decline of the bait market, steamed clams in the shell became popular for clam bakes and shore dinners in the New England states.
- 1884           A law was enacted enabling the towns to fix the time when clams could be taken and to fix the license fees.
- 1894           The Department of Sea and Shore Fisheries was founded as a Cabinet-level position ,with the Commissioner appointed by and reporting to the Governor, a position that remains important to the fishing industry to the present day.
- 1895           Private and Special Laws of designated towns and cooperating communities denied harvesting rights to non-residents. These laws were enforced by the Department of Sea and Shore Fisheries.
- 1898           In this period the number of harvesters were not known, except in 1898 it was reported that 550 men produced 577,935 bushel, or 1,051 bushel per man. They were paid \$.69 per bushel.
- 1901           Shipping or transportation of clams beyond the limits of the state was prohibited from the

1st day of June to the 15th of September, unless they had been canned, packed, or barreled between September 15 and June 1.

- 1905 The Commissioner of Sea and Shore Fisheries was allowed to appropriate \$1,000. to experiment in shellfish propagation to be conducted by a leaseholder on clam flats. Growth experiments were conducted on a lease at Popham Beach.
- 1907-1908 "The success of the clam industry directly or indirectly affects more people of the state than any other fishery." ---Commissioner of Sea and Shore fisheries.
- 1908 At a Conference of Maine, Massachusetts, and Rhode Island Fisheries Commissioners in Boston, it was agreed that Maine should follow the other states' examples and encourage the leasing of flats to individuals for "quality, quantity, and financial reasons."
- 1909 The Maine Supreme Court upheld the rights of Scarborough to prevent digging by non-residents, so that the town's resources could be protected.
- 1911 The Legislature authorized each town to lease up to 1/4 of their flats for private reservations. This provision is still part of the Maine Fisheries laws.
- 1917 A law was enacted enabling upland land owners to give consent to have state reservations located on their flats and closed for 3 years. When flats were opened, clams could be dug only by licensed diggers and no clams less than 2 1/2 inches could be taken.
- 1920 A Department of Sea and Shore fisheries boat planted 12 state reservations or demonstration clam farms along the coast.
- 1922 22 reservations were licensed for 10 years. These early attempts at Private Leases failed to gain momentum and only a handful of people have ever tried to establish them.
- 1935 A 2" law was passed with a 15% tolerance. During that year production was 167,000 bushel. 63% of the clams harvested were canned.
- 1937 The Legislature allowed clams to be sent out of state in the summer from York, Cumberland and Sagadahoc Counties.
- 1941 With increasing demand, the law was amended to allow clams to be shipped from Lincoln County in the summer. During that year, the National Youth Administration conducted a program of working with Washington County youth to transplant clams in an attempt to demonstrate wise use of a community's clam resources. A similar project was carried on by the Maine Sea and Shore Fisheries Department in Cumberland County.
- 1943 Tolerance for numbers of clams per lot smaller than 2" was set at 10%.
- 1946 After the war, the state continued the community-oriented program of working with the towns and Legislature to develop ways to better manage the clam fishery.
- 1947 State licenses were first issued, to 2,474 harvesters. This action was taken to satisfy U.S. Public Health Service requirements for dealer certification to sell clams out-of-state and allowed for the gathering of industry statistics.

- 1948 The U.S. Bureau of Commercial Fisheries established a cooperative Federal-State Clam Investigation at Boothbay Harbor to work on research and clam industry problems. This terminated in 1963.
- 1949 A law was passed which allowed clams to be dug and shipped out of all counties during all months of the year.
- 1957 A Legislative Study Committee recommended that towns be given more authority over their clam fisheries, including enforcement. Also, clams were to be taken by hand implements only.
- 1959 Towns had to enforce the non-resident restrictions of their Private and Special laws. At this time the Maine clam production reached an all-time low of 96,000 bushel because of green crab predation.
- 1962 Of the 105 coastal municipalities, 78 had Private and Special laws, including 20 communities that cooperated with one or more other towns containing resident digging restrictions.
- 1963 The Private and Special laws were repealed and a basic law was passed by the Legislature that is still in force giving the towns authority and responsibility over their flats. Although changes have been made over the years, the towns have been authorized to establish Municipal Shellfish Conservation Programs, to regulate and prohibit the possession of shellfish, by ordinance, to fix the amounts taken, provide for enforcement, establish a green crab fencing program, to authorize the municipal offices to open and close flats, to limit the size of soft-shell clams taken, and provide for the number of licenses issued, with 10% going to non-residents.
- 1964 Sea and Shore Fisheries was given legal mandate to approve a town's ordinance before it could be passed by the town.
- the 1970's Professors, staff, and students at the University of Maine Darling Center at South Bristol, conducted clam research with findings leading to the cooperative University of Maine and DMR publication, "Increasing Clam Harvesting in Maine." During this decade, there was additional confirmation of the Maine Court's ruling of 1909 that the towns have the right of restricting clam harvesting to residents. A challenge to the Town of Jonesboro in 1970 was denied.
- 1975 In a case concerning the Town of North Haven, the Law Court upheld the town's authority to exclude non-residents from their flats, "only when and to the extent, it is reasonably necessary for proper conservation of its valuable resources."
- 1984 The 2" clam law was reestablished, with strong industry support asserting that small clams could not be shucked economically and that mixed sizes of steamers were considered to lower the quality and prices of clams in the Boston and Maine markets.

Relatively recent events in public and private aquaculture, low clam production, research, hatchery grown seed, extension and cooperative-type activities are not covered in this paper.