

NOTICE OF EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources
STATUTORY AUTHORITY: 12 M.R.S.A. §§6172, 6192, 6193 & 6194
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BASIS STATEMENT

The Commissioner of the Maine Department of Marine Resources amends the emergency DMR Chapter 96.17 Area No. 100-B, Small Point (Phippsburg) to Kimball Head (Isle au Haut), amended on August 14, 2009. This amendment reduces the size of the closure, due to PSP returning to safe levels in some areas. All existing pollution closures remain in effect. As authorized by 12 M.R.S.A. §§6172, 6192, 6193 & 6194 the Commissioner of Marine Resources adopts emergency amendments to Chapter 96.17.

RULE TITLE AND SUBJECT: DMR Chapter 96.17 Area No. 100-B, Small Point (Phippsburg) to Kimball Head (Isle au Haut), amended on August 14, 2009, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 96.17 Area No. 100-B, Small Point (Phippsburg) Thurston Point (Bristol) to Kimball Head (Isle au Haut)

Effective immediately, because of paralytic shellfish poisoning (PSP), it shall be unlawful to dig, take or possess any mussels, European oysters, or carnivorous snails, or any species of clams from the shores flats and waters: east of a line beginning at the tip of Thurston Point (Bristol), then running due south to the limits of US jurisdiction; AND south and west of a line beginning at the south tip of the point of land at the east of Long Cove (Bristol), then running southeast to the south tip of Allen Island (St. George), then running northeast to the western tip of Kimball Head (Isle au Haut), then running due south to the limits of US jurisdiction.

~~Effective immediately, because of paralytic shellfish poisoning (PSP), it shall be unlawful to dig, take or possess any mussels, European oysters, or carnivorous snails from the shores flats and waters: east of a line beginning at the southern tip of Small Point (Phippsburg), then running due south to the limits of US jurisdiction; AND south and west of a line beginning at the east tip of Owls Head (Owls Head), then running northeast to the south tip of Bear Island (Deer Isle), then running southeast to the western tip of Kimball Head (Isle au Haut), then running due south to the limits of US jurisdiction. Effective immediately, because of paralytic shellfish poisoning (PSP), it shall be unlawful to dig, take or possess any species of clams from the shores flats and waters: east of a line beginning at the southern tip of Small Point (Phippsburg), then running due south to the limits of US jurisdiction; AND south and west of a line beginning at the south tip of the point of land at the east of Long Cove (Bristol), then running southeast to the south tip of Allen Island (St. George), then running northeast to the western tip of Kimball Head (Isle au Haut), then running due south to the limits of US jurisdiction. EXCEPTION: Soft-shell clams may be harvested in the Sprague River, Morse River, and Spirit Pond (Phippsburg). EXCEPTION: Soft-shell clams may be harvested in the Kennebec River and Sheepscot River, north of a line from the southeast tip of Popham Beach (Phippsburg), then running northeast to the south tip of Indian point (Georgetown); AND north of a line from Soldier Point (Georgetown), running northeast to Brooks Point (Westport Island), then running due east across the river to the opposite shore in Boothbay Harbor. EXCEPTION: Mussels may be harvested in the Damariscotta River, north of a line beginning at the north tip of Carlisle Point (Boothbay) and drawn due east across the river to the South Bristol shore. EXCEPTION: Soft-shell clams may be harvested in the Damariscotta River, north of a line beginning at the east tip of Montgomery Point (Boothbay), running southeast to the tip of Jones Point (South Bristol). EXCEPTION: Soft-shell clams may be harvested in the Johns River, north of a line beginning at the tip of McFarlands Point (South Bristol), running east to the south tip of Thurston Point (Bristol). EXCEPTION: Mussels may be harvested in the Medomak River, north of a line from the tip of Hockomock Point (Bremen), southeast across the river to the tip of Martin Point (Friendship).~~

EFFECTIVE DATE: August 31, 2009

EFFECTIVE TIME: 12:24 PM

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Maine Department of Marine Resources PSP Area No. 100-B

Thurston Pt (Bristol) to Kimball Head (Isle au Haut)

8/31/09

