

## NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. §§6172, 6192, & 6193

**RULE REPEAL AND PROMULGATION:** DMR Regulation 95.03 A, Closed Area No. 11, Scarborough River, promulgated on April 23, 2007 is repealed and replaced with the following rule:

**TEXT OF RULE:** DMR Regulation 95.03 A, Closed Area No. 11, Scarborough River

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 Scarborough River and its tributaries in the following areas:

- A. Scarborough River and Mill Brook: Upstream of a line beginning at Eagle Nest Drive and extending due east to the B&M Railroad. This area is classified restricted and requires a special MDMR permit.
- B. Nonesuch River: Upstream of a line beginning at the southernmost tip of Nonesuch Point and extending due east across the mouth of the river. This area is classified restricted and requires a special MDMR permit.
- C. Libby River: upstream of a line crossing the river about 1500 yards south of Black Point Road.
- D. Jones Creek: upstream (southwest) of a line crossing the creek from a red post near the south end of the B & M Railroad bridge, by telephone pole #62 (SPP30), extending south to a red painted post on the southwest side of the confluence of Jones Creek and Doc's Creek and then continuing to Route 9. This area is classified restricted and requires a special MDMR permit.

EFFECTIVE DATE: July 20, 2007

EFFECTIVE TIME: 11:30 AM

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)

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### STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.03 A, Closed Area No. 11, Scarborough River, promulgated on April 23, 2007, and replaces it with a new regulation. This new regulation reclassifies Jones Creek as restricted for depuration harvesting.

  
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DAVID ETNIER  
DEPUTY COMMISSIONER



# Maine Department of Marine Resources

## Pollution Closed Area No. 11

### Scarborough River



7/20/07

