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10.01 Prohibitions on dredging for quahogs

It is unlawful to dredge or to take quahogs by any means, except the usual manner of hand digging with a so-called clam hoe, or by hand raking and hand tonging, or by picking quahogs out of the mud by hand from the following locations. This prohibition shall not apply to equipment operated by the Department of Marine Resources.

- A. **Maquoit Bay.** The waters or flats of Maquoit Bay, Cumberland County, namely, all of the territory north and northeast of a line drawn from the most southerly end of Mere Point in the Town of Brunswick to the northeasterly end of Little Flying Point in the town of Freeport.
- B. **Middle Bay.** The waters or flats of Middle Bay, Cumberland County, namely all of the territory north and northeasterly of a line drawn from a red marker, on the eastern shore of Mere Point and located at Blackstone Rock on the south shore of Win Smith Cove, so-called, then in an easterly direction to and including the northern shore of Birch Island and continuing in the same general direction to a red painted wood post placed on the northern point of Wilson Cove, so-called, located in the western shore of Harpswell Neck.
- C. **New Meadows River.** The waters or flats of the subtidal area of the New Meadows River east of Rt. 24 and north of a line drawn from the northwestern tip of Indian Point, southeasterly to the northern tip of Bragdon Island, continuing east to Bragdon Rock, and then continuing in a northeasterly direction to the point of land at the end of Close Reach Rd, West Bath, 43051'21"/069052'1".

10.03 Method of taking Surf, Hen Clams or Quahogs

It shall be unlawful to fish for or take any surf, hen clams or quahogs by any method of dredging or dragging with any combination of dredge or drag with any cutter bar that exceeds 36" in overall width except that in the area between the Spurwink River in Scarborough and Fletcher's Neck in Biddeford Pool, the cutter bar shall not exceed 24" in overall width.

10.04 Quahog Size Restrictions

A. Definitions

1. Quahog

Quahog means *Mercenaria mercenaria*, commonly referred to as hard shelled clams.

2. Hinge width

Hinge width means the thickness of a quahog as measured between the convex apex of the right shell and the convex apex of the left shell.

B. Minimum Size

It shall be unlawful to take, possess, ship, transport, buy or sell quahogs that are less than one inch in thickness as measured across the hinge width.

1. Tolerance

Any person may possess quahogs that are less than one inch if they comprise less than 5% of any bulk pile. The tolerance is determined by numerical count of not less than one peck nor more than 4 pecks taken at random from various parts of the bulk pile or by a count of the entire pile if it contains less than one peck.

2. Exemption

Quahogs of smaller size may be taken or possessed by persons holding an aquaculture lease issued under 12 M.R.S.A. §6072, §6072-A or §6072-B, as provided in §6073-A, or by persons holding a limited-purpose aquaculture (LPA) license issued pursuant to 12 M.R.S.A. §6072-C, or under Municipal shellfish aquaculture permits issued under §6673. Transportation, buying, selling and sanitation must all be in compliance with Chapters 9 and 15-20 and 21-24. This exception shall only apply to quahogs cultivated in the leased or licensed areas.

- C. Persons must comply with DMR regulations in Chapters 9 and 15 through 20 established in accordance with the National Shellfish Sanitation Program Model Ordinance (NSSP/MO) for the sanitary control of shellfish, which includes tagging requirements, and with DMR regulations in Chapters 21-24.

10.05 Taking of quahogs in the sub-tidal waters of the New Meadows Lakes, Brunswick and West Bath

The following limitations apply to the subtidal area of the New Meadows Lakes north of Bath/State Rd in Brunswick and West Bath.

A. Methods of harvest prohibited

It shall be unlawful to fish for or take quahogs by towing any dredge, drag or other implement by watercraft; by diver/diving (SCUBA or snorkel*); or by pump, suction or any type of mechanical suction device. Hand digging with a so-called clam hoe or bull rake, hand-raking, hand tonging, or picking quahogs out of the mud by hand are allowed. Harvest by cutting through or breaking the ice is prohibited; harvest may take place only through open water.

*Any artificial breathing device that allows a person to breathe underwater.

This subsection does not apply to the holder of a lease issued under 12 M.R.S. §§ 6072, 6072-A or 6072-B when fishing for or taking quahogs cultivated on the leased area within the waters of the New Meadows Lakes, nor does it apply to the holder of a Municipal shellfish aquaculture permit issued under §6673.

B. Night prohibition

It shall be unlawful to fish for or take quahogs during the period ½ hour after sunset, as defined in [12 M.R.S. §6001\(46\)](#), until ½ hour before sunrise, as defined in [12 M.R.S. §6001\(45\)](#).

C. Closed periods

It is unlawful to fish for or take quahogs from the New Meadows Lakes:

- (1) **Winter.** During the period ½ hour after sunset, as defined in [12 M.R.S. §6001\(46\)](#), on December 31st until ½ hour before sunrise, as defined in [12 M.R.S. §6001\(45\)](#), on April 1st.
- (2) **Sundays:** During the period ½ hour after sunset, as defined in [12 M.R.S. §6001\(46\)](#), on Saturday until ½ hour before sunrise, as defined in [12 M.R.S. §6001\(45\)](#), on Monday.

10.06 Taking of razor clams**A. Definitions**

Razor Clam means *Ensis directus*, commonly known as the Atlantic Jackknife.

B. Size Restrictions

It shall be unlawful to take, possess, ship, transport, buy or sell razor clams that are less than 4 inches.

C. Methods of harvest prohibited

It shall be unlawful to fish for or take razor clams by using electrical fields emitted by any kind of device including electrodes.

EFFECTIVE DATE:

February 17, 1978 - Section 10.03

AMENDED:

November 2, 1986 – Section 4

January 17, 1987 – Section 5, EXPIRED 12/31/87

June 11, 1999 – Section 10, EMERGENCY, EXPIRED 9/10/99

September 25, 1999 – Sections 01, 02, 03, and 04

April 25, 2005 – Section 04

April 1, 2010 – Section 05, EMERGENCY, EXPIRED 6/29/10

August 23, 2010 – Section 05

July 12, 2016 – Section 06 Added by Regular Rulemaking

November 14, 2017--Section 10.05(A); 10.05(B); and 10.05(D)

November 24, 2018-Section 05(A) and 05(D)

November 13, 2019-Section 05(D)

November 9, 2020-Section 10.01, 10.02(removed), and 10.05