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Regulation 95.10 M, Closed Area No. 8-B, Timber Point to Fortunes Rocks, Biddeford, promulgated on March 6, 1992, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.10 M, Closed Area No. 8-B, Timber Point to Fortunes Rocks and South Point to East Point, Biddeford.

1. 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 Biddeford located shoreward (northwesterly) of two lines described as follows: (1) a line running from the southernmost tip of Timber Point in a southerly direction to the most eastern point of Timber Point Island; thence northeasterly to the easternmost tip of Hoyt Neck; thence northeasterly to the easternmost tip of Fortunes Rocks (east of the southern end of Etherington Pond); AND (2) a line beginning at the most southern tip of South Point and running northeasterly to the most eastern tip of East Point at Biddeford Pool.

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

EFFECTIVE DATE: November 16, 1993

AGENCY CONTACT PERSON: Robert D. Lewis
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STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.10 M, Closed Area No. 8-B, Timber Point to Fortunes Rocks, Biddeford, promulgated March 6, 1992, and replaces it with a new regulation. This new regulation increases the area closed to shellfish harvest by closing the shores and flats between South Point and East Point at Biddeford Pool.

Department personnel have determined that the newly closed area is influenced by pollution sources in the Saco River and must be closed to protect the public health. The presence of waste water discharges between Fortunes Rocks and Timber Point poses a significant threat to public health thus the area must remain closed to shellfish harvest.

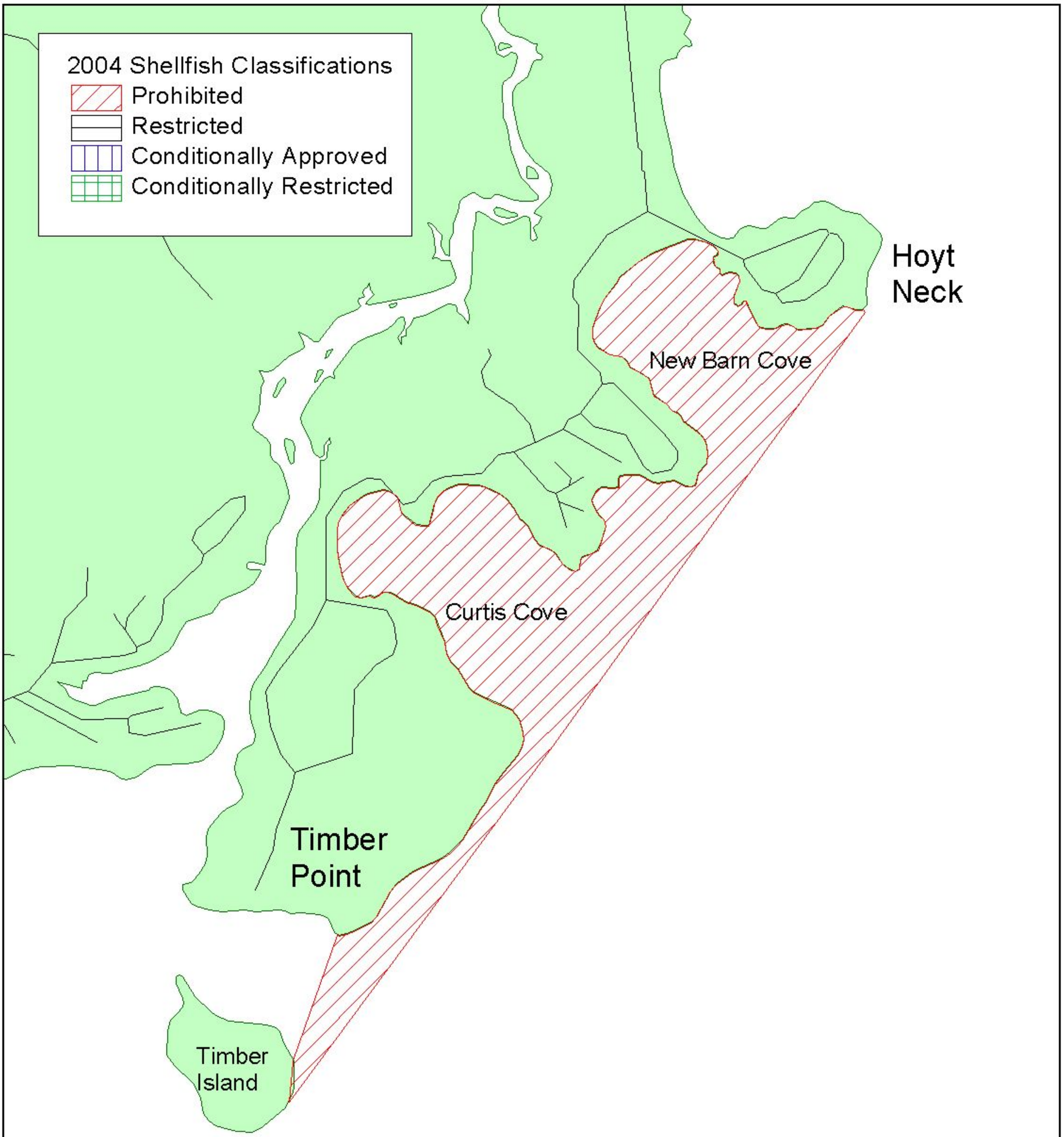
E. PENN ESTABROOK
DEPUTY COMMISSIONER

Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

C8B, Curtis and New Barn Coves, Biddeford

1/21/04



There may be other closures in this map area.

0.2 0 0.2 0.4 Miles