

## NOTICE OF EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources  
STATUTORY AUTHORITY: 12 M.R.S.A. §§6172, 6192, 6193 & 6194  
**Struck text is being removed, and underlined text is being added**

### BASIS STATEMENT

The Commissioner of the Maine Department of Marine Resources amends the emergency DMR Chapter 95.10(A), Area No. 1, Piscataqua River (Kittery, Eliot, South Berwick), amended on August 28, 2008. This amendment reclassifies the prohibited area in Spinney Creek to restricted due to the replacement of a malfunctioning septic system. As authorized by 12 M.R.S.A. §§6172, 6192, 6193 & 6194 the Commissioner of Marine Resources adopts emergency amendments to Chapter 95.10(A).

**RULE TITLE AND SUBJECT:** DMR Chapter 95.10(A), Area No. 1, Piscataqua River (Kittery, Eliot, South Berwick), amended on August 28, 2008, is amended as follows:

**TITLE & TEXT OF RULE:** DMR Chapter 95.10(A), Area No. 1, Piscataqua River (Kittery, Eliot, South Berwick)

Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats, and waters of the following areas:

- A. Piscataqua River and its tributaries (Kittery, Eliot and South Berwick): northwest of a line across the Piscataqua River at the Memorial Bridge; AND south of a line across the mouth of Spinney Creek at the Rt. 103 causeway.
- B. Spinney Creek (Kittery, Eliot): North of a line across the mouth of Spinney Creek (Eliot) at the Rt. 103 causeway, ~~and east of a line extending north across the creek from the end of Pickering Drive.~~ This area is classified restricted and requires a special MDMR permit.
- C. ~~West of a line extending north across the creek from end of Pickering Drive.~~

EFFECTIVE DATE: November 21, 2008

EFFECTIVE TIME: 12:45 PM

AGENCY CONTACT PERSON: Amy M. Fitzpatrick, Department of Marine Resources,  
194 McKown Point Road, W. Boothbay Harbor, Maine 04575  
[http://www.maine.gov/dmr/rm/public\\_health/closures/closedarea.htm](http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm)  
EMAIL: [Amy.Fitzpatrick@maine.gov](mailto:Amy.Fitzpatrick@maine.gov)



# Maine Department of Marine Resources

## Pollution Area No. 1



Piscataqua River (Kittery, Eliot, South Berwick)

11/21/08

