

**Department of Marine Resources**  
**NOTICE OF AGENCY RULE-MAKING PROPOSAL**

**RULE TITLE:** Chapter 11.09 Atlantic Sea Scallop Harvesting Season 2011-2012;  
Chapter 11.10(1)(H)(5) Closed Areas (Blue Hill technical correction); and  
Chapter 11.15 Scallop Research Conservation Areas, Beals-Jonesport, expired (remove)

**CONCISE SUMMARY:** The proposed rulemaking would establish 2011-2012 scallop fishing season from December 17, 2011 through March 21, 2012 with fishing prohibited on Thursdays and Fridays in December and March, plus December 25, 2011 would be closed. Scallop fishing in the months of January and February would be prohibited on Saturdays and Sundays. There would be a clarification that the Blue Hill Salt Pond is included in the Blue Hill area closure. Also, the research conservation areas in Beals-Jonesport in Chapter 11.15 would be removed since it has expired.

**STATUTORY AUTHORITY:** 12 M.R.S. [§6171](#)

**PUBLIC HEARINGS:**

**July 11, 2011**, 6:00 PM\*, Yarmouth Town Hall, Community Room, 200 Main St., Yarmouth (\*The Zone 1 season proposed rules will be followed by proposed season rules for Zone 2; see separate rulemaking notices.)

**July 14, 2011**, 6:00 PM\*, Ellsworth City Hall (Auditorium), One City Hall Plaza, Ellsworth (\*The Zone 2 season proposed rules will be followed by proposed season and reporting rules for Zone 1; see separate rulemaking notices.)

Following the urchin season hearings for Chapter 26 there will be hearings each night for proposed rulemaking in Chapters 11 (scallops), 25 (lobster), 34 (groundfish) and 2 (seaweed aquaculture), in the order listed, starting immediately upon the conclusion of the hearing for the previous chapter.

**DEADLINE FOR COMMENTS: July 25, 2011**

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.

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**Mail written comments to:** attn: L. Churchill

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(Deaf/Hard of Hearing) Hearing facilities: If you require accommodations due to disability, please contact Amanda Beckwith, at (207) 287-7578.

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**Additional information:**

This season recommendation was made by the Scallop Advisory Council (SAC) at their meeting May 16, 2011 in Hallowell. The proposed season follows the pattern of the 2010-2011 season, with fishing prohibited on Thursdays and Fridays (plus Christmas day) in December and March, and fishing prohibited on Saturdays and Sundays in January and February.

Regarding the addition of the Blue Hill Salt Pond to the Blue Hill Harbor/Morgans Bay Closure, the Salt Pond was inadvertently omitted when this closure was adopted in 2009. The original intention was that this area should be closed. This proposed change would clarify that the Blue Hill Salt Pond is closed. Also, a technical correction is proposed to remove the expired text in Chapter 11.15 for the research conservation areas in Beals-Jonesport.

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

Chapter 11 Scallops

11.09 Atlantic Sea Scallop Harvesting Season

1. The Atlantic Sea Scallop harvesting season in Maine's territorial waters is open December 17, 2011 through March 31, 2012-15, 2010 through March 27, 2014, both days inclusive, with the following exceptions:

- A. In December 2010<sup>1</sup> and March 2014<sup>2</sup>, fishing is prohibited on Thursdays and Fridays. Fishing is also prohibited on ~~Saturday-Sunday~~, December 25, 2010<sup>1</sup>.
- B. In January 2014<sup>2</sup> and February 2014<sup>2</sup>, fishing is prohibited on Saturdays and Sundays.

11.10 Atlantic Sea Scallops Limitations

1. Size, Harvesting and Conservation Zone Regulations

H. Closed Areas

~~(5) Blue Hill Harbor/Morgans Bay Area:~~

~~North of a line drawn from Stills Point, Blue Hill Neck to the most northern point of Long Island, and north of a line drawn from the most northern point of Long Island to the most southwestern point of Newbury Neck.~~

~~(5) Blue Hill Salt Pond/Blue Hill Harbor/Morgans Bay Area:~~

~~All waters of the Blue Hill Salt Pond; as well as waters North of a line drawn from Stills Point, Blue Hill Neck to the most northern point of Long Island, and then continuing to the most southwestern point of Newbury Neck.~~

~~11.15 Scallop Research Conservation Areas, Beals - Jonesport~~

~~1. Area 1, Sheep and Little Sheep Islands~~

~~The following area off Sheep and Little Sheep Islands, Beals, shall be closed to all diver and mobile gear harvest within the described area:-~~

~~Starting at the northeast corner of Little Sheep Island located at Latitude N 44° 31.327', Longitude W 67° 34.020'; thence following a line due east (90° True) to US Coast Guard (green can) Buoy "5" at N 44° 31.328', W 67° 33.726';~~

~~thence following a southerly line (178° True) to US Coast Guard (green can) Buoy "7" at N 44° 31' 080', W 67° 33.715';~~

~~thence following a southwesterly line (197° True) to US Coast Guard (red can) Buoy "6" at N 44° 30.869', W 67° 33.806';~~

~~thence following a northwesterly line (310° True) to the northeastern end of Sheep Island at N 44° 30.948', W 67° 33.939';~~

~~thence following a northerly line (351° True) to the starting point.~~

~~2. Area 2, Perio Point~~

~~The following area off Perio Point and the bridge to Beals, shall be closed to all diver and mobile gear harvest within the described area:-~~

~~Starting at the US Coast Guard (white can) Buoy "C" located at Latitude N 44° 31.573', Longitude W 67° 37.018'; thence following a line due east (94° True) to US Coast Guard (red can east of the Jonesport-Beals bridge) Buoy "48A" at N 44° 31.557', W 67° 36.676';~~

~~thence following a southeasterly line (172° True) to the point of land on Perio Point, Beals Island at N 44° 31' 357', W 67° 36.631';~~

~~thence following a westerly line (265° True) to the point of land on Beals Island west of the bridge at N 44° 31.338', W 67° 36.937';~~

~~thence following a southwesterly line (244° True) to the point of land near Mill Pond on the northwestern corner of Beals Island at N 44° 31.241', W 67° 37.220';~~

~~thence following a northeasterly line (24° True) to the starting point.~~

~~This regulation expires May 1, 2010.~~