

DEPARTMENT OF MARINE RESOURCES

CHAPTER 90 - CONSERVATION AREAS

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Chapter 90 - Conservation Areas

90.02 Lincoln County

A. Boothbay

Conservation Area III. Commencing on June 24, 1960, it shall be unlawful to dig or take in any manner any European oysters from portions of Boothbay and tributary bays and the Sheepscot River and tributary bays in the Towns of Boothbay, Boothbay Harbor, and Southport, Lincoln County, designated and described as follows: All shores, flats and waters inside of a line drawn from the southernmost point of Ocean Point, Linekin Neck, southwesterly to the Coast Guard light station located on the Cuckholds, thence northwesterly to Lower Mark Island, thence northerly to Upper Mark Island in the Sheepscot River, thence easterly to the mainland end of the Hodgdon Island Bridge.

B. Newcastle

Conservation Area I. It shall be unlawful to dig or take in any manner any oysters from all shores, flats and waters of that portion of the Marsh River in the Town of Newcastle, Lincoln County, including the outfall of Sherman Lake, southerly of the railroad bridges across the Marsh River. Nothing herein shall prevent any person from removing seed oysters from the waters of the area; provided the seed oysters are taken or collected in the following manner: In or on bags, crates, strings of shell or other collecting material which bags, crates, strings of shell or other collecting material shall at all times be attached to a raft, floating car or other floating devices anchored in this area of the river for the purpose of collecting seed oysters.

C. Wiscasset

Conservation Area I. It shall be unlawful to dig or take in any manner any marine worms, clams, quahogs, mussels and oysters from all shores, flats and waters of a portion of Sheepscot River, Wiscasset, Lincoln County, bounded on the south by Route No. 1 Highway, on the east by the river channel, on the north by the stone pilings out to the river channel (approximately 192 yards from the Route No. 1 Highway), and on the west by the Maine Central Railroad property.

90.20 Hancock County

1. Taunton Bay Management Area (Hancock, Sullivan, and Franklin)

A. Description

All territorial waters north (inland) of Sullivan Falls also known as Tidal Falls between the Towns of Hancock and Sullivan. The line will be the shortest distance at mean high water between Falls Point, Sullivan and Tidal Falls Conservancy Property, Hancock.

B. Restrictions and Compliance

It shall be unlawful to take or possess by drag any marine organism except mussels within the Taunton Bay Management Area (TBMA); except that dragging may occur in this area on aquaculture leases issued pursuant to 12 M.R.S.A. §6072, §6072-A, or 6072-B, or a limited-purpose aquaculture (LPA) license pursuant to 12 M.R.S.A. §6072-C. Dragging for mussels within the area shall be in accordance with Chapter 90.20(1)(B)(1) and (2) below:

(1) Sensitive areas

The Department shall post on its website the location of all sensitive areas in the TBMA vulnerable to dragging (including but not limited to horseshoe crab over wintering areas, kelp beds, eelgrass beds, aquaculture leases or LPA's, and intake or outflow pipes if known);

- (2) Eligibility
To be eligible to drag for mussels within the TBMA, any harvester of mussels shall submit a drag plan to the Commissioner, in writing 10 business days in advance of harvest and must receive approval by the Commissioner prior to harvesting.
 - (a) All dragging shall be prohibited in areas identified by Chapter 90.20(1)(B)(1) as sensitive areas vulnerable to dragging
 - (b) The drag plan shall indicate:
 - (i) location,
 - (ii) timing of harvest and
 - (iii) amount of mussels proposed to be harvested and
 - (c) Dragging is prohibited without an approved plan.
- (3) Failure to follow the approved drag plan shall be a violation of this regulation.

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EFFECTIVE DATES:

Section 01:

December 26, 1994 - Sec. 01 (A) (Brunswick - REPEALED)
March 5, 1996 - Sec. 01 (Brunswick)
March 9, 1996 - Sec. 01 (Brunswick - REPEALED - EMERGENCY)
May 4, 1996 - Sec. 01 (Brunswick - EMERGENCY)
June 18, 1996 - Sec. 01 (Brunswick)
October 3, 1996 - Sec. 01(A)(1) (Brunswick - REPEALED - EMERGENCY)
January 7, 1997 - Sec. 01(A)(1) (Brunswick - REPEALED)
August 28, 1999 - Sec. 01(B) (Scarborough - REPEALED)

Section 02:

July 27, 1986 - Sec. 02(C) (Wiscasset)
August 28, 1999 - Sec. 02(A) (Boothbay)
August 28, 1999 - Sec. 02(B) (Newcastle)
October 31, 1999 - Sec. 02(C) (Wiscasset Area II - REPEALED)
April 20, 2009 – Sec. 02(C) (Wiscasset)

Section 05:

November 11, 1981 - Sec. 05 (A)(1) (Area I - REPEALED)
November 11, 1981 - Sec. 05(A)(3) (Area III)
December 11, 1985 - Sec. 05(A)(1) (Area II - REPEALED)
October 29, 1991 - Sec. 05 (A) (Areas I, II, III, IV)
December 16, 1995 - Sec. 05 (Area II - REPEALED)
December 12, 1998 - Sec. 05 (Areas I, II, III REPEALED)

Section 10:

April 8, 1998 - Sec. 10 (EMERGENCY - expires July 7, 1998)
May 20, 1998 - Sec. 10 (EMERGENCY - REPEALED).

Section 20:

September 11, 1985 - Sec. 20
September 9, 1987 - Sec. 20(A) (REPEALED)
May 26, 2008 – Sec 20(1)
July 23, 2012- Sec 20(1)

Section 30:

July 27, 1986 - Sec. 30(A) (Steuben - Areas I, II, III)
February 3, 1990 - Sec. 30(B) (Addison - Area I) (expires November 1, 1991)
June 18, 1990 - Sec. 30(A) (Steuben - Areas II, III REPEALED)
April 13, 1991 - Sec. 30(A) (Steuben, Area I REPEALED)
August 28, 1999 - Sec. 30(B) (Addison, Area I - removed language already covered by November 1, 1991 sunset provision)