

Department of Marine Resources
NOTICE OF AGENCY RULE-MAKING PROPOSAL

RULE TITLE: Chapter 10.05 Taking of quahogs in the sub-tidal waters of
New Meadows Lake, Brunswick and West Bath

CONCISE SUMMARY: These proposed regulations would adopt, through the regular rule-making process, changes that in part became effective with the adoption of the emergency rules in the New Meadows Lake, Brunswick and West Bath. Harvest by towing any dredge, drag or other implement by watercraft, suction pumping device, or diving methods will be prohibited; harvest by any method will be limited to daylight hours, i.e., nights will be closed; and harvest through ice would be prohibited.

STATUTORY AUTHORITY: 12 M.R.S. §6171

PUBLIC HEARING: July 6, 2010, 6:00 pm, Municipal Meeting Room, Maine Street Station, 16 Station Avenue, Brunswick

DEADLINE FOR COMMENTS: July 16, 2010

To ensure consideration, comments must include your name and the organization you represent, if any. Please be aware that any risk of non-delivery associated with submissions by fax or e-mail is on the sender.

AGENCY CONTACT PERSON: Lt. Jon Cornish (207-633-9595)

Mail Written Comments to: Department of Marine Resources, attn L. Churchill

ADDRESS: PO Box 8, West Boothbay Harbor, Maine 04575-0008

WEB SITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL: laurice.churchill@maine.gov **TEL:** (207) 633-9584 **FAX:**(207) 633-9579 **TTY:**(207) 633-9500 (Deaf/Hard of Hearing) Hearing facilities: If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

Additional information:

These regulations would impact commercial and recreational shellfish license holders who harvest quahogs from New Meadows Lake in Brunswick and West Bath.

These restrictions are considered necessary due to a large harvester effort in this relatively small geographical area. The New Meadows Lake was opened last fall and has been heavily harvested all winter and even more so this early spring as observed by local enforcement personnel from the Department of Marine Resources (DMR) and the Town of Brunswick. The DMR is concerned with the sustainability of the resource based on the heavy concentration of harvesters and quantity of product being removed, which might deplete the supply of this quahog resource.

Proposed rulemaking – see underlined or ~~deleted~~ text below:

Chapter 10 Clams and Quahogs

10.05 Taking of quahogs in the sub-tidal waters of New Meadows Lake, Brunswick and West Bath

A. New Meadows Lake: The area bounded by the Old Bath Road and the Brunswick Road.

B. Methods of harvest prohibited

It shall be unlawful to fish for or take quahogs by towing any dredge, drag or other implement by watercraft; by diver/diving (SCUBA or snorkel*); or by pump, suction or any type of mechanical suction device. Hand digging with a so-called clam hoe or bull rake, hand-raking, hand tonging, or picking quahogs out of the mud by hand are allowed. Harvest by cutting through or breaking the ice is prohibited; harvest may take place only through open water.

*Any artificial breathing device that allows a person to breathe underwater.

This subsection does not apply to the holder of a lease issued under 12 M.R.S. §§6072, 6072-A or 6072-B when fishing for or taking quahogs cultivated on the leased area within the waters of New Meadows Lake.

C. Night prohibition

It shall be unlawful to fish for or take quahogs during the period ½ hour after sunset, as defined in 12 M.R.S. §6001(46), until ½ hour before sunrise, as defined in 12 M.R.S. §6001(45).