

NOTICE OF EMERGENCY RULE-MAKING

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

The Commissioner of the Maine Department of Marine Resources amends the emergency DMR Chapter 95.03(M), Area No. 16, Maquoit Bay and Middle Bay (Freeport, Brunswick, and Harpswell) promulgated on October 12, 2011. This amendment reclassifies a portion of upper Maquoit Bay from restricted to approved, based on water quality meeting the approved standard. All existing pollution and red tide/psp closures remain in effect. As authorized by 12 M.R.S. §§6172, 6192, 6193 & 6194 the Commissioner of Marine Resources adopts emergency amendments to Chapter 95.03(M).

RULE TITLE AND SUBJECT: DMR Chapter 95.03(M), Area No. 16, Maquoit Bay and Middle Bay (Freeport, Brunswick, and Harpswell), promulgated on October 12, 2011, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.03(M), Area No. 16, Maquoit Bay and Middle Bay (Freeport, Brunswick, and Harpswell)

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. Maquoit Bay (Brunswick): north of a line drawn across the mouth of Bunganuc Creek, beginning at a red painted post located on the on the west shore of the mouth of the creek; then running due east to a red painted post on the east shore of the mouth of the creek.
2. Merepoint Bay (Harpswell): inside and shoreward of a line beginning 1000 feet south of Birch Island Landing; then running north to the westernmost tip of land near Birch Island Landing; then running east to the westernmost point of land 1000 feet north of Birch Island Landing.

B. Effective immediately, because of pollution, the shores, flats and waters of Maquoit Bay (Brunswick): inside and shoreward of a line beginning at a red painted post ~~located on the shore approximately 524 yards southwest of~~ located at Wharton Point then running southeast to a red painted post on the opposite shore approximately 345 yards northeast from the north tip of Pulsifer Point have been classified as "Restricted" and harvest requires a special MDMR permit.

C. Effective immediately, because of pollution, the shores, flats and waters of Merepoint Bay: inside and shoreward of a line beginning at the unnamed point of land 2000 feet north of Paul's Marina (Brunswick), then running southeast to the north tip of Birch Island (Harpswell); then running southwest to the north tip of Gallows Island (Harpswell); then running west to the south end of Windemere Road on Merepoint Neck (Brunswick); have been classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels from April 15 through October 31.

EFFECTIVE DATE: April 13, 2012

EFFECTIVE TIME: 1:28 PM

AGENCY CONTACT PERSON: Kohl Kanwit, Department of Marine Resources,
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Maine Department of Marine Resources

Pollution Area No. 16



Maquoit Bay and Middle Bay (Freeport, Brunswick, and Harpswell)

