

NOTICE OF AGENCY RULE-MAKING ADOPTION**AGENCY:** Department of Marine Resources**CHAPTER NUMBER AND TITLE:** Chapter 11 Scallops; 2019-20 Season**ADOPTED RULE NUMBER:**
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)**CONCISE SUMMARY:**

This rule-making establishes the 2019-2020 scallop fishing season. Daily possession limits of 15 gallons for Zone 1 and Zone 2, and 10 gallons for Zone 3 remain unchanged. For Zone 1, a 60-day season for draggers begins on December 9, 2019 and the last day of the season is March 26, 2020. For Zone 1, a 60-day season for divers starts on November 14, 2019 and the last day of the season is April 30, 2020. For Zone 2, a 70-day season for draggers starts on December 2, 2019 and the last day of the season is March 31, 2020. For Zone 2, a 70-day season for divers starts on November 18, 2019 and the last day of the season is April 18, 2020. For Zone 3, a 50-day season for draggers begins on December 2, 2019 and the last day of the season is March 25, 2020. For Zone 3, a 50-day season for divers begins on December 5, 2019 and the last day of the season is March 28, 2020.

In Zone 1, Casco Bay, Sheepscot River, Muscle Ridge, and W. Penobscot Bay Areas, as well as Whiting/Dennys Bays in Zone 3 are Limited Access Areas with reduced harvesting days. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock is open to harvest all days during December 2019 in addition to open Zone 2 calendar days throughout the season.

DMR would maintain the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops: Lower Muscle Ridge, Eastern Casco Bay, Upper Sheepscot River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

This rule removes the drag size gear restriction in the Blue Hill Bay area (currently 8'6") allowing harvesters to utilize any drag size, provided it does not exceed the State maximum of 10' 6". Additionally, this rule amends the boundary for the Cutler Shore Rotational Area by moving the western boundary eastward to Western Head and extending south to the three nautical mile junction.

EFFECTIVE DATE:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

AGENCY CONTACT PERSON: Amanda Ellis (207) 624-6573
AGENCY NAME: Department of Marine Resources
ADDRESS: 21 State House Station
 Augusta, Maine 04333
WEB SITE: <http://www.maine.gov/dmr/rulemaking/>
E-MAIL: dmr.rulemaking@maine.gov
TELEPHONE: (207) 624-6573
FAX: (207) 624-6024
TTY: (207) 633-9500 (Deaf/Hard of Hearing)

Please approve bottom portion of this form and assign appropriate MFASIS number.

APPROVED FOR PAYMENT _____ DATE: _____
 FUND AGENCY S-UNIT APP OBJT AMOUNT

Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta

010 13A 1120 10 4946 regulations

Chapter 11 Scallops

11.05 Scallop Harvesting Gear Restrictions

1. State Waters Drag Size Restriction

It shall be unlawful to possess on any vessel fishing for scallops, or to fish for or take scallops, in Maine's territorial waters: Any scallop drag or combination of scallop drags that exceed 10 feet 6 inches in width (by measuring from the extreme outside of the mouth of the drag or drags).

2. ~~Blue Hill Bay Drag Size Restriction~~

~~It is unlawful to possess on any vessel fishing for scallops or fish for or take scallops with any one combination of scallop drags in excess of 8 feet 6 inches in width by measuring from the extreme outside edge of the mouth of the drag or drags, in Blue Hill Bay above or north of a line drawn from Bass Harbor Head in the Town of Tremont westerly to Pond Island and thence to Naskeag Point in the Town of Brooklin as written in 12 M.R.S §6723(1).~~

3. 2. Dragging for Scallops Damariscotta River, Lincoln County

It shall be unlawful to fish for or take scallops in the Damariscotta River with any scallop drag (chain sweep or rock drag) 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 from April 16 to ½ hour after sunset December 31 of each year.

4. 3. Scalping in the Frenchboro Cable Area - Hand Scallop Fishing Allowed

- A. It shall be lawful to take scallops by hand, unless prohibited by other statute or regulation in the Frenchboro Cable Area described in 12 M.R.S. § 6954-A(1) (hereafter "Frenchboro Cable Area").
- B. It shall be unlawful to operate any watercraft when towing a drag or trawl while taking scallops by hand in the Frenchboro Cable Area.
- C. It shall be unlawful to use a watercraft rigged for dragging while taking or attempting to take scallops by hand in the Frenchboro Cable Area.
- D. It shall be unlawful to possess scallops aboard a watercraft rigged for dragging while taking or attempting to take scallops by hand in the Frenchboro Cable Area.

11.06 Municipal Mooring Field Closures

It shall be unlawful to fish for, take, or possess scallops taken by dragging within any of the following closed areas. All directions are relative to True North (not magnetic).

Transiting exception:

A vessel may not transit within the following closed areas with any part of a drag, including the cable, in the water.

1. Inner Blue Hill Harbor

West of a line drawn from the most western point of Sculpin Point, Blue Hill to the closest point of land on Parker Point, Blue Hill Neck.

2. Bartlett Landing

East of a line starting at the town pier 44 20.576 N 068 25.042 W, running south to the northern tip of west point 44 20.274 N 068 25.264 W.

3. Seal Harbor

North of a line starting at the southern end of Crownshield Pt 44 17.286 N 068 14.620 W running in an easterly direction to 44 17.416 N 068 14.180 W.

4. Northeast Harbor

North of a line starting at a private pier on the western side of the Harbor 44 17.244 N 068 16.787 W running in a north easterly direction to the southern tip of land on the eastside of the harbor 44 17.432 N 068 16.583 W.

5. Somes Sound Harbor

North of a line starting at the northern tip of Mason Point 44 21.491 N 068 19.626 W then running in a southeasterly direction to the southern tip of Squantum Point 44 21.425 N 068 19.311 W.

6. Western Blue Hill Bay (Blue Hill)

Inside and westerly of a line beginning at the easternmost point of High Head, Blue Hill, then running northeast to the most eastern tip of Sand Point, Blue Hill.

7. Pennamaquan River

Inside and up river of a line drawn from the Eastern tip of Kelly Point, Pembroke and running in a Northeast direction to GC "11" and then continuing in a direction of true North to Hersey Neck.

11.07 Atlantic Sea Scallop Limitations

2. 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.

11.08 Targeted Scallop Conservation Closures

Targeted closures are imposed as conservation measures to assist in rebuilding specific areas of the state. 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.

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. 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 Graffam 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.

2. 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 "2" at Eastern Drunkers Ledge.

Western boundary: East and North of a line drawn from R N "2" at Eastern Drunkers Ledge 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.

3. Upper 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 most southern point of Kehail Point running northeasterly to the most southern point of Barters Island and continuing southeasterly to the most northwestern tip of Sawyer Island.

Eastern boundary: West of a line drawn at the most northern tip of Soldier Point running north to the most southern tip of Westport Island.

~~Southern boundary: North 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.~~

4. New Meadows River

Southeast boundary: North of a line drawn from the southernmost tip of Birch Point, Phippsburg, to the southernmost tip of Long Island, Harpswell, then continuing along the western coastline to the northern tip of Long Island, Harpswell, then a line drawn due west to the nearest point of land on Sebascodegan Island, Harpswell.

Southwestern boundary: North of the Route 24 Gurnet Bridge (Harpswell).

5. Card Cove

West of a line drawn from the southeastern most tip of Pinkham Point, Harpswell, in a southwesterly direction to the nearest point of land and to include all of Card Cove, Harpswell.

6. Beals-Jonesport Bridge

Eastern boundary: West of a line drawn from the most eastern tip of Perio Point, Beals to OW Look's wharf, Jonesport.

Western boundary: East of the Jonesport-Beals Bridge.

7. 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.

11.09 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 December 6, 7, 13, 14 and 20, 2019; March 13, 14, 20, 21, 27 and 28, 2020; and, April 3 and 10, 2020; December 7, 14, 21, and 28, 2018; January 4 and 5, 2019; March 15, 16, 22, 23, 29 and 30, 2019; and, April 5, 6, 12 and 13, 2019 except for Whiting and Dennys Bays Area (4) which shall be open to divers on December 7, 14, 21, and 28, 2019; January 4, 11, 18 and 25, 2020; February 1, 8, 15, 22 and 29, 2020; and, March 7, 14, 21 and 28, 2020 ~~December 1, 8, 15, 22 and 29, 2018; January 5, 12, 19 and 26, 2019; February 2, 9, 16 and 23, 2019; March 2, 9, 16, and 23, 2019.~~ 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 6, 13, 20 and 27, 2020; February 3, 10, 17 and 24, 2020; and, March 2, 9, 16 and 23, 2020 ~~January 7, 14, 21 and 28, 2019; February 4, 11, 18 and 25, 2019; March 4, 11, 18 and 25, 2019;~~ except for Whiting and Dennys Bays Area (4) which shall be open to draggers on December 2, 9, 16, 23 and 30, 2019; January 6, 13, 20 and 27, 2020; February 3, 10, 17 and 24, 2020; and, March 2, 9, 16 and 23, 2020 ~~December~~

4, 11, 18 and 25, 2018; January 7, 14, 21 and 28, 2019; February 4, 11, 18 and 25, 2019; March 4, 11, 18 and 25, 2019. 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 "2" at Eastern Drunkers Ledge, then continuing to the southeastern tip of Jewell island.

2. Sheepscot River Area:

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

Northern boundary: South of a line drawn from the most southern point of Kehail Point running northeasterly to the most southern point of Barters Island and continuing southeasterly to the most northwestern tip of Sawyer Island.

Western boundary: East of a line drawn at the most northern tip of Soldier Point running north to the most southern tip of Westport Island.

Southern boundary: 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.

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 southern point of Ocean Point.

3. Western Penobscot Area:

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 and then from the west shore of Mosquito Island to the most southern tip of Marshall Point, Port Clyde.

4. Whiting Bay and Denny's Bay Area:

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 Bay.

5. Muscle Ridge

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.

~~6. 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.~~

11.11 Open and Closed Scallop Fishing Days

1. Zone 1 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 1 is open December 9, 2019 through March 26, 2020, ~~December 10, 2018 through March 28, 2019~~, both days inclusive, with the following exceptions:

- A. In December 2019, 2018, fishing is prohibited on ~~days 3, 4 and 5; Thursdays, Fridays, Saturdays and Sundays; and December 25 and 26, 2019, 2018, except on Thursday December 27, 2018 which will be open.~~
- B. In January 2020, ~~2019~~ and February 2020, ~~2019~~ and March 2020 ~~2019~~, fishing is prohibited on Fridays, Saturdays and Sundays; ~~and January 1, 2019.~~

2. Zone 1 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 1 is open November 14, 2019 through April 30, 2020 ~~November 20, 2018 through April 20, 2019~~, both days inclusive, with the following exceptions:

- A. Fishing is prohibited in the month of November ~~2019 2018~~ except on days 14, 15, 16, 20, 21, 22, 23, 27, 29 and 30, 2019. ~~20, 21, 28, 29 and 30, 2018.~~ In the month of December ~~2019 2018~~, fishing is prohibited on Sundays, ~~and~~ Mondays, and Tuesdays; ~~and~~ also December 25, ~~2019 2018~~.
- B. Fishing is prohibited in the month of January and February 2020 2019. ~~In the month of January 2019, fishing is prohibited, except on days January 2, 3, 4, and 5, 2019 which shall remain open.~~
- C. In the month of March 2020 2019, fishing is prohibited on Sundays, Mondays and Tuesdays, except Tuesday, March 31, 2020; and, also on days 4, 5, 6, and 7, 2020. ~~Fishing is prohibited in the month of February 2019.~~
- D. In the month of April 2020, fishing is prohibited on Sundays and Mondays. ~~In the month of March 2019, fishing is prohibited from March 1 through 11, 2019 inclusive and the four following Sundays and Mondays.~~
- E. ~~In the month of April 2019, fishing is prohibited on Sundays and Mondays, except Monday, April 15, 2019, 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 2, 2019 through March 31, 2020 ~~December 3, 2018 through March 29, 2019~~, both days inclusive, with the following exceptions:

- A. In December ~~2019 2018~~, fishing is prohibited on Fridays, Saturdays and Sundays, except Friday, December 27, 2019 ~~Fridays December 7 and 14, 2018~~ which shall remain open. Fishing is prohibited on December 25, 2018.
- B. In January ~~2020 2019~~, February 2020 and March 2020, fishing is prohibited on Fridays, Saturdays and Sundays, ~~except Fridays, January 4 and 11, 2019 which shall remain open.~~ ~~Fishing is prohibited on Monday, January 1, 2019.~~
- C. ~~In February and March 2019, fishing is prohibited on 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 November 18, 2019 through April 18, 2020 ~~December 1, 2018 through April 13, 2019~~, both days inclusive, with the following exceptions:

- A. In the month of November 2019, fishing is permitted on days 18, 19, 23, 25, 26 and 30, 2019. December ~~2019 2018~~, fishing is prohibited on Sundays, Mondays and Tuesdays; and also, Wednesday 25, 2019.

- B. In the months of January and February 2020-2019, fishing is prohibited on Sundays, Mondays, and Tuesdays; and also January 1, 2020.
- C. In the months of March and April 2020 March-2019, fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays.
- ~~D. In the month of April 2019, fishing is prohibited on Sundays, Mondays, Tuesdays, and Wednesdays and April 11, 2019.~~

5. Zone 2 State Waters season

In addition to the dates identified for draggers and divers in Zone 2 in sections 3 and 4 above, the Atlantic Sea Scallop harvesting season in Maine's territorial waters around Machias Seal Island and North Rock is open December 2 January 1, 2019 through December January 31, 2019, both days inclusive.

6. Zone 3 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 3 is open December 2, 2019 through March 25, 2020 December 3, 2018 through March 27, 2019, both days inclusive, with the following exceptions:

- A. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the month of December 2019 2018, and prohibited on, December 25, 2019 2018.
- B. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the months of January, February and March 2020 2019.

7. Zone 3 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 3 is open December 5, 2019 through March 28, 2020 December 1, 2018 through March 28, 2019, both days inclusive, with the following exceptions:

- A. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays in the months of December 2019 2018; and January, February, and March 2020 2019.

11.12 Ten (10) Year Rotational Management Plan

1. Zone Two (2): Eastern Maine

The open and closed seasons in the specified areas within Zone Two (2) shall be open on a rotational basis as shown in the following table:

Zone Two (2) Eastern Maine 10 Year Rotational Management Plan Schedule										
Rotation	Year 1 2012-13 Season	Year 2 2013-14 Season	Year 3 2014-15 Season	Year 4 2015-16 Season	Year 5 2016-17 Season	Year 6 2017-18 Season	Year 7 2018-19 Season	Year 8 2019-20 Season	Year 9 2020-21 Season	Year 10 2021-22 Season
First	X	X	OPEN	X	X	OPEN	X	X	OPEN	X
Second	OPEN	OPEN	X	X	OPEN	X	X	OPEN	X	X
Third	OPEN	OPEN	X	OPEN	X	X	OPEN	X	X	OPEN

B. Second Rotation

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following closed areas, except for the 2012-13 fishing season, the 2013-14 fishing season, the 2016-17 fishing season and the 2019-20 fishing season. All directions are relative to True North (not Magnetic unless specified as such).

Transiting exception:

Any vessel possessing scallops onboard, may transit these closed areas, only if the vessel has all fishing gear (dredges, drags) 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.

(1) The Cutler Shore

Eastern boundary: South and West of a line starting at the most western tip of Jim's Head in the town of Trescott and Magnetic South to the three mile limit.

Western boundary: North and East of a line drawn South from Western Head, Great Head, Cutler to the three mile limit.

(2) Chandler Bay/Head Harbor Island

Eastern boundary: North and West a line starting at the most northeastern point of Great Head, Roque Island then northeast to the most southern end of Shoppee Point, Roque Bluffs and from the eastern tip of Great Spruce Island to the day board at East Black Rock 'RW Bn', and then True South to the three mile limit, including the Thoroughfare between Roque Island and Great Spruce Island.

Western boundary: East of the Jonesport Bridge then True South from the most Eastern tip of Little Pond Head to the three mile limit.

(3) Narraguagus/Pigeon Hill Bay

Eastern boundary: South and West of a line starting at Strout Point in the town of Milbridge to the most northern tip of Foster Island in the town of Milbridge then The most southeastern tip of Fosters Island to the most northern tip of Dyers Island; continuing from southern tip of Dyers Island to the most northwestern tip of Flint Island and the most southwestern tip of Flint Island then running Magnetic South to the three mile limit.

Western boundary: North and East of a line starting at the most southern tip of Petit Manan to EB gong, then South to the northern most tip of Green Island; then from the southeastern top of Green Island to the northern tip of Petit Manan Island; then from the southern tip of Petit Manan Island to N"2", then to G"1" bell , then True South to the three mile limit.

(4) Cranberry Isle Area

Eastern boundary: South and West of a line starting at the most eastern end of Otter Point, Mount Desert Island continuing SE (135°) to the three mile limit at Latitude 44 16.080 N Longitude 68 07.919 W.

Western boundary: North and East of a line starting at Bass Harbor Head Light then in a southeast direction to the most easterly point on the eastern head of Great Gott Island continuing on True South to the three mile limit.

(5) Lower Blue Hill Bay/Jericho Bay

Eastern boundary: North and West of a line from the southern most tip of Lopaus Point to the northern most point of Black Island; continuing from the western most tip of Black Island to the northern most tip of Swans Island Head.

Western boundary: North and East of the line from the most southeastern point of Naskeag Point, Brooklin to the northern most tip of Swan's Island Head, Swan's Island.

Northern boundary: South of a line drawn from the eastern most point of Harriman Point due East to the southern tip of Hardwood Island, then South to the northern tip of Moose Island, then from the southern tip of Moose Island East to Reed Point, Mount Desert Island.

(6) East Isle Au Haut Bay

Eastern boundary: West of a line from the eastern tip of Coles Head on Whitemore Neck,

Deer Isle to the western most point of Millett Island, then South to Richs Point, Isle Au Haut; then from the southern tip of Eastern Head, Isle au Haut, True South to the three mile limit.

Western boundary: South and East of a line starting at Moose Island, Deer Isle, to the western most point of Farrel Island, then True South to the three mile limit

(7) Mid Penobscot Bay

Northern boundary: South of a line from the most northwestern point of Little Deer Isle to the most northern point of Pickering Island, then to the most eastern tip of Dark Harbor, Islesboro; continuing on from Grindel Point, Islesboro due West to the Sea Urchin Zone line at Latitude Latitude 44 16.913 N Longitude 68 58.508 W.

Southern boundary: North of a line starting at the southern most point of Stinson Point, Deer Isle, West to Mullen Head, North Haven AND North of a line starting at Pulpit Rock, North Haven due West to the Sea Urchin Zone line at Latitude 44 09.551 N Longitude 69 01.510 W.

(8) Outer Islands (Machias Seal Island and North Rock)

Territorial waters surrounding Machias Seal Island and North Rock.

11.13 Trigger Mechanism

The Commissioner may close any portion of Maine's territorial waters to harvesting 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.

Strike this Zone 1 drag calendar page:

2018 - 2019 Scallop Season Calendar

Zone One (1)

60 Day DRAG Season (15 gallons)

O Zone 1 Limited Access Areas Draggers
O Open
 Closed

December 2018						
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	31					

10

January 2019						
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	31		

18

February 2019						
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		

16

March 2019						
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
30	31					

16

Total Days
60

Total Limited Access Areas Days
12

Total Weeks
17

Strike this Zone 2 drag calendar page:

2018 - 2019 Scallop Season Calendar

Zone Two (2)

70 Day DRAG Season (15 gallons)

Zone 2 Limited Access Areas Draggers
 Open
 Closed

December 2018						
S	M	Tu	W	Th	F	S
						1
2	3 O	4 O	5 O	6 O	7 O	8
9	10 O	11 O	12 O	13 O	14 O	15
16	17 O	18 O	19 O	20 O	21	22
23	24 O	25	26 O	27 O	28	29
30	31 O					

18

January 2019						
S	M	Tu	W	Th	F	S
		1	2 O	3 O	4 O	5
6	7 O	8 O	9 O	10 O	11 O	12
13	14	15 O	16 O	17 O	18	19
20	21 O	22 O	23 O	24 O	25	26
27	28 O	29 O	30 O	31 O		

20

February 2019						
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		

16

March 2019						
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

Total Days
70

Total Limited Access Areas Days
0

Total Weeks
17

Strike this Zone 3 drag calendar page:

2018 - 2019 Scallop Season Calendar

Zone Three (3)

50 Day DRAG Season (10 gallons)

O Zone 3 Limited Access Areas Draggers
O Open
 Closed

December 2018						
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	17 O	18 O	19 O	20	21	22
23	24 O	25	26 O	27	28	29
30	31 O					

12

January 2019						
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

February 2019						
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 2019						
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
30	31					

12

Total Days
50

Total Limited Access Areas Days
17

Total Weeks
17

Strike this Zone 1 dive calendar page:

2018 - 2019 Scallop Season Calendar Zone One (1) 60 Day DIVE Season (15 gallons)

Zone 1 Limited Access Areas Divers Open Closed

November 2018						
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	

5

December 2018						
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	31					

20

January 2019						
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	31		

4

February 2019						
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		

0

March 2019						
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
30	31					

15

April 2019						
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				

16

Total Days
60

Total Limited Access Areas Days
16

Total Weeks
13

Strike this Zone 2 dive calendar page:

2018 - 2019 Scallop Season Calendar Zone Two (2) 70 Day DIVE Season (15 gallons)

Zone 2 Limited Access Areas Diver Open Closed

November 2018						
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

December 2018						
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	31					

17

January 2019						
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	31		

13

February 2019						
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		

12

March 2019						
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
30	31					

18

April 2019						
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				

10

Total Days
70

Total Limited Access Areas Days
0

Total Weeks
20

Strike this Zone 3 dive calendar page:

2018 - 2019 Scallop Season Calendar Zone Three (3) 50 Day DIVE Season (10 gallons)

Zone 3 Limited Access Areas Diver Open Closed

November 2018						
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

December 2018						
S	M	Tu	W	Th	F	S
						1 O
2	3	4	5	6	7	8 O
9	10	11	12	13	14	15 O
16	17	18	19	20	21	22 O
23	24	25	26	27	28	29 O
30	31					

13

January 2019						
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	31		

13

February 2019						
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		

12

March 2019						
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
30	31					

12

April 2019						
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
18

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

FINAL CALENDAR
2019-2020 SCALLOP SEASON ZONE 1 DRAG
60 days; 12 LAA days



Zone 1 Limited Access Area



Open



Closed

NOVEMBER 2019 0 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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

DECEMBER 2019 12 Days						
Su	Mo	Tu	We	Th	Fr	Sa
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	31				

JANUARY 2020 18 Days						
Su	Mo	Tu	We	Th	Fr	Sa
			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	31	

FEBRUARY 2020 16 Days						
Su	Mo	Tu	We	Th	Fr	Sa
						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

MARCH 2020 14 Days						
Su	Mo	Tu	We	Th	Fr	Sa
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	31				

APRIL 2020 0 Days						
Su	Mo	Tu	We	Th	Fr	Sa
			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	31	

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

FINAL CALENDAR
2019-2020 SCALLOP SEASON ZONE 1 DIVE
60 days; 13 LAA days



Zone 1 Limited Access Area



Open



Closed

NOVEMBER 2019 10 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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

DECEMBER 2019 15 Days						
Su	Mo	Tu	We	Th	Fr	Sa
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	31				

JANUARY 2020 0 Days						
Su	Mo	Tu	We	Th	Fr	Sa
			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	31	

FEBRUARY 2020 0 Days						
Su	Mo	Tu	We	Th	Fr	Sa
						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

MARCH 2020 13 Days						
Su	Mo	Tu	We	Th	Fr	Sa
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	31				

APRIL 2020 22 Days						
Su	Mo	Tu	We	Th	Fr	Sa
			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		

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

FINAL CALENDAR
2019-2020 SCALLOP SEASON ZONE 2 DRAG
70 days

Open Closed

NOVEMBER 2019 0 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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

DECEMBER 2019 18 Days						
Su	Mo	Tu	We	Th	Fr	Sa
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	31				

JANUARY 2020 18 Days						
Su	Mo	Tu	We	Th	Fr	Sa
			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	31	

FEBRUARY 2020 16 Days						
Su	Mo	Tu	We	Th	Fr	Sa
						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

MARCH 2020 18 Days						
Su	Mo	Tu	We	Th	Fr	Sa
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	31				

APRIL 2020 0 Days						
Su	Mo	Tu	We	Th	Fr	Sa
			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		

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

FINAL CALENDAR
2019-2020 SCALLOP SEASON ZONE 2 DIVE
70 days

Open Closed

NOVEMBER 2019 6 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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

DECEMBER 2019 15 Days						
Su	Mo	Tu	We	Th	Fr	Sa
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	31				

JANUARY 2020 18 Days						
Su	Mo	Tu	We	Th	Fr	Sa
			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	31	

FEBRUARY 2020 17 Days						
Su	Mo	Tu	We	Th	Fr	Sa
						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

MARCH 2020 8 Days						
Su	Mo	Tu	We	Th	Fr	Sa
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	31				

APRIL 2020 6 Days						
Su	Mo	Tu	We	Th	Fr	Sa
			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		

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

FINAL CALENDAR
2019-2020 SCALLOP SEASON ZONE 3 DRAG
50 days; 17 LAA days



Zone 3 Limited Access Area



Open



Closed

NOVEMBER 2020							0 Days
Su	Mo	Tu	We	Th	Fr	Sa	
					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	

DECEMBER 2019							13 Days
Su	Mo	Tu	We	Th	Fr	Sa	
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	31					

JANUARY 2020							13 Days
Su	Mo	Tu	We	Th	Fr	Sa	
			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	31		

FEBRUARY 2020							12 Days
Su	Mo	Tu	We	Th	Fr	Sa	
						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	

MARCH 2020							12 Days
Su	Mo	Tu	We	Th	Fr	Sa	
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	31					

APRIL 2020							0 Days
Su	Mo	Tu	We	Th	Fr	Sa	
			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			

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

FINAL CALENDAR
2019-2020 SCALLOP SEASON ZONE 3 DIVE
50 days; 17 LAA days

Zone 3 Limited Access Area

Open

Closed

NOVEMBER 2019							0 Days
Su	Mo	Tu	We	Th	Fr	Sa	
					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	

DECEMBER 2019							12 Days
Su	Mo	Tu	We	Th	Fr	Sa	
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	31					

JANUARY 2020							14 Days
Su	Mo	Tu	We	Th	Fr	Sa	
			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	31		

FEBRUARY 2020							13 Days
Su	Mo	Tu	We	Th	Fr	Sa	
						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	

MARCH 2020							11 Days
Su	Mo	Tu	We	Th	Fr	Sa	
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	31					

APRIL 2020							0 Days
Su	Mo	Tu	We	Th	Fr	Sa	
			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			

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573;
web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 11 Scallops; 2019-2020 Season

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

DATE AND PLACE OF PUBLIC HEARING:

September 12, 2019, 6:00 PM, DMR – Augusta, Rm 118, 32 Blossom Lane, Augusta, ME;
September 16, 2019, 6:00 PM, Ellsworth City Hall Auditorium, One City Hall Plaza, Ellsworth, ME
September 17, 2019, 6:00 PM, University of Maine at Machias, Rm 102, 116 O'Brien Avenue Machias, ME;

COMMENT DEADLINE: September 27, 2019

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [see §8057-A(1)(A)&(C)]

Scallop regulations must be updated for each new season to adjust the schedules and closure lines based on data from the previous season.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___ YES ___ X NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

This rule-making establishes the 2019-2020 scallop fishing season. Daily possession limits of 15 gallons for Zone 1 and Zone 2, and 10 gallons for Zone 3 remain unchanged. For Zone 1, a 60-day season for draggers begins on December 9, 2019 and the last day of the season is March 26, 2020. For Zone 1, a 60-day season for divers starts on November 14, 2019 and the last day of the season is April 30, 2020. For Zone 2, a 70-day season for draggers starts on December 2, 2019 and the last day of the season is March 31, 2020. For Zone 2, a 70-day season for divers starts on November 18, 2019 and the last day of the season is April 18, 2020. For Zone 3, a 50-day season for draggers begins on December 2, 2019 and the last day of the season is March 25, 2020. For Zone 3, a 50-day season for divers begins on December 5, 2019 and the last day of the season is March 28, 2020.

In Zone 1, Casco Bay, Sheepscot River, Muscle Ridge, and W. Penobscot Bay Areas, as well as Whiting/Dennys Bays in Zone 3 are Limited Access Areas with reduced harvesting days. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock are open to harvest all days during December 2019, in addition to open Zone 2 calendar days throughout the season.

DMR maintains the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops: Lower Muscle Ridge, Eastern Casco Bay, Upper Sheepscot River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

This rule removes the drag size gear restriction in the Blue Hill Bay area (currently 8'6") allowing harvesters to utilize any drag size, provided it does not exceed the State maximum of 10' 6". Additionally, this rule amends the boundary for the Cutler Shore Rotational Area by moving the western boundary eastward to Western Head and extending south to the three nautical mile junction.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]

Recommendations from the Scallop Advisory Council, scallop industry members [harvesters and dealers] and Bureau of Marine Science staff.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

Enforcement of this rule will not require additional activity in this agency. Existing enforcement personnel will monitor compliance during their routine patrols.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used

Basis Statement

This rule-making establishes the 2019-2020 scallop fishing season. Daily possession limits of 15 gallons for Zone 1 and Zone 2, and 10 gallons for Zone 3 remain unchanged. For Zone 1, a 60-day season for draggers begins on December 9, 2019 and the last day of the season is March 26, 2020. For Zone 1, a 60-day season for divers starts on November 14, 2019 and the last day of the season is April 30, 2020. For Zone 2, a 70-day season for draggers starts on December 2, 2019 and the last day of the season is March 31, 2020. For Zone 2, a 70-day season for divers starts on November 18, 2019 and the last day of the season is April 18, 2020. For Zone 3, a 50-day season for draggers begins on December 2, 2019 and the last day of the season is March 25, 2020. For Zone 3, a 50-day season for divers begins on December 5, 2019 and the last day of the season is March 28, 2020.

In Zone 1, Casco Bay, Sheepscot River, Muscle Ridge, and W. Penobscot Bay Areas, as well as Whiting/Dennys Bays in Zone 3 are Limited Access Areas with reduced harvesting days. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock are open to harvest all days during December 2019, in addition to open Zone 2 calendar days throughout the season.

DMR maintains the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops: Lower Muscle Ridge, Eastern Casco Bay, Upper Sheepscot River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

This rule removes the drag size gear restriction in the Blue Hill Bay area (currently 8'6") allowing harvesters to utilize any drag size, provided it does not exceed the State maximum of 10' 6". Additionally, this rule amends the boundary for the Cutler Shore Rotational Area by moving the western boundary eastward to Western Head and extending south to the three nautical mile junction.

In consideration of the public comments, the Department has made the following changes:

- The proposed amendment to the harvest start and stop time to be a set time was struck and the rule remains as originally written; harvest will commence at sunrise and cease at sunset, as defined in 12 MRS 6001 45 and 46.
- Zone 2 dive calendar was modified to re-distribute days from April into December, 2019, January and February, 2020.
- The open month for Machias Seal Island and North Rock state waters was moved to December 2nd through 31st, 2019 from the proposed January 1st through 30th 2020, to accommodate the request for additional harvest opportunity in the month of December.

Summary of Comments

Notice of this proposed rulemaking appeared on August 21, 2019 in the five major daily newspapers as published by the Secretary of State. On August 21, 2019, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. Electronic notice was provided to scallop license holders, who provided the Department with an email address. Public hearings were advertised in compliance with the procedures outlined in the Maine Administrative Procedures Act and were held as follows: September 12, 2019, 6:00 PM, DMR – Augusta, Rm 118, 32 Blossom Lane, Augusta, ME; September 16, 2019, 6:00 PM, Ellsworth City Hall Auditorium, One City Hall Plaza, Ellsworth, ME ; and September 17, 2019, 6:00 PM, University of Maine at Machias, Rm 102, 116 O'Brien Avenue Machias, ME. The comment period closed on September 27, 2019.

Augusta Public Hearing Attendees:

Members of the Public	DMR Staff
Jim Wotton, Doug McLennan, and Travis Fogg	Melissa Smith and Amanda Ellis

Ellsworth Public Hearing Attendees:

Members of the Public	DMR Staff
Dana Black, Christine Black, Brian Gordius, Tim Robinson, and Curtis Haycock	Melissa Smith and Amanda Ellis

Machias Public Hearing Attendees:

Members of the Public	DMR Staff
Colon Alley, James Ackley, Rocky Alley, Ernest Kelley Sr., Ira Kelley, John Polk, Billy Moore, Ryan Schoppee, Ralph Dennison, Robert Alley Sr., and Will Tuell (House District 139).	Melissa Smith, Amanda Ellis, Matthew Carter (MPO), and Sergeant Mark Murry.

Comments:

Jim Wotton, Augusta Public Hearing, September 12, 2019

I oppose parts of this rule, not all of it. I support the elimination of the drag size in blue hill bay the more consistent we can keep this the better it will be. I oppose the 7am start time. If its an issue of confusion or people not knowing when sunrise is, it is as simple as on the calendar including the sunrise. Give everyone a calendar and have the start time on it. If it was an enforcement issue and Patrol was asking for it, I might support it. But I don't see a need for it, because it punishes the guys that like to get up and get their day over with. Zone 1 should have the same amount of days as Zone 2. For the last few years we've had ten days less and at the end of the season there's been not a huge influx but boats from Zone 2 who have had their areas closed down from emergency closures have come to this zone and finished out their season here. If it can support those boats at the end of the season, I believe it can support the boats at the beginning of the season. I'd like to see 70 days for both zones and have the calendars mirror.

Doug McLennan, Augusta Public Hearing, September 12, 2019

What Jimmy said is about how I feel about the time. Daylight to dark that's how its always been. We don't need a change. Its not about enforcement. It would be nice to have our ten days back. Like Jimmy says, I am just like what he said. I am going to write a letter too.

Travis Fogg, Augusta Public Hearing, September 12, 2019

I oppose the start time and end time. I think we should stick with the sunrise and sunset provision as is. I would support ten extra days in Zone 1, because I feel like the area can support the fishing effort. Other than that, I don't have any opposition to the rule.

Dana Black, Ellsworth Public Hearing, September 16, 2019

The ten foot six that really doesn't bother much, because there are only a handful of boats that came up. That's not a big deal, but the time limit. I mean, in December we are saving a little bit. I'd like to see it at 6:30 we're not bankers. I want to go out, get my stuff and come home. I asked two years if we could get the time changed and I was told no, because it was too much of a process and it will never happen. I would like to see a 6:30 start time because if we get a season that goes through March we can start fishing at 6:30 in the morning. For the calendar, with our season, I am fine with that. One thing, three years ago, that happened when this area was open near Naskeag. For starters it was open before Zone 1 and we had boats coming up here getting the gravy of it and then going back to where they came from. We ought to at least start everything at the same time. For the divers I don't think its fair to give them 6 days before we do. Once again, when we had this area opened last time, it got shut down around the first of February, but they left it open for the divers. We got shut down, because the resource had been depleted and somebody kept it open just to give it to the divers. That's not fair and I feel you are being prejudiced about that. We all ought to have the same season. Why do they get a head start? They're going to get six days of a gravy hot spot. If our season only goes 36 days, or less which happened before, who loses? The draggers are going to lose.

Tim Robinson, Ellsworth Public Hearing, September 16, 2019

I am in favor of the 7am start time. Divers can't see anything before then. I am in favor of the November days, but they're giving us 20 days in March and April by then the scallops are depleted. It's a hotly contested derby fishery, so I want most of the days in November, December, January, and February. Please move days in March and April to Wednesdays and Thursdays in January, and Wednesdays in February. More days in December would be nice.

Curtis Haycock, Ellsworth Public Hearing, September 16, 2019

The whole 7am thing. There was a lot of discussion last year about this, because its hard for law enforcement without start and stop times. Those times were just thrown out there. We thought at the time it would be split you'd get more time in December, but I think no one realized how much time you'd be losing once we got past January. I know some of the guys are going to try to push around this and some of them might try to go to the legislature to get it changed so it's like the lobster fishery. That being said, I think 6:30 would put it early enough that they wouldn't go ahead and try to do it that way. I guess 6:30 would be fine with me and if you don't want to go that early you don't have to. I think everyone throughout the state should start at the exact same time, on the exact same day. No early season for divers, no December 9th for Zone 1. I think we all ought to start on December 2nd divers, draggers, everyone alike to keep it fair. I am for removing the drag size. Like I said I don't have a ten foot drag, but I know there is a lot of discrepancy with the guys using digbys. They were measuring out a little over what the specific size was. We're only allowed there until we get our limit, so it doesn't matter what drag size you are towing.

James Ackley, Machias Public Hearing, September 17, 2019

I think you ought to leave the scallop season to start on December 2nd. It's always worked out well that way. On the start time, I think we just ought to leave it the way it was before. It's always been that way. If you change it you are going to have people out there doing what they're not supposed to. If we leave it like it is someone can't play ignorant of the law and say they didn't know. Its always been that way, we ought to keep it that way.

Ralph Dennison, Machias Public Hearing, September 17, 2019

I am happy with the seasons as they are now and would like to see them remain that way.

Billy Moore, Machias Public Hearing, September 17, 2019

Last year we finally got them to do five days during the first two weeks of December. Now I see it is back to four. We did that because of the price thing with Canada. We are trying to beat Canada in the month of December. I am hoping they'll put it back to five days like it was last year. I agree with what Jim said about the start time. I don't care about the sunset, because I hope we aren't out there at that time anyway. The concern with four days probably had to do with what is being dragged, but the first weeks of the season probably won't have an effect on a closure. In the beginning we're not doing enough for it to be closed in December.

Ira M. Miller, Scallop Advisory Council Member, submitted via email, September 11, 2019

I am writing to you to express my feelings on the proposed change of start times for State waters scalloping. I sit on the SAC as the public member and supported this proposal when it was voted on by the Council. At this time, I am reversing my support on this as I see this as an enforcement issue or lack thereof. The proposed rule change will very possibly affect those who have conducted their fishing operations in a legal manner in a negative way by taking opportunities to harvest scallops at their discretion. Taking into account things like weather, catch and other variables while doing nothing to increase the likelihood of enforcement from having any more ability to enforce the start and stop times than are available to Marine Patrol now. So for those reasons I oppose any changes to Chapter 11.07.

Doug McLennan, submitted via email, September 16, 2019

I would like to say I accept the season proposed, with the exception that the 7 am to 430 pm is removed and the Sunrise to sunset that we have used for years is kept in place. This provision for the change was from a personal matter from a SAC member, and not from enforcement or for conservation. I would also like to see the season for zones 1 and 2 be the same, with the same amount of days for both zones. Zone 1 has had boats from zone 2 in the end of the season after they were closed, so we should be able to support the added days in the beginning of the season. The ten days were removed years ago, mainly due to the Mussel Ridge area being overfished when it was open 4 days a week. That is no longer the case, as it is now a one day a week opening. On that subject, I would also like to see the LAA that goes from Two Bush Island, to Mosquito Head suspended. The western LAA was suspended last year, and there is no need to keep the eastern closure in place. This is a huge piece of bottom, that is mostly mud, and been accessible only on the day as the Mussel Ridge opening, and hasn't been fished. Boats go to the Mussel Ridge on those days, and never get a chance to look into the LAA. This area has some protection from NW and NE wind, and would provide a place to go when the wind blows from these directions. There is not a lot of protected areas from the wind in the outer area, as it is mostly open ocean.

20 individuals submitted the following comment, which was received via mail on September 26, 2019. The individuals that submitted the comment were: David Leach, Barry Wood, Jr., Frank Coffin, Allen Taylor, Billy Moore, Patrick Feeney, Wendell Davis, Jason Prescott, Peter Taylor, Michael Murphy, Sr., Patrick Taylor, Joey Wood, Brian Cates, Horace Moore, Joshua Cates, Clayton Coffin, Robert Cates, Ryan Shoppee, Troy Ramsdell, and Russel Leach

I would like to oppose the proposed scallop rule for the season 2019-2020. I believe the season should be 5 days a week for the month of December, this would add value to the fisheries. I do not believe that we should be taking days away during the most time in the season. All scallop fisherman should begin on the same day, this would mean that both divers and draggers would begin their season on December 2nd. There will not be any surveys or scallop mass monitoring during the month of November, therefore, people shouldn't be scalloping during that month. I believe that Machias Seal Island should be open from December 1st to April 15th, this is an unregulated zone for Canada, it is my opinion that we should treat it the same. Moving lines this late in the rotational management game i.e. Great Head/Western Head. Moving lines now, 7 years into rotational management, makes it more confusing than just leaving it the lines the way they currently are. I believe the scallop season days should run from day light until dark, I don't believe that a 7 a.m. start time will do anything to better the fisheries. I don't believe that a January 1 start date will benefit the scallop fisheries since it doesn't make sense to change a fishing season around another season, it's not a good idea to cater around the other fisheries. A December 15th start date has already been attempted and the market crashed the second week after that scallop season began, this is not in the best interest of the scallop fisheries. I do not believe that allowing 3 people to call in on an area, resulting in the closure of that area is an effective management plan. There should be a minimum of 10 people, they would need to file a complaint which would include their names, and their names should be published in the emergency ruling since this is a public office with public information. I believe that Region 1 and Region 3 should be status quo. Region 2 has been micromanaged and it is time for this to stop. The quality of our scallops has decreased as they are older, the buyers don't want to buy them, making them less valuable to all at this point. With rotational management, if Region 2 dragged every single scallop in open areas, then they could only drag 33% of their biomass. With the way that

rotational management goes, one area is open for one season then closed for the next two seasons, this means that we aren't getting 30% of the biomass every year, but only 30% every 3 years. This really only allows us to have 10% of the biomass on a yearly basis. Since there are so many scallops left in the ocean this is an aging population. As scallops age their quality decreases and reproduction decreases, which lowers their value and their ability to repopulate. The survey shows that when properly managed allowing 33% of the scallops to be harvested with the 2-year closure following that devastation, has always been the biggest bang for our buck, scallops are worth the most. Closing areas early has done nothing but cause our fleet to travel, work in harsher weather conditions and decrease the value of our scallops.

Travis Fogg, submitted via email, September 27, 2019

I am opposed to the proposed daily start and stop times for the upcoming season. The sunrise start and sunset stop times have been in place for many years and were originally established for conflict with lobster gear. This proposed rule would further limit our fishing access in an already limited season. The lobster fishery is allowed access unhindered by any stop or start times in the same months scallop fishing is allowed. Sunrise to sunset gives more time to work around bad weather which is very common in the winter months. Augusta sunrise and set is a good guideline but Patrol should be allowed some leeway for local enforcement as Eastport and Kittery sunrise varies from Augusta. I am in favor of Zone 1 having the same amount of fishing days as Zone 2. I would recommend the same 70 fishing days for both calendars. I would also recommend discontinuing the LAA off Tenants Harbor. The shell to meat yield is historically low and is not fished much unless there is strong Northwest wind on the day it is open hindering the local fleet from fishing elsewhere. Thank you for your time in receiving and reviewing this comment.

Department's Response to Comments:

Drag Restrictions

Three comments were received regarding the removal of the drag size restriction in Blue Hill Bay, all in support of removing this regulation. This area will now allow harvesters to use drag sizes up to the state maximum of ten foot six inches.

Harvest Start and Stop Time

Comments received regarding the proposal to move towards a set 7 am start time to begin harvest and a set 4:30 pm stop time to end the harvest day indicated a majority of opposition. As such, the regulation will remain as currently described.

Cutler Shore Boundary

Comments received regarding the proposal to move the boundary eastward from Great Head to Western Head were all in opposition, stating that a late change in the boundary would be confusing after seven years of existence. However, in this instance, the primary focus is to offer a better line of enforcement for this open area. Marine Patrol supported this recommendation during the Scallop Advisory Council and also supports the Department's decision to maintain this proposed amendment to the boundary line.

Zone 1 Penobscot Bay Limited Access Area

Two comments were received to suspend or revoke the limited access designation of this area. Without having a recommendation by the Scallop Advisory Council on whether to stay or revoke this Limited Access Area, the Department is going to maintain this area for the upcoming 2019-2020 season. However, it will go under review for the future season.

Comparison of Zones

This rule maintains similar measures as seen in the previous season. While commenters alluded to the fact that Zones 1 and 3 under non-rotational management scenarios appear to be operating well, it is important to note that Zone 3 closed after 23 directed harvest days during the 2018-2019 fishing season; the shortest season in several years. Survey data indicates scallop biomass has been trending down annually since 2017. Also, general observations and comments from industry in Zone 1 suggest that scallop biomass has become increasingly patchy. Zone 2 has shown variability in both recruitment success and meat size; these metrics differ among the twenty-one rotational management areas and still

maintain historic trends with certain areas maintaining its known meat size. Localized recruitment areas have not changed but the scallop resource has been spreading out; changing from shallow hotspots and expanding into deeper waters.

Calendars

There were no comments to suggest changes for the Zone 1 dive harvest calendar. However, there were three commenters requesting an additional ten days to be added to the Zone 2 drag calendar. Ideally, the suggestion was that the Zone 1 and Zone 2 drag calendars would mirror each other. General observations during the 2018-2019 fishing year provided no indication that the scallop resource in Zone 1 was increasing. The Department still does not believe the scallop resource in Zone 1 could support an additional ten days of harvesting.

There were comments received regarding the configuration of the Zone 2 dive calendar. The Department did modify the Zone 2 dive calendar based on comments received to shift days into more optional harvest months of January and February from April. The updated calendar is more similar to the previous season’s calendar, with the addition of open days in November. Days removed were April 6, 7, 8, 13, 14, 15, 20, 21, 22, 24, 25, 27, 28 and 29. Days added to the calendar were December 18, 2019; January 2, 8, 9, 15, 16, 22, 23, 29 and 30, 2020; and February 5, 12, 19 and 26 to reach a 70-day harvest calendar.

There were several requests to increase harvest opportunity in the Zone 2 drag calendar, especially in the month of December. To address this request, the Department modified the opening timeframe for the state waters around Machias Seal Island and North Rock. Originally proposed to be open for the month of January 2020, it will now be open for the month of December 2019 (December 2nd through December 31st). This will provide harvesters with up to seven harvest days a week, expanding the opportunity when it is understood that the price is optimal, and product is in high demand at the beginning on the season.

Several comments were positive with respect to the Zone 3 drag and dive calendars. As such, the Department will maintain those calendars as proposed; three days for each drag and dive, weekly for 50 days.

Calendar Revisions

Zone 2 dive calendar below uses red blocks to indicate days that were removed and green blocks to indicate days that were added to reach a 70-day harvest calendar.

