

NOTICE OF AGENCY RULE-MAKING PROPOSAL

AGENCY: Department of Marine Resources

RULE TITLE OR SUBJECT: Chapter 11 Atlantic Sea Scallop Regulations and 2015-2016 Harvesting Season

PROPOSED RULE NUMBER:

CONCISE SUMMARY: This proposed rulemaking establishes the 2015-2016 scallop fishing season. As in the 2014-2015 season, there would be a daily possession limit of 15 gallons for Zone 1 and Zone 2, and a daily possession limit of 10 gallons for Zone 3. For Zone 1, a 60-day season is set for draggers to start on December 15, 2015 and the proposed last day of the season is April 11, 2016. For Zone 1, a 60-day season is set for divers to start on December 1, 2015 and the proposed last day of the season is April 15, 2016. For Zone 2, a 70-day season is set for draggers to start on December 1, 2015 and the proposed last day of the season is April 13, 2016. For Zone 2, a 70-day season is set for divers to start on December 1, 2015 and the proposed last day of the season is April 15, 2016. For Zone 3, a 50-day season is set for draggers to start on December 1, 2015, and the proposed last day of the season is March 23, 2016. For Zone 3, a 50-day season is set for divers to start on December 1, 2015 and the proposed last day of the season is March 26, 2016.

In addition, DMR is proposing to implement a number of targeted closures based on depletion, high concentrations of seed/sublegal scallops and the presence of spat-producing scallops which include Eastern Casco Bay, Damariscotta River, Ocean Point, Muscle Ridge (open two days per week), Lower Muscle Ridge, South Portland Harbor, Lower Broad Sound (Casco Bay), Sheepscot River, Muscongus Bay and Moosabec Reach. Finally, the proposed rule reorganizes the chapter to clarify the distinction between the statutory limits of the scallop season, open days, and the in-season conservation closures which are implemented in order to prevent unusual damage or imminent depletion of the resource.

THIS RULE WILL ___ WILL NOT X HAVE A FISCAL IMPACT ON MUNICIPALITIES.

STATUTORY AUTHORITY: 12 M.R.S. §6171

PUBLIC HEARINGS:

September 15, 2015, 6:00 PM, DMR Conference Room, Marquardt Building, 32 Blossom Lane, Augusta

September 16, 2015, 6:00 PM, Ellsworth City Hall Auditorium, One City Hall Plaza, Ellsworth

September 17, 2015, 6:00 PM, University of Maine-Machias, Science Building Room 102, Machias

DEADLINE FOR COMMENTS: September 27, 2015

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

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DEPARTMENT OF MARINE RESOURCES

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CHAPTER 11 - SCALLOPS

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- 11.03 Dragging for scallops in Gouldsboro Bay, Hancock and Washington Counties
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- 11.04 Atlantic Sea Scallop Harvesting Season
- 11.06 Scalping in the Frenchboro Cable Area
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11.04 Atlantic Sea Scallop Harvesting Season

1. A person may not fish for or take scallops in Maine's territorial waters from April 16th to November 30th, both days inclusive. Open days for harvesting Atlantic Sea Scallops are established by 11.09.

11.09 Atlantic Sea Scallop Harvesting Season Open Days for Scallop Harvesting

~~1. Zone 1 & 2 season for draggers~~

~~The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 1 and Zone 2 is open December 1, 2014 through April 9, 2015, both days inclusive, with the following exceptions:~~

~~A. In December 2014, January 2015, February 2015 and April 2015, fishing is prohibited on Fridays, Saturdays and Sundays, except for Friday, December 26 and Friday, January 2, 2015 which shall be open. Fishing is prohibited on Wednesday, December 24, Thursday, December 25, Wednesday, December 31, 2014 and Thursday, January 1, 2015.~~

~~B. In March 2015 fishing is prohibited on Thursdays, Fridays, and Saturdays.~~

~~2. Zone 1 & 2 season for divers~~

~~The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 1 and Zone 2 is open December 3, 2014 through April 11, 2015, both days inclusive, with the following exceptions:~~

~~A. In December 2014 and April 2015, fishing is prohibited on Sundays, Mondays and Tuesdays, except for Monday, December 22, Tuesday, December 23, Monday December 29, and Tuesday, December 30, 2014 which shall be open. Fishing is prohibited on Wednesday, December 24, Thursday, December 25, and Wednesday, December 31, 2014.~~

~~B. In January 2015 and February 2015, fishing is prohibited on Saturdays, Sundays, Mondays and Tuesdays. Fishing is prohibited on Thursday, January 1, 2015.~~

~~C. In March 2015, fishing is prohibited on Sundays and Mondays. Fishing is also prohibited on Tuesday, March 3, 2015.~~

~~3. Zone 3 season for draggers~~

~~The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 3 is open December 1, 2014 through April 7, 2015, both days inclusive, with the following exceptions:~~

~~A. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays, except for Friday, December 26 and Friday, January 2, 2015 which shall be open. Fishing is also prohibited on Wednesday, December 24 and Wednesday, December 31, 2014, Monday, January 12, Tuesday, January 13, Wednesday, January 14, Monday, January 19, Tuesday, January 20 and Wednesday, January 21, 2015.~~

~~4. Zone 3 season for divers~~

~~The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 3 is open December 4, 2014 through April 11, 2015, both days inclusive, with the following exceptions:~~

~~A. In December 2014, March 2015 and April 2015, fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays, except for Tuesday, December 23 and Tuesday, December 30, 2014 which shall be open. Fishing is prohibited on Thursday, December 25, 2014.~~

~~B. In January 2015 and February 2015, fishing is prohibited on Saturdays, Sundays, Mondays and Tuesdays. Fishing is prohibited on Thursday, January 1, Wednesday, January 14, Thursday, January 15, Friday, January 16, Wednesday, January 21, Thursday, January 22 and Friday, January 23, 2015.~~

1. Zone 1 season for draggers
The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 1 and is open December 15, 2015 through April 11, 2016, both days inclusive, with the following exceptions:
 - A. In December 2015, January 2016, and February 2016, fishing is prohibited on Fridays, Saturdays and Sundays. Fishing is prohibited on Thursday, December 24, and Thursday, December 31, 2015.
 - B. In March 2016 and April 2016 fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays.
2. Zone 1 season for divers
The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 1 is open December 1, 2015 through April 15, 2016, both days inclusive, with the following exceptions:
 - A. In the months of December 2015, March 2016 and April 2016, fishing is prohibited on Sundays, Mondays and Tuesdays, except for Tuesday, December 1, Tuesday, December 8, Tuesday, December 15, Monday, December 21, Tuesday, December 22, Monday, December 28 and Tuesday, December 29, 2015 and Tuesday, April 5 and Tuesday, April 12, 2016 which shall be open. Fishing is prohibited on Thursday, December 24, Friday, December 25 and Thursday, December 31, 2015.
 - B. In the months of January 2016 and February 2016 fishing is prohibited except for Saturday, January 2, Wednesday, January 6, Thursday, December 7, Friday, January 8, Saturday, January 9, Wednesday, January 13, Thursday, January 14, Friday, January 15, and Saturday, January 16, 2016 which shall be open.
3. Zone 2 season for draggers
The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 2 is open December 1, 2015 through April 13, 2016, both days inclusive, with the following exceptions:
 - A. In December 2015, January 2016, and February 2016, fishing is prohibited on Fridays, Saturdays and Sundays. Fishing is prohibited on Thursday, December 24, and Thursday, December 31, 2015.
 - B. In March 2016 and April 2016 fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays.
4. Zone 2 season for divers
The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 2 is open December 1, 2015 through April 15, 2016, both days inclusive, with the following exceptions:
 - A. In the months of December 2015, March 2016 and April 2016, fishing is prohibited on Sundays, Mondays and Tuesdays, except for Tuesday, December 1, Monday, December 21, Tuesday, December 22, Monday, December 28 and Tuesday, December 29, 2015 which shall be open. Fishing is prohibited on Thursday, December 24, Friday, December 25 and Thursday, December 31, 2015, Wednesday, March 2 and Wednesday, March 9, 2016.
 - B. In the months of January 2016 and February 2016 fishing is prohibited on Saturdays, Sundays, Mondays, Tuesdays and Wednesdays except for Saturday, January 2, Wednesday, January 6, Saturday, January 9, Wednesday, January 13, Saturday, January 16, Monday, February 8, Tuesday, February 9, Wednesday, February 10, and Saturday, February 13, 2016 which shall be open.
5. Zone 3 season for draggers
The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 3 is open December 1, 2015 through March 23, 2016, both days inclusive, with the following exceptions:
 - A. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays.

6. Zone 3 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 3 is open December 3, 2015 through March 26, 2016, both days inclusive, with the following exceptions:

- A. In December 2015 and March 2016 fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays, except for Tuesday, December 22, Wednesday, December 23, Tuesday, December 29, and Wednesday, December 30, 2015 which shall be open. Fishing is prohibited on Thursday, December 24 and Thursday, December 31, 2015.
- B. In January 2016 and February 2016, fishing is prohibited on Saturdays, Sundays, Mondays and Tuesdays. Fishing is prohibited on Friday, January 1, 2016.

11.10 Atlantic Sea Scallops Limitations

1. Size, Harvesting and Conservation Zone Regulations

A. Swans Island Lobster Conservation Area Scallop Drag Size Restrictions

It shall be unlawful to possess on any vessel fishing for scallops or fish for or take scallops within the Swans Island Lobster Conservation Area (DMR Regulation, Ch. 25.90, (A) (1)) with any scallop drag or combination of scallop drags (chain sweep or rock drags) having an aggregate width in excess of eight feet, six inches.

B. Atlantic Sea Scallops, Minimum Size

In Maine Territorial Waters, it shall be unlawful to possess Atlantic sea scallops whose shells are less than 4 inches in the longest diameter, effective on December 1, 2004 and thereafter in accordance with 12 M.R.S. § 6721(1)(A) & (B).

C. Atlantic Sea Scallops, Drag Size Restrictions

(1) From December 1 through April 15, both days inclusive, it shall be unlawful to possess on any vessel fishing for scallops or fish for or take scallops with any one combination of scallop drags having an aggregate in excess of 10 feet 6 inches in width (by measuring from the extreme outside edge of the mouth of the drag or drags), within Maine's territorial waters.

D. Atlantic Sea Scallops, Night Harvesting Prohibition

Effective November 1, 1986, it shall be unlawful to fish for or take scallops during the nighttime hours between sunset (as defined in 12 M.R.S. § 6001(46)) and sunrise (as defined in 12 M.R.S. § 6001(45)) within Maine's territorial waters.

E. Atlantic Sea Scallops, Culling Required

Scallops less than the minimum legal size must be immediately liberated. It is prima facie evidence of possession of illegal scallops if a vessel contains scallops smaller than the minimum size while a scallop license holder or crewmember is shucking scallops.

F. Atlantic Sea Scallops, Shellstock Ratio to Meat Conversion, Possession Limit, Daily Limit

(1) Shellstock Ratio to Meat Conversion.

For the purposes of this regulation, one and a half bushels of shellstock shall be equal to one gallon of scallop meat.

(2) Daily Harvest and Possession Limits.

It is unlawful to fish for, take or possess more than 15 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 15 gallons of meat per day per vessel.

(3) Daily Limit.

- (a) It is unlawful to unload any portion of a day's catch and return to fishing in Maine's territorial waters.
- (b) It is unlawful to transfer to or receive from another vessel any scallop shellstock or scallop meats

G. Atlantic Sea Scallops Harvested Seaward of Maine's Territorial Waters

A vessel may possess or land more than 15 gallons of scallop meats per day within Maine's territorial waters only if it meets each of the following requirements:

- (1) The scallop meats were harvested seaward of Maine's territorial waters.
- (2) The vessel holds a valid current Federal Permit (Title 50(A) §648.4) that authorizes possession of more than 15 gallons of scallop meats per day.
- (3) The amount of scallop meats on board does not exceed the maximum amount authorized by the vessel's Federal Permit.
- (4) The vessel has all fishing gear (dredges, drags) securely stowed when transiting Maine's territorial waters. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch.

H. Limited Access Areas

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following Limited Access Areas except by divers on ~~January 2, 9, 16, 23, 30, 2015; February 6, 13, 20 and 27, 2015; March 7, 14, 21 and 28, 2015; and April 4 and 11, 2015~~ except for ~~Whiting and Dennys Bays Area (4) where fishing shall be additionally open on December 6, 13, 20 and 27, 2014 and prohibited on January 16 and 23, 2015. December 2, 9, 16, 19, 21, 23, 26 and 30, 2015; January 6, 9, 13 and 16, 2016; and March 2, 5, 9, and 12, 2016~~ except for Whiting and Dennys Bays Area (4) where fishing shall be only be open to divers on December 4, 11, 18 and 22, 2015; January 8, 15, 22 and 29, 2016; February 5, 12, 19 and 26, 2016; and March 4, 11, 18, 25 and 26, 2016. All directions are relative to True north (not magnetic).

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following Limited Access Areas except by draggers on ~~January 7, 14, 21, 28, 2015; February 4, 11, 18 and 25, 2015; March 4, 11, 18 and 25, 2015; and April 1 and 8, 2015~~ except for ~~Whiting and Dennys Bays Area (4) where fishing shall be additionally open on December 3, 10, and 17, 2014 and prohibited on January 14 and 21, 2015 and April 8, 2015. January 4, 11, 18 and 25, 2016; February 1, 8, 15, 22 and 29, 2016; March 7, 14, 21 and 28, 2016 and April 4 and 11, 2016~~ except for Whiting and Dennys Bays Area (4) where fishing shall only be open to draggers on December 2, 9, 16, 23 and 30, 2015; January 6, 13, 20 and 27, 2016; February 3, 10, 17 and 24, 2016; and March 2, 9, 16, and 23, 2016. All directions are relative to True north (not magnetic).

Transiting exception:

Any vessel possessing scallops onboard, may transit these Limited Access Areas, only if the vessel has all fishing gear (dredges, drags, regulators, buoyancy compensators, fins, tanks, weight belts) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch for draggers, while regulators, buoyancy compensators and tanks should be disconnected with fins and weight belts removed for divers.

The Commissioner may close harvesting for the remainder of the season in the Limited Access Areas listed below though emergency rulemaking if the Department has information that indicates there is a likelihood that between 30 percent and 40 percent of the harvestable biomass has been removed.

(1) Casco Bay Area:

Western boundary: South of a line drawn from the most southwestern point of Basin Point (Harpwell) to the northern tip of Jewell Island. Also, the waters between and to the north of Basin Point and Gun Point bounded by the Route 24 Gurnet Bridge (Harpwell).

Eastern boundary: West and North of a line drawn from the most southern tip of Gun Point, Harpswell, to G "3", South of Round Rock; continuing in a southwesterly direction to R N "4" at Drunkers Ledges, then continuing to the southeastern tip of Jewell island.

(2) Damariscotta/Sheepscot Area:

South of a line drawn from the most northeastern point of Dogfish Head to the most northeastern point of Macmahan Island, and south of a line drawn from the most northwestern point of Macmahan Island to the most northeastern tip of Soldier Point and south and east of the Southport Island Bridge. Then north of a line drawn from the most southern point of Outer Head Island at Griffith Head, Georgetown to the most southern tip of Cape Island, Southport and then to the most southern tip of Fishermen Island. Then, north of a line from the most northern tip of Fishermen Island to the most southwestern point of Thrumcap Island, and west of a line drawn from this point to the most southern tip of Shipley Point, following the western shoreline of Rutherford Island. Also, west of the South Bristol Bridge, and to include the Damariscotta River.

(3) Muscongus/Western Penobscot Area:

Western boundary: North and east of a line beginning at the intersection of Latitude 43° 55' N on Pemaquid Neck (just north of Brown's Cove, Bristol), and following this latitude to its intersection on the west shore of Mosquito Island, St. George.

Eastern boundary: South and west of a line starting at the northern end of the Rackliff Island causeway then following the shore to the most southern point of Rackliff Island continuing to the most southern point of Norton Island and then continuing to the most southern point of Whitehead Island then to the southern end of Two Bush Island and continuing in a southwest direction to the most eastern tip of Mosquito Island, St. George.

(4) Whiting Bay and Denny's Bays Area (~~open December 2014 only as per section 11.10(H) above~~):

It shall be unlawful to fish for or take scallops and or urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting Bay and Denny's Bays.

11.22 Targeted Closures

Targeted closures are imposed as conservation measures to assist in rebuilding specific areas of the state based on survey information. Targeted closures may be implemented based on depletion, seed, the presence of spat-producing scallops, and other conservation factors as determined by the Commissioner. Targeted closures are not seasonal closures and are implemented in order to improve and enhance the conservation and rebuilding of the resource in these specific areas.

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following closed areas, except for ~~Muscle~~ Muscle Ridge (61) which shall be open to diving on ~~Wednesdays and Thursdays and Fridays~~ and shall be open to dragging on ~~Mondays and Tuesdays and Wednesdays~~, in accordance with the dates specified in section 11.09. All directions are relative to True North (not magnetic).

Transiting exception:

Any vessel possessing scallops onboard, may transit these targeted closures only if the vessel has all fishing gear (dredges, drags, regulators, buoyancy compensators, fins, tanks, weight belts) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch for draggers, while regulators, buoyancy compensators and tanks should be disconnected with fins and weight belts removed for divers.

(1) Muscle Ridge (Open Tuesdays and Wednesdays to draggers. Open Thursdays and Fridays to divers.)

Eastern boundary: West and South of a line drawn from the most eastern tip of Ash Point, South Thomaston at Latitude 44° 02.805 N Longitude 069° 04.393 W to RW "PA" Mo (A) GONG; then continuing southwest to the northern tip of Two Bush Island.

Western boundary: North of a line starting at the northern end of the Rackliff Island causeway then following the shore to the most southern point of Rackliff Island continuing to the most southern point of Norton Island and then continuing to the most southern point of Whitehead Island then to the southern end of Two Bush Island.

~~This section Chapter 11.22 (1) sunsets May 1, 2015.~~

(2) Lower Muscle Ridge

Northern boundary: East and South of a line beginning at the most eastern tip of Whitehead Island, St. George, to the southern tip of Seal Island (Hay Ledges) continuing to the most southwestern point of Graftam Island, then continuing to the southwestern point of Pleasant Island and continuing in a southeasterly direction to the northeastern tip of Two Bush Island.

Southern boundary: North of a line starting at the most southern point of Whitehead Island, St. George, to the southern end of Two Bush Island.

~~This section Chapter 11.22 (9) (2) sunsets May 1, 2017.~~

(3) Damariscotta River

North of a line drawn from Emerson Point at the southern most tip of Ocean Point in the town of Boothbay, easterly to Thrumcap Island, then northerly to the southern tip of Rutherford Island, South Bristol.

~~This section Chapter 11.22 (3) sunsets May 1, 2015.~~

(4) Ocean Point

West of a line drawn from Emerson Point, at the southern most tip of Ocean Point, Boothbay at Latitude 43° 48.852 N Longitude 069° 35.454 W, to the most northern tip of Fisherman Island, then continuing to R N "8" AND East of a line draw from R N "8" to the most southwestern tip of Ocean Point at Latitude 43° 48.874 N Longitude 069° 36.332 W.

~~This section Chapter 11.22 (4) sunsets May 1, 2017.~~

(5) Eastern Casco Bay

Eastern boundary: West and North of a line drawn from the most southern tip of Gun Point, Harpswell, to G "3", South of Round Rock; continuing in a southwesterly direction to R N "4" at Drunkers Ledges.

Western boundary: East and North of a line draw from R N "4" at Drunkers Ledges to the most southern tip of Jaquish Island; then east of a line from the most northwestern tip of Jaquish Island at Latitude 43° 42.950N Longitude 70° 00.137W to the most southeastern tip of land along Jaquish Gut at Latitude 43° 43.043N Longitude 70° 00.128W.

~~This section Chapter 11.22 (5) sunsets May 1, 2015.~~

(6) South Portland Harbor

Northern boundary: South of a line drawn from the northern tip of the breakwater on Spring Point, South Portland to the southwestern tip of Fort Scammer Island.

Eastern boundary: West of a line drawn from the southwestern tip of House Island, Portland to the westernmost tip of Cushing Island, Portland, then following the shoreline in a southerly direction to the southwestern most tip of Cushing Island.

Southern boundary: North of a line drawn from the southwestern most tip of Cushing Island to the northeastern most tip of land on the north shore of Shop Cove, South Portland.

(7) Lower Broad Sound

Northern boundary: South of a line drawn from the northern tip of the Bates Island, Cumberland to the northern tip of Eagle Island, Harpswell.

Eastern boundary: West of a line drawn from the southern tip of Eagle Island, Harpswell to West Brown Cow Island, Cumberland.

Southern boundary: North of a line drawn from the western tip of West Brown Cow Island, Cumberland to the eastern most tip of Cliff Island, Cumberland.

Western boundary: East of a line drawn from the eastern most tip of Cliff island, Cumberland to the southernmost tip of Bates Island, Cumberland

(8) Sheepscot River

Eastern boundary: West and North of the Townsend Gut Bridge connecting Southport Island and West Boothbay Harbor.

Western boundary: East of a line drawn from the most southern tip of Hockomock Point, Woolwich to the most northern tip of Mill Point, Arrowsic Island, and following the shoreline to the Arrowsic Island-Georgetown Island bridge, and then continuing along the northern coastline to the northeast tip of Dry Point, Georgetown Island.

Southern boundary: North of a line drawn from the southernmost tip of Cape Newagen, Southport Island, to the eastern tip of Outer Head Island, Georgetown Island, then following the southern shoreline to the most southwestern tip of Outer Head Island, then a line drawn due west to the nearest point of land on Griffith Head, Georgetown Island.

(9) Muscongus Bay:

North and east of a line beginning at the intersection of Latitude 43° 55' N on Pemaquid Neck (just north of Brown's Cove, Bristol), and following this latitude to its intersection on the eastern side of Hupper Island, Port Clyde, then to the southern tip of Marshall Point.

(10) Moosabec Reach

Eastern boundary: West of the Jonesport Bridge.

Western boundary: East of a line drawn from the most western tip of Macks Point, located north of Mill Pond cove, Beals to the end of the dock on Lobster Lane, Jonesport.

11.24 Trigger Mechanism

The Commissioner may close any portion of Maine's territorial waters to harvesting for the remainder of the season through emergency rulemaking if the Department has information that indicates there is a likelihood that between 30 percent and 40 percent of the harvestable biomass has been removed. Such closures are established for conservation purposes, to protect the resource from unusual damage or imminent depletion.

Insert this Zone One (1) DRAG calendar as if underlined (at the end of Ch. 11):

2015 - 2016 Scallop Season Calendar

Zone One (1)

60 Day DRAG Season (15 gallons)

O Zone 1 Limited Access Areas Draggers **O** Open Closed

December 2015						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15 O	16 O	17 O	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

9

January 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7 O	8	9
10	11 O	12 O	13 O	14 O	15	16
17	18 O	19 O	20 O	21 O	22	23
24	25 O	26 O	27 O	28 O	29	30
31						

16

February 2016						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4 O	5	6
7	8 O	9 O	10 O	11 O	12	13
14	15 O	16 O	17 O	18 O	19	20
21	22 O	23 O	24 O	25 O	26	27
28	29 O					

17

March 2016						
S	M	Tu	W	Th	F	S
		1 O	2 O	3	4	5
6	7 O	8 O	9 O	10	11	12
13	14 O	15 O	16 O	17	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

14

April 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

4

**Muscle Ridge: OPEN Tuesdays
& Wednesdays to DRAGGERS**

Total Days
60

Total Limited Access Areas Days
15

Total Weeks
18

Insert this Zone Two (2) DRAG calendar as if underlined (at the end of Ch. 11):

2015 - 2016 Scallop Season Calendar

Zone Two (2)

70 Day DRAG Season (15 gallons)

Open Closed

December 2015						
S	M	Tu	W	Th	F	S
		1 O	2 O	3 O	4	5
6	7 O	8 O	9 O	10 O	11	12
13	14 O	15 O	16 O	17 O	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

17

January 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7 O	8	9
10	11 O	12 O	13 O	14 O	15	16
17	18 O	19 O	20 O	21 O	22	23
24	25 O	26 O	27 O	28 O	29	30
31						

16

February 2016						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4 O	5	6
7	8 O	9 O	10 O	11 O	12	13
14	15 O	16 O	17 O	18 O	19	20
21	22 O	23 O	24 O	25 O	26	27
28	29 O					

17

March 2016						
S	M	Tu	W	Th	F	S
		1 O	2 O	3	4	5
6	7 O	8 O	9 O	10	11	12
13	14 O	15 O	16 O	17	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

14

April 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12 O	13 O	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

6

Total Days
70

Total Weeks
20

Insert this Zone Three (3) DRAG calendar as if underlined (at the end of Ch. 11):

2015 - 2016 Scallop Season Calendar

Zone Three (3)

50 Day DRAG Season (10 gallons)

Zone 3 Limited Access Areas Draggers
 Open
 Closed

December 2015						
S	M	Tu	W	Th	F	S
		1 O	2 O	3	4	5
6	7 O	8 O	9 O	10	11	12
13	14 O	15 O	16 O	17	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

14

January 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12 O	13 O	14	15	16
17	18 O	19 O	20 O	21	22	23
24	25 O	26 O	27 O	28	29	30
31						

12

February 2016						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4	5	6
7	8 O	9 O	10 O	11	12	13
14	15 O	16 O	17 O	18	19	20
21	22 O	23 O	24 O	25	26	27
28	29 O					

13

March 2016						
S	M	Tu	W	Th	F	S
		1 O	2 O	3	4	5
6	7 O	8 O	9 O	10	11	12
13	14 O	15 O	16 O	17	18	19
20	21 O	22 O	23 O	24	25	26
27	28	29	30	31		

11

April 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

0

Total Days
50

Total Limited Access Areas Days
17

Total Weeks
17

Strike this Zone One (1) and Zone Two (2) DRAG calendar (at the end of Ch. 11):

2014 - 2015 Scallop Season Calendar

Zone One (1) & Two (2)

70 Day DRAG Season (15 gallons)

O Zone 1 Limited Access Areas Draggers O Open Closed

December 2014						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4 O	5	6
7	8 O	9 O	10 O	11 O	12	13
14	15 O	16 O	17 O	18 O	19	20
21	22 O	23 O	24	25	26 O	27
28	29 O	30 O	31			

17

January 2015						
S	M	Tu	W	Th	F	S
				1	2 O	3
4	5 O	6 O	7 O	8 O	9	10
11	12 O	13 O	14 O	15 O	16	17
18	19 O	20 O	21 O	22 O	23	24
25	26 O	27 O	28 O	29 O	30	31

17

February 2015						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5 O	6	7
8	9 O	10 O	11 O	12 O	13	14
15	16 O	17 O	18 O	19 O	20	21
22	23 O	24 O	25 O	26 O	27	28

16

March 2015						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5	6	7
8	9 O	10 O	11 O	12	13	14
15	16 O	17 O	18 O	19	20	21
22	23 O	24 O	25 O	26	27	28
29	30 O	31 O				

14

April 2015						
S	M	Tu	W	Th	F	S
			1 O	2 O	3	4
5	6 O	7 O	8 O	9 O	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

6

*** Limited Access Areas
for Zone 1 only.**

Total Days
70

Total Limited Access Areas Days
14

Total Weeks
20

Strike this Zone Three (3) DRAG calendar at the end of Ch.11

2014 - 2015 Scallop Season Calendar

Zone Three (3) (Cobscook)

50 Day DRAG Season (10 gallons)

O Limited Access Areas Draggers

O Open

Closed

December 2014						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4	5	6
7	8 O	9 O	10 O	11	12	13
14	15 O	16 O	17 O	18	19	20
21	22 O	23 O	24	25	26 O	27
28	29 O	30 O	31			

14

January 2015						
S	M	Tu	W	Th	F	S
				1	2 O	3
4	5 O	6 O	7 O	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26 O	27 O	28 O	29	30	31

7

February 2015						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5	6	7
8	9 O	10 O	11 O	12	13	14
15	16 O	17 O	18 O	19	20	21
22	23 O	24 O	25 O	26	27	28

12

March 2015						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5	6	7
8	9 O	10 O	11 O	12	13	14
15	16 O	17 O	18 O	19	20	21
22	23 O	24 O	25 O	26	27	28
29	30 O	31 O				

14

April 2015						
S	M	Tu	W	Th	F	S
			1 O	2	3	4
5	6 O	7 O	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

3

Total Days
50

Total Limited Access Areas Days
14

Total Weeks
17

Insert this Zone One (1) DIVE calendar as if underlined (at the end of Ch. 11):

2015 - 2016 Scallop Season Calendar

Zone One (1)

60 Day DIVE Season (15 gallons)

Zone 1 Limited Access Areas Divers
 Open
 Closed

December 2015						
S	M	Tu	W	Th	F	S
		1 O	2 O	3 O	4 O	5 O
6	7	8 O	9 O	10 O	11 O	12 O
13	14	15 O	16 O	17 O	18 O	19 O
20	21 O	22 O	23 O	24	25	26 O
27	28 O	29 O	30 O	31		

22

January 2016						
S	M	Tu	W	Th	F	S
					1	2 O
3	4	5	6 O	7 O	8 O	9 O
10	11	12	13 O	14 O	15 O	16 O
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

9

February 2016						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

0

March 2016						
S	M	Tu	W	Th	F	S
		1	2 O	3 O	4 O	5 O
6	7	8	9 O	10 O	11 O	12 O
13	14	15	16 O	17 O	18 O	19 O
20	21	22	23 O	24 O	25 O	26 O
27	28	29	30 O	31 O		

18

April 2016						
S	M	Tu	W	Th	F	S
					1 O	2 O
3	4	5 O	6 O	7 O	8 O	9 O
10	11	12 O	13 O	14 O	15 O	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

11

**Muscle Ridge: OPEN Thursdays
& Fridays to DIVERS**

Total Days
60

Total Limited Access Areas Days
15

Total Weeks
15

Insert this Zone Two (2) DIVE calendar as if underlined (at the end of Ch. 11):

2015 - 2016 Scallop Season Calendar

Zone Two (2)

70 Day DIVE Season (15 gallons)

Open Closed

December 2015						
S	M	Tu	W	Th	F	S
		1 O	2 O	3 O	4 O	5 O
6	7	8 O	9 O	10 O	11 O	12 O
13	14	15 O	16 O	17 O	18 O	19 O
20	21 O	22 O	23 O	24	25	26 O
27	28 O	29 O	30 O	31		

20

January 2016						
S	M	Tu	W	Th	F	S
					1	2 O
3	4	5	6 O	7 O	8 O	9 O
10	11	12	13 O	14 O	15 O	16 O
17	18	19	20	21 O	22 O	23
24	25	26	27	28 O	29 O	30
31						

13

February 2016						
S	M	Tu	W	Th	F	S
	1	2	3	4 O	5 O	6
7	8 O	9 O	10 O	11 O	12 O	13 O
14	15	16	17	18 O	19 O	20
21	22	23	24	25 O	26 O	27
28	29					

12

March 2016						
S	M	Tu	W	Th	F	S
		1	2	3 O	4 O	5 O
6	7	8	9	10 O	11 O	12 O
13	14	15	16 O	17 O	18 O	19 O
20	21	22	23 O	24 O	25 O	26 O
27	28	29	30 O	31 O		

16

April 2016						
S	M	Tu	W	Th	F	S
					1 O	2 O
3	4	5	6 O	7 O	8 O	9 O
10	11	12	13 O	14 O	15 O	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

9

Total Days
70

Total Weeks
20

Insert this Zone Three (3) DIVE calendar as if underlined (at the end of Ch. 11):

2015 - 2016 Scallop Season Calendar

Zone Three (3)

50 Day DIVE Season (10 gallons)

Zone 3 Limited Access Areas Divers
 Open
 Closed

December 2015						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
				O	O	O
6	7	8	9	10	11	12
				O	O	O
13	14	15	16	17	18	19
				O	O	O
20	21	22	23	24	25	26
		O	O			O
27	28	29	30	31		
		O	O			

14

January 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
			O	O	O	
10	11	12	13	14	15	16
			O	O	O	
17	18	19	20	21	22	23
			O	O	O	
24	25	26	27	28	29	30
			O	O	O	
31						

12

February 2016						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
			O	O	O	
7	8	9	10	11	12	13
			O	O	O	
14	15	16	17	18	19	20
			O	O	O	
21	22	23	24	25	26	27
			O	O	O	
28	29					

12

March 2016						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
				O	O	O
6	7	8	9	10	11	12
				O	O	O
13	14	15	16	17	18	19
				O	O	O
20	21	22	23	24	25	26
				O	O	O
27	28	29	30	31		

12

April 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

0

Total Days
50

Total Limited Access Areas Days
17

Total Weeks
17

Strike this Zone One (1) and Zone Two (2) DIVE calendar (at the end of Ch. 11):

2014 - 2015 Scallop Season Calendar

Zone One (1) & Two (2)

70 Day DIVE Season (15 gallons)

Zone 1 Limited Access Areas Divers
 Open
 Closed

December 2014						
S	M	Tu	W	Th	F	S
	1	2	3 O	4 O	5 O	6 O
7	8	9	10 O	11 O	12 O	13 O
14	15	16	17 O	18 O	19 O	20 O
21	22 O	23 O	24	25	26 O	27 O
28	29 O	30 O	31			

18

January 2015						
S	M	Tu	W	Th	F	S
				1	2 O	3 O
4	5	6	7	8 O	9 O	10 O
11	12	13	14	15 O	16 O	17 O
18	19	20	21	22 O	23 O	24 O
25	26	27	28	29 O	30 O	31 O

14

February 2015						
S	M	Tu	W	Th	F	S
1	2	3	4	5 O	6 O	7 O
8	9	10	11	12 O	13 O	14 O
15	16	17	18	19 O	20 O	21 O
22	23	24	25	26 O	27 O	28 O

12

March 2015						
S	M	Tu	W	Th	F	S
1	2	3	4 O	5 O	6 O	7 O
8	9	10	11 O	12 O	13 O	14 O
15	16	17	18 O	19 O	20 O	21 O
22	23	24	25 O	26 O	27 O	28 O
29	30	31				

16

April 2015						
S	M	Tu	W	Th	F	S
			1 O	2 O	3 O	4 O
5	6	7	8 O	9 O	10 O	11 O
12	13	14 O	15 O	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

10

*** Limited Access Areas for Zone 1 only.**

Total Days
70

Total Limited Access Areas Days
15

Total Weeks
20

Strike this Zone Three (3) DIVE calendar at the end of Ch.11

2014 - 2015 Scallop Season Calendar

Zone Three (3) (Cobscook)

50 Day DIVE Season (10 gallons)

Limited Access Areas Divers

Open

Closed

December 2014						
S	M	Tu	W	Th	F	S
	1	2	3	4 O	5 O	6 O
7	8	9	10	11 O	12 O	13 O
14	15	16	17	18 O	19 O	20 O
21	22	23 O	24	25	26 O	27 O
28	29	30 O	31			

13

January 2015						
S	M	Tu	W	Th	F	S
				1	2 O	3
4	5	6	7 O	8 O	9 O	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28 O	29 O	30 O	31

7

February 2015						
S	M	Tu	W	Th	F	S
1	2	3	4 O	5 O	6 O	7
8	9	10	11 O	12 O	13 O	14
15	16	17	18 O	19 O	20 O	21
22	23	24	25 O	26 O	27 O	28

12

March 2015						
S	M	Tu	W	Th	F	S
1	2	3	4	5 O	6 O	7 O
8	9	10	11	12 O	13 O	14 O
15	16	17	18	19 O	20 O	21 O
22	23	24	25	26 O	27 O	28 O
29	30	31				

12

April 2015						
S	M	Tu	W	Th	F	S
			1	2 O	3 O	4 O
5	6	7	8	9 O	10 O	11 O
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

6

Total Days
50

Total Limited Access Areas Days
17

Total Weeks
17

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Deirdre Gilbert, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021
Telephone: (207) 624-6576; E-mail: dmr.rulemaking@maine.gov, web address:
<http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 11 Atlantic Sea Scallop Regulations and 2015-2016
Harvesting Season

STATUTORY AUTHORITY: 12 M.R.S. §6171; §6722

DATE AND PLACE OF PUBLIC HEARINGS:

September 15, 2015, 6:00 PM, DMR Conference Room, Marquardt Building, 32 Blossom Lane, Augusta
September 16, 2015, 6:00 PM, Ellsworth City Hall Auditorium, One City Hall Plaza, Ellsworth
September 17, 2015, 6:00 PM, University of Maine-Machias, Science Building Room 102, Machias

DEADLINE FOR COMMENTS: September 27, 2015

PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

This rulemaking is necessary to establish the 2015-2016 scallop season. The Department is advancing the SAC recommendation which includes a 15 gallon daily limit and a 60-day season in Zone 1. This is a 10-day reduction from 2014-2015. Several targeted closures are also proposed for Zone 1, reflecting the need for further conservation measures to assist in rebuilding in this area of the state based on the recent spring survey information. Fifteen days are proposed in the Zone 1 Limited Access Areas for divers and draggers. For Zone 2, the SAC recommended a 15 gallon daily limit and a 70-day season. In Zone 3, a 50-day season is proposed and 17 potential days in the Whiting & Dennys Bays Limited Access Area.

While the resource may not be able to accommodate the full 70-day season, the SAC and the majority of the industry prefer to have the opportunity of fishing as many of the 70 days as possible given the many foul weather days in January and February that prevent industry members from safely accessing the resource. DMR will use emergency rulemaking authority to close areas in order to protect the scallop resource if unusual damage and/or imminent depletion become evident.

In addition, the DMR is proposing to implement a number of targeted closures based on depletion, seed, and the presence of spat-producing scallops which include Eastern Casco Bay, Damariscotta River, Ocean Point, Muscle Ridge (open two days per week), Lower Muscle Ridge, South Portland Harbor, Lower Broad Sound (Casco Bay), Sheepscot River and Muscongus Bay.

Finally, the proposed rule reorganizes the chapter to clarify the distinction between the statutory limits of the scallop season, open days, and the in-season closures of specific areas which are implemented in order to prevent unusual damage or imminent depletion of the resource.

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

The 2015-2016 season follows a similar pattern of the 2014-15 season with a daily possession limit for Zone 1 of 15 gallons with a 60-day season, Zone 2 of a 15 gallon daily limit with a 70-day season while Zone 3 would have a 10-gallon daily limit with a 50-day season. For Zone 1, a 60-day season is set for draggers to start on December 15, 2015 with fishing prohibited on Thursdays, Fridays, Saturdays and Sundays in December, March and April. December 17, 2015 is open. Scallop fishing by Zone 1 draggers in the months of January and February would be prohibited on Fridays, Saturdays and Sundays. The proposed last day of the Zone 1 drag season is April 11, 2016. For Zone 1, a 60-day season is set for divers to start on December 1, 2015 with fishing prohibited on Sundays, Mondays and Tuesdays. December 24, 25 and 31, 2015 would be closed and December 1, 8, 15, 21, 22, 28 and 29, 2015 would be open. Scallop fishing by Zone 1 divers in the months of January and February would be prohibited. January 2, 6, 7, 8, 9, 13, 14, 15, and 16, 2016 are open. The proposed last day of the Zone 1 dive season is April 15, 2016. For Zone 2, a 70-day season is set for draggers to start on December 1, 2015 with fishing prohibited on Fridays, Saturdays and Sundays in December, January, and February. December 24

and 31, 2015 would be closed. Scallop fishing by Zone 2 druggers in the months of March and April would be prohibited on Thursdays, Fridays, Saturdays and Sundays. The proposed last day of the Zone 2 drag season is April 13, 2016. For Zone 2, a 70-day season is set for divers to start on December 1, 2015 with fishing prohibited on Sundays, Mondays and Tuesdays. December 24, 25 and 31, 2015 would be closed and December 1, 21, 22, 28, 29 and 30, 2015 would be open. January 1, 20, 23, 27 and 30, 2016 would be closed. February 3, 6, 17, 20, 24 and 27 shall be closed and February 8 and 9, 2016 shall be open. March 16, 23 and 30, 2016 shall be open. The proposed last day of the Zone 1 dive season is April 15, 2016. For Zone 3, a 50-day season is set for druggers to start on December 1, 2015, with fishing prohibited on Thursdays, Fridays, Saturdays and Sundays. The last day of the Zone 3 drag season is March 23, 2016. For Zone 3, a 50-day season is set for divers to start on December 3, 2015 with fishing prohibited on Sundays, Mondays, Tuesdays and Wednesdays. December 22, 23, 29 and 30, 2015 would be open and December 24, 25 and 31, 2015 would be closed. The last day of the Zone 3 dive season is March 26, 2016.

FISCAL IMPACT OF THE RULE:

Enforcement of these proposed amendments would not require additional activity in this Agency. Existing enforcement personnel will monitor compliance during their routine patrols.