NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.07 C, Closed Area No.19 - A, Birch Point, West Bath to Bear Island, Phippsburg, promulgated on May 24, 1993 is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95. 07 C, Closed Area No. 19-A, Birch Point, West Bath to Bear Island, Phippsburg.

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 Winnegance Bay, New Meadows River, West Bath and Phippsburg.

1. Inside of the line beginning at the navigation light on the southwestern end of Birch Point, West Bath and running southeast to the southern tip of Jenny's Nubble, then northeast to the point of land east of the end of Mallard Drive, West Bath.

2. Inside and easterly of the line beginning at the point of land just west of the intersection of Fred Brigham and Cutting Roads, Phippsburg, then southwesterly to the western tip of Lookout Point, Phippsburg.

3. Inside and easterly of the line beginning at the end of Uncle Sam Road, Phippsburg, then southwesterly to northwestern tip of Basin Point, Phippsburg.

4. Inside and southerly of a line from the northwestern most point of Bear Island, Phippsburg southwesterly across the cove to the next most prominent point of land on the western shore of Bear Island, Phippsburg.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: March 14, 2003

AGENCY CONTACT PERSON: Amy M. Fitzpatrick
Department of Marine Resources
PO Box #8
West Boothbay Harbor, ME 04575

TIMES RECORD
March 19, 2003

STATEMENT OF FACT AND POLICY

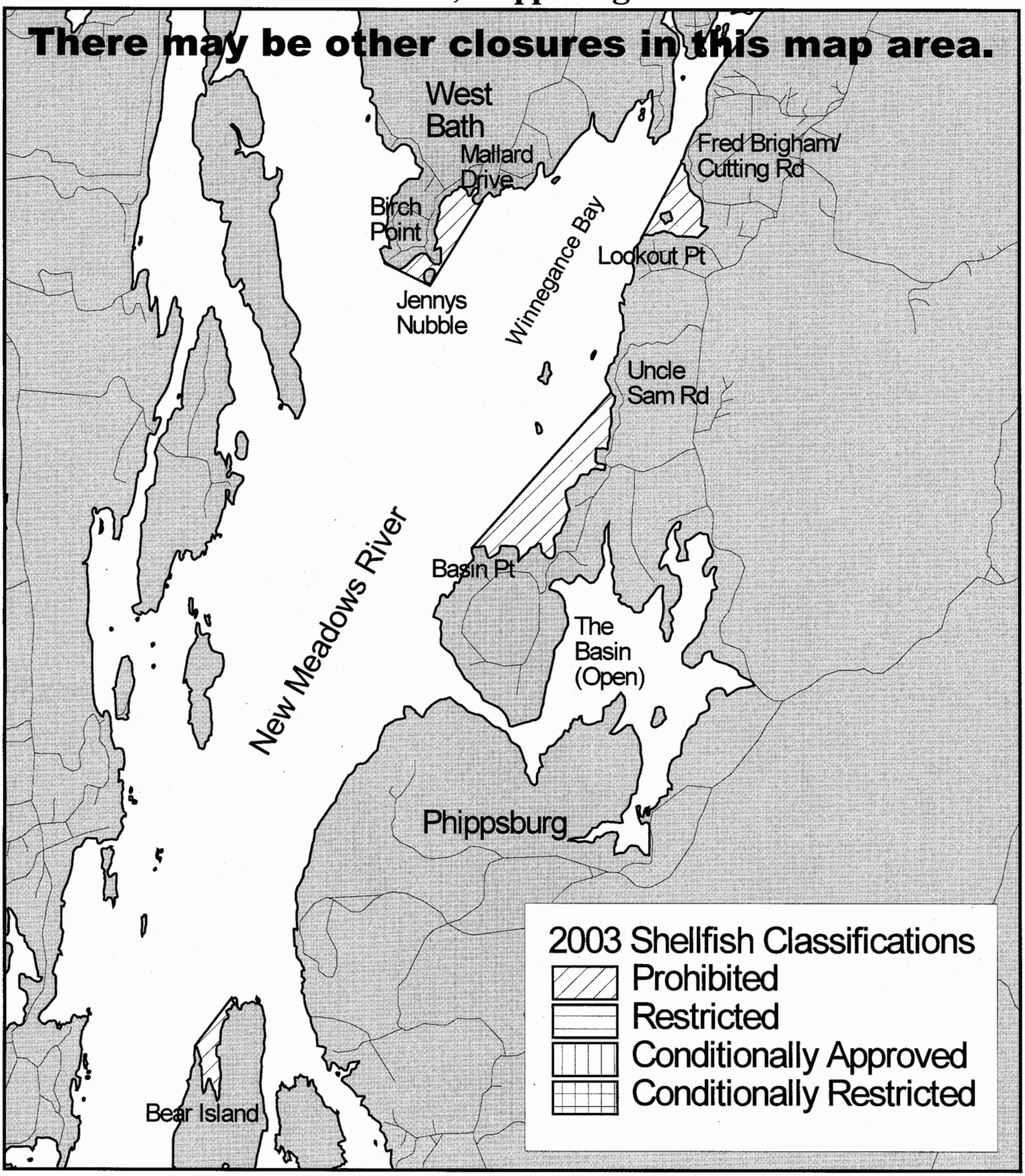
The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.07 C, Closed Area No. 19-A, Birch Point, West Bath to Bear Island, Phippsburg, promulgated on May 24, 1993, and replaces it with a new regulation. This new regulation opens most of Winnegance Bay, including Brigham's Cove.

Department personnel have surveyed and sampled the Winnegance Bay, New Meadows River, West Bath and Phippsburg area and have determined that portions of the shores, flats and waters can be opened for shellfish harvest without threat to public health. The areas that remain closed are still subject to microbiological contamination and remain closed to protect the public health.

GILBERT M. BILODEAU
Administrative Officer for George D. Lapointe, Commissioner
As authorized by 12 MRSA Section 6023

Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

C19A Birch Pt-Bear Is, Phippsburg

3/14/03