

# 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(Z), Area No. 9, Sampson Cove to Fortunes Rocks (Kennebunkport and Biddeford), amended on May 27, 2009. This amendment reclassifies Little River (Biddeford and Kennebunkport), Goosefair Bay (Kennebunkport) and Smith Brook (Kennebunkport) from prohibited to approved, due to a review of the findings of the most recent shoreline survey and water quality meeting the approved standard; this amendment also reclassifies Batson River from prohibited to restricted, due to a review of the findings of the most recent shoreline survey and water quality meeting the restricted standard. All pre-existing PSP/red tide 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 95.10(Z).

**RULE TITLE AND SUBJECT:** DMR Chapter 95.10(Z), Area No. 9, Sampson Cove to Fortunes Rocks (Kennebunkport and Biddeford), amended on May 27, 2009, is amended as follows:

**TITLE & TEXT OF RULE:** DMR Chapter 95.10(Z), Area No. 9, Sampson Cove to Fortunes Rocks (Kennebunkport and Biddeford)

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. ~~Kennebunkport and Biddeford: inside and shoreward of a line beginning at the point of land to the east of Elizabeth Road (Biddeford), at the end of Fortunes Rocks; then running southwest to the east tip of Hoyt Neck (Biddeford); then running southwest to the easternmost tip of Timber Island (Biddeford); then running along the northern shore of Timber Island (Biddeford) to the northernmost point of land of the island; and then running north to the westernmost point of land at Timber Point (Biddeford); then running southwest to the northeastern most tip of Stage Island (Kennebunkport); then running northwest to a red painted post at the end of Fishers Lane (Kennebunkport); then running northeast to a red painted post on the opposite shore.~~  
inside and shoreward of a line beginning at the point of land to the east of Elizabeth Road (Biddeford), at the end of Fortunes Rocks; then running southwest to the east tip of Hoyt Neck (Biddeford); then running southwest to the easternmost tip of Timber Island (Biddeford); then running along the northern shore of Timber Island (Biddeford) to the northernmost point of land of the island; and then running north to the westernmost point of land at Timber Point (Biddeford); then running southwest to the northeastern most tip of Stage Island (Kennebunkport); then running northwest to a red painted post at the end of Fishers Lane (Kennebunkport); then running northeast to a red painted post on the opposite shore.
- B. Little River (Kennebunkport): west of a line beginning at the end of Sand Point Road, then running due north across the opening of the southwestern channel.
- C. Batson River (Kennebunkport): inside and shoreward of a line beginning at the easternmost point on the prominent point of land located between the mouths of Batson River and Smith Brook and running due to south to the southern shore of Batson River. This area is classified as "Restricted" and required a special MDMR permit.
- D.B. Sampson Cove (Kennebunkport): within 300 yards of the head of Sampson Cove, inside and shoreward of a line beginning at the land beyond the end of Beech Street, then running north across the cove to the opposite shore.
- E. Stage Island (Kennebunkport): east of a line starting at the end of Skipper Joes Point Road; then running southeast to the northern most point of land on Stage Island, AND west of a line starting at the northern most point of land on Stage Island and running due north to the easternmost point of land off Skipper Joes Point Rd.

EFFECTIVE DATE: August 14, 2009

EFFECTIVE TIME: 2:15 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)



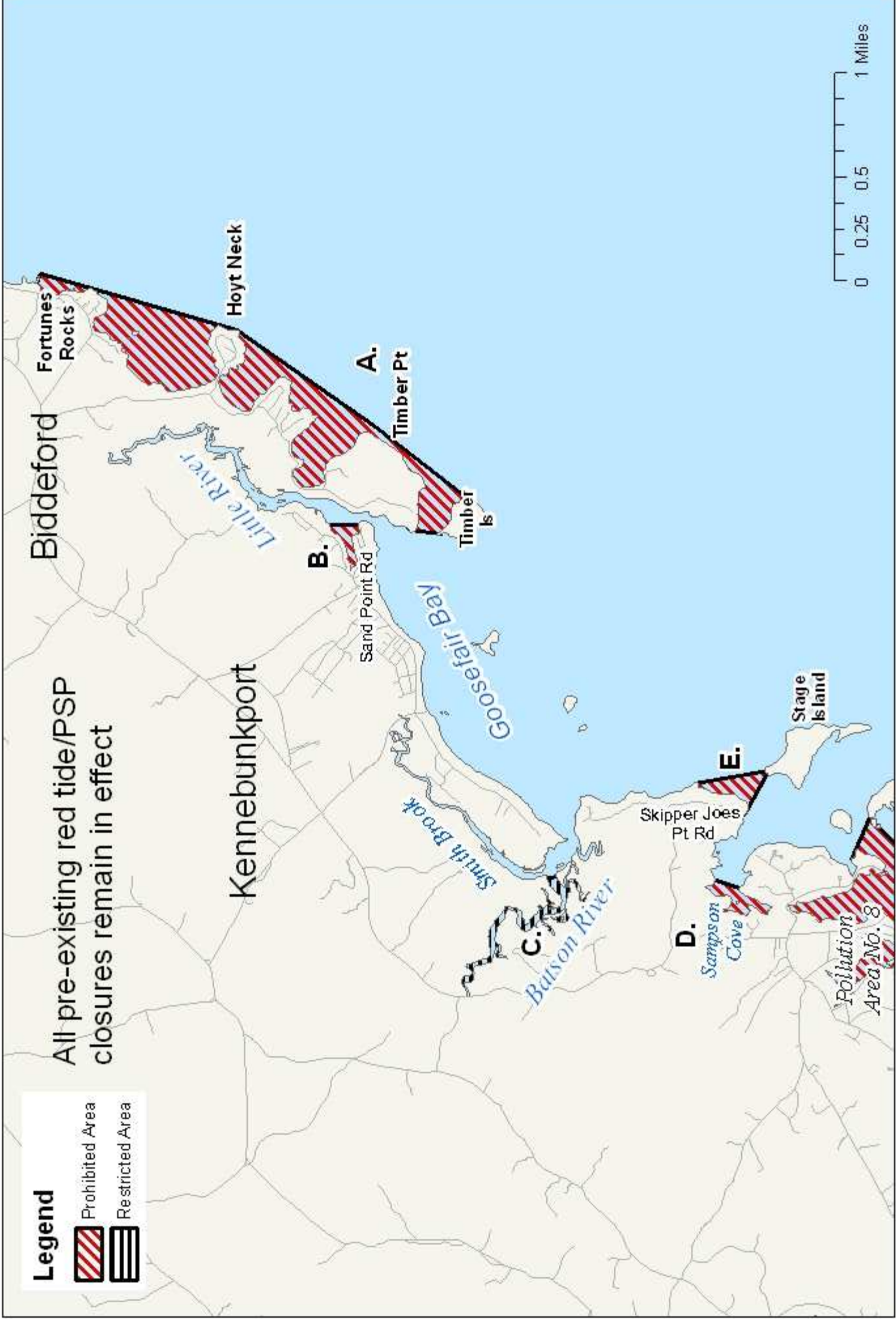
# Maine Department of Marine Resources

## Pollution Area No. 9



Sampson Cove to Fortunes Rocks (Kennebunkport and Biddeford)

08.14.09



### Legend

-  Prohibited Area
-  Restricted Area

All pre-existing red tide/PSP closures remain in effect