

# Basis Statement

Technical corrections and update in Chapters 11 Scallops,  
12 Mussels, and 25 Lobster and Crab

These adopted regulations correct and update the regulations to improve clarity for enforcement officials and persons in the scallop, mussel and Swans Island Conservation Area fishing industries.

The citation to the Swans Island Conservation Area is corrected in Chapters 11 and 25. The buoy color referenced in Chapter 11.15(2) is corrected from the color black to white. The regulations in Chapter 12 Mussels, has been updated in accordance with 12 MRSA §6746-A for compliance and consistency for the nighttime prohibition on mussel dragging.

## Summary of Comments

No persons from the general public attended the public hearing and no written comments were received.

### Chapter 11 Scallops

#### 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, (AB) (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.

### Chapter 25 - Lobster and Crab Fishing

#### 25.94 Lobster Management Zones

##### 2. The boundaries of the lobster management zones are as follows:

##### b. Zone B

Eastern Line - Schoodic Point due South Magnetic to the Exclusive Economic Zone  
Western Line - Starting at the southernmost end of Newbury Neck following a straight line to a point ¼ mile due east of Pond Island at the intersection of Latitude 44° 13.7' N, Longitude 68° 27.8' W; then to the easternmost point of Black Island; then to the navigation buoy R "8" at the western entrance of York Narrows; then south to Swans Island Head; then continuing along the southwestern shore of Swans Island to West Point; then following the western boundary of the Swans Island Lobster Conservation Area (Chapter 25.90(AB) (1)) southerly to the point where Loran lines 9960-W-12524.5 and 9960-X- 25765.5 (Latitude 44° 01.9' N, Longitude 68° 28.6' W) intersect the 3-mile limit, as identified on National Oceanographic and Atmospheric Administration nautical charts; then 180° magnetic south to the EEZ.

##### c. Zone C

Eastern Line – Starting at the southernmost end of Newbury Neck following a straight line to a point ¼ mile due east of Pond Island at the intersection of Latitude 44° 13.7' N, Longitude 68° 27.8' W; then to the easternmost point of Black Island; then to the navigation buoy R "8" at the western entrance of York Narrows; then south to Swans Island Head; then continuing along the southwestern shore of Swans Island to West Point; then following the western boundary of the Swans Island Lobster Conservation Area (Chapter 25.90(AB)(1)) southerly to the point where Loran lines 9960-W-12524.5 and 9960-X- 25765.5 (Latitude 44° 01.9' N, Longitude 68° 28.6' W) intersect the 3-mile limit, as identified on National Oceanographic and Atmospheric Administration nautical charts; then 180° magnetic south to the EEZ.

Western Line – **Note: No change proposed in the Western Line description.**

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11.15 Scallop Research Conservation Areas, Beals - Jonesport

2. Area 2, Perio Point

The following area off Perio Point and the bridge to Beals, shall be closed to all diver and mobile gear harvest within the described area:

Starting at the US Coast Guard (white/black can) Buoy "C" located at Latitude N 44° 31.573', Longitude W 67° 37.018';

**Note: No further changes proposed in this paragraph.**

Chapter 12 - Mussels

12.01 Nighttime Harvesting Prohibition

~~It shall be unlawful to fish for or take mussels (*Mytilus edulis*) by dragging during the period ½ hour after sunset (as defined in 12 M.R.S.A. §6001, 46) until 1/2 hour before sunrise (as defined in 12 M.R.S.A. §6001, 45) from April 1st to October 31st, both days inclusive, within Maine's territorial waters.~~

In accordance with 12 M.R.S.A. §6746-A it shall be unlawful to fish for or take mussels (*Mytilus edulis*) by dragging between sunset (12 M.R.S.A. §6001(46)) and sunrise (12 M.R.S.A. §6001(45)) within Maine's territorial waters except the Commissioner may authorize the harvest of seed mussels during those times. All requests for this exception must be made to the Department in writing and permits which are granted will be in writing. Any fishing activity not expressly authorized in the permit granted by the Commissioner shall be a violation of this subsection and subject to prosecution and or seizure.