

## NOTICE OF EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources  
STATUTORY AUTHORITY: 12 M.R.S. §§6172, 6192, 6193 & 6194  
**Struck text is being removed, and underlined text is being added**

### BASIS STATEMENT

The Commissioner of the Maine Department of Marine Resources amends the emergency DMR Regulation 95.04H, Closed Area No. 37 Condon Point, Brooksville to "The Herricks" Village, Brooksville, amended on September 10, 1996. This amendment reclassifies Orcutt Harbor (Brooksville) from approved to conditionally approved due to intermittent seasonal bacterial pollution impacting the area. 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 95.04 (H).

**RULE TITLE AND SUBJECT:** DMR Regulation 95.04H, Closed Area No. 37 Condon Point, Brooksville to "The Herricks" Village, Brooksville, amended on September 10, 1996, is amended as follows:

**TITLE & TEXT OF RULE:** ~~DMR Regulation Chapter 95.04(H), Closed Area No. 37, Condon Point, Brooksville to "The Herricks" Village and Orcutt Harbor (Brooksville)~~

- A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters and mussels from all shores, flats and waters northerly of a line starting at the most southerly tip of Condons Point and extending easterly along the northern shores of Eggemoggin Reach; terminating at a red-painted post 300' east of the, so called, "Oakland House" wharf in the village of "The Herricks" (Brooksville).
- B. Effective immediately, because of pollution, the shores, flats, and waters of Orcutt Harbor (Brooksville), north of a line between Charles Howard Point and Condons Point; have been classified as "Conditionally Approved" and shall be closed to harvest of clams, quahogs, oysters or mussels from June 1 through October 31.

EFFECTIVE DATE: January 4, 2011

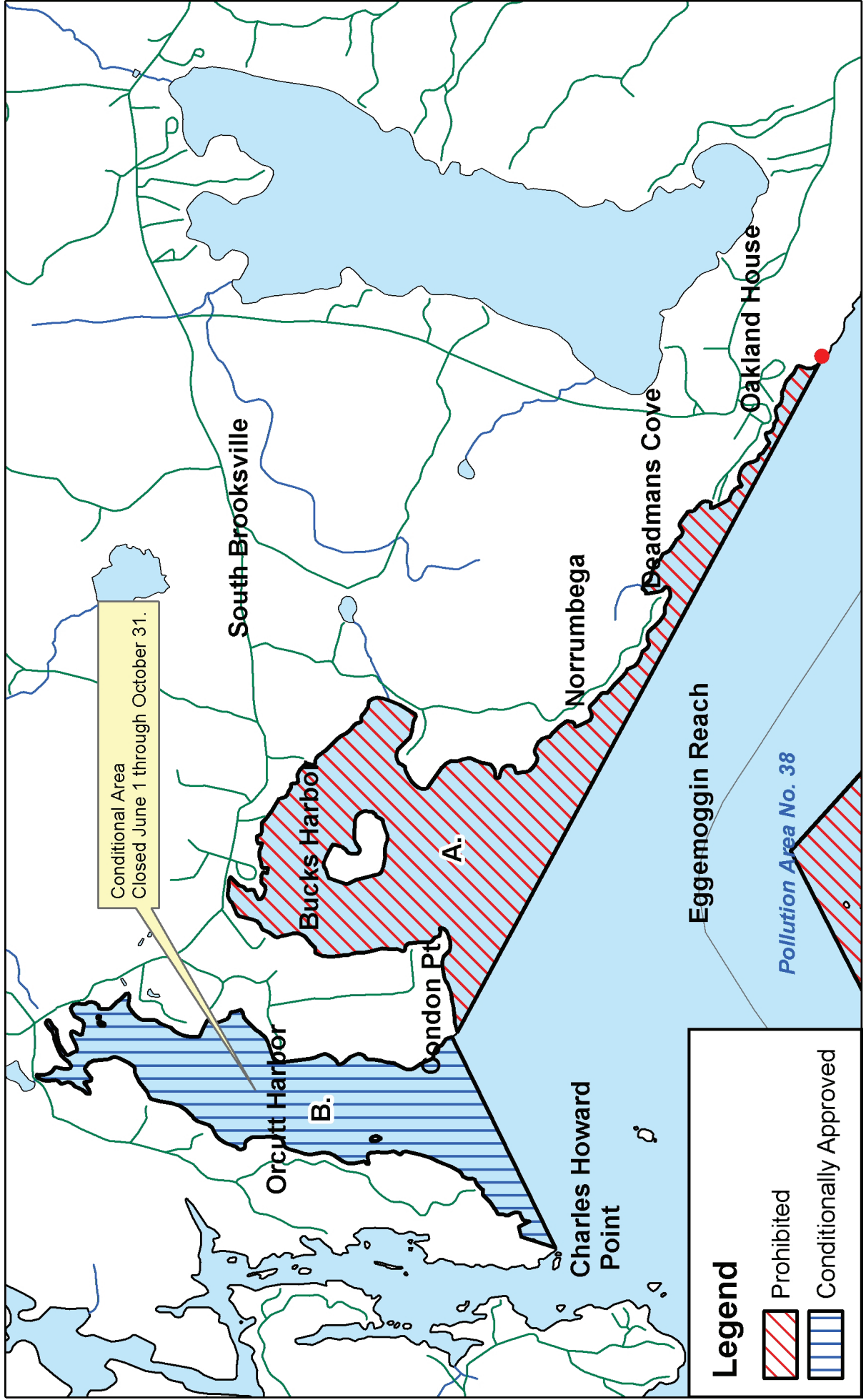
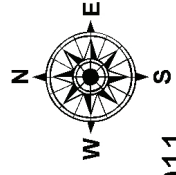
EFFECTIVE TIME: 11:15 AM

AGENCY CONTACT PERSON: Amy M. Fitzpatrick, Department of Marine Resources,  
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# Maine Department of Marine Resources

Pollution Area No. 37

Condon Point to "The Herricks" Village and Orcutt Harbor (Brooksville) January 4, 2011



**Legend**

-  Prohibited
-  Conditionally Approved

