

## 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 Chapter 95.09(N3), Area No. 53-H, Cape Split and Mash Harbor, Addison amended on January 22, 2008. This amendment reclassifies the area in Cape Split from “prohibited” to “approved”, due to the removal of a licensed overboard discharge, and water quality in the area meeting approved standards. The amendment also more precisely describes the positions of the red painted markers defining the restricted area in Mash Harbor. 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 95.09(N3).

**RULE TITLE AND SUBJECT:** DMR Chapter 95.09(N3), Area No. 53-H, Cape Split and Mash Harbor, Addison amended on January 22, 2008, is amended as follows:

**TITLE & TEXT OF RULE:** DMR Chapter 95.09(N3), Area No. 53-H, ~~Cape Split and Mash Harbor,~~ (Addison)

- ~~B.~~ Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels and other marine mollusks from all shores, flats and waters of Mash Harbor (Addison), inside a line beginning at a red painted marker located approximately 460 yards from the head of the cove on the south shore, approximate position 44° 36.272” N and 64° 44.008’ W and running ~~due north~~ in a northerly direction to a red painted marker located approximately 450 yards from the head of the cove on the north shore, approximate position 44° 31.419’ N and 64° 44.014 W. This area is classified as “restricted”, and harvesting requires a special MDMR permit.
- ~~A.~~ ~~Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels and other marine mollusks from all shores, flats and waters of that area bounded by the southwestern shore of Cape Split and a line beginning at the most southern tip of Pitch Point; then extending westerly to the most southeasterly point of Norton Island; then runs northeasterly to a red painted post on the western shore of Cape Split (due east of “Gooseberry Nubble”).~~

EFFECTIVE DATE: May 2, 2011

EFFECTIVE TIME: 1:15 PM

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**Maine Department of Marine Resources**  
*Pollution Area No. 53-H*  
Mash Harbor (Addison)



5/2/11

