

# NOTICE OF EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources  
STATUTORY AUTHORITY: 12 M.R.S.A. §§6172, 6192, 6193 & 6194  
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## BASIS STATEMENT

The Commissioner of the Maine Department of Marine Resources amends the emergency DMR Chapter 95.10(S), Area No. 10, Saco River and Saco Bay (Biddeford, Saco, Old Orchard Beach), amended on February 13, 2009. This amendment reclassifies Biddeford Pool from “conditionally approved” and “prohibited” to approved, due to a replacement of malfunctioning septic systems and water quality meeting the approved standard. The stream west of Bridge Road will remain prohibited. All existing pollution and red tide/psp closures remain in effect. As authorized by 12 M.R.S.A. §§6172, 6192, 6193 & 6194 the Commissioner of Marine Resources adopts emergency amendments to Chapter 95.10(S).

**RULE TITLE AND SUBJECT:** DMR Chapter 95.10(S), Area No. 10, Saco River and Saco Bay (Biddeford, Saco, Old Orchard Beach), amended on February 13, 2009, is amended as follows:

**TITLE & TEXT OF RULE:** DMR Chapter 95.10(S), Area No. 10, Saco River and Saco Bay (Biddeford, Saco, Old Orchard Beach)

- A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the following areas:
1. Saco Bay: inside and shoreward of a line beginning at the end of Parcher Avenue at East Grand Avenue (Old Orchard Beach); then running southeast to the southwest tip of Stratton Island (Saco); then running southeast to bouy RW “WI”; then running southwest to the east tip of Wood Island (Biddeford); then running northwest to the north tip of Ram Island (Saco); then running northwest to Fairhaven Avenue (Saco).
  2. The Saco River, Saco Bay, and The Pool (Biddeford Pool): inside and shoreward of a line beginning at Fairhaven Avenue (Saco); then running east to the north tip of Ram Island (Saco); then running southeast to the east tip of Wood Island (Biddeford); then running southwest to the east tip of East Point, Fletcher Neck (Biddeford), and continuing southwest to the south tip of South Point, Fletcher Neck (Biddeford); AND north a line beginning at the southeast corner of the mouth of the Saco River; then running southeast to the south tip of Basket Island; then continuing southeast to Fort Hill and on across the mouth of Biddeford Pool to the west end of the Lester B. Orcutt Blvd.
  3. Biddeford Pool: west of a line at Bridge Road. ~~beginning at the small dock in front of house #3 Landing Way and extending southeast across Biddeford Pool to a telephone pole #J15,30,325, located in front of house #38 Mile Stretch Road.~~
- B. Effective immediately, because of pollution, the shores, flats and waters of Hills Beach (Biddeford), inside and shoreward of a line beginning at the southeast corner of the mouth of the Saco River; then running southeast to the south tip of Basket Island; then continuing southeast to Fort Point, is classified as “Conditionally Approved,” and shall be closed to the harvest of clams, quahogs, oysters and mussels from June 1 through September 30.
- ~~C. Effective immediately, because of pollution, the shores, flats and waters of Biddeford Pool (Biddeford), south of line across the mouth of Biddeford Pool beginning at the northeast tip of Fort Point and extending southeast to the west end of the Lester B. Orcutt Blvd; AND north of a line beginning at the small dock in front of house #3 Landing Way and extending southeast across Biddeford Pool to a telephone pole #J15,30,325, located in front of house #38 Mile Stretch Road, is classified as “Conditionally Approved,” and shall be closed to the harvest of clams, quahogs, oysters and mussels from June 1 through September 30.—~~

EFFECTIVE DATE: September 29, 2009

EFFECTIVE TIME: 9:25 AM

AGENCY CONTACT PERSON: Amy M. Fitzpatrick, Department of Marine Resources,  
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[http://www.maine.gov/dmr/rm/public\\_health/closures/closedarea.htm](http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm)



# Maine Department of Marine Resources

09.29.09



## Pollution Area No. 10

Saco River and Saco Bay (Biddeford, Saco, Old Orchard Beach)

