

# Notice of Agency Rule-making Proposal

MAPA-3 revised 2-2016

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 11 Atlantic Sea Scallop Regulations and 2016-2017 Harvesting Season

BRIEF SUMMARY: This proposed rulemaking establishes the 2016-2017 scallop fishing season. As in the 2015-2016 season, there would be a daily possession limit of 15 gallons for Zone 1 and Zone 2, and a daily possession limit of 10 gallons for Zone 3. For Zone 1, a 60-day season is set for draggers to start on December 5, 2016 and the proposed last day of the season is April 11, 2017. For Zone 1, a 60-day season is set for divers to start on December 1, 2016 and the proposed last day of the season is April 15, 2017. For Zone 2, a 70-day season is set for draggers to start on December 5, 2016 and the proposed last day of the season is March 28, 2017. For Zone 2, a 70-day season is set for divers to start on December 1, 2016 and the proposed last day of the season is April 15, 2017. For Zone 3, a 50-day season is set for draggers to start on December 5, 2016, and the proposed last day of the season is March 29, 2017. For Zone 3, a 50-day season is set for divers to start on December 1, 2016 and the proposed last day of the season is March 24, 2017.

In addition, DMR is proposing to either maintain or implement the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops which include Muscle Ridge (limited), Lower Muscle Ridge, Eastern Casco Bay, Ocean Point, Sheepscot River, Muscongus Bay, New Meadows River, Card Cove and East Moosabec Reach.

Finally, DMR is proposing to implement a Limited Access Area in the MDI region of Zone 2.

Date, time and location of PUBLIC HEARINGS (if any):

**September 12, 2016**, 6:00 PM, Ellsworth City Hall Auditorium, One City Hall Plaza, Ellsworth

**September 14, 2016**, 6:00 PM, University of Maine Machias, Rm 102, 116 O'Brien Avenue Machias, Maine 04654

**September 19, 2016**, 6:00 PM, Lincoln County Communications Center, US-1, Wiscasset, ME 04578

COMMENT DEADLINE: **10/12/2016**

CONTACT PERSON FOR THIS FILING (include name, mailing address, telephone, fax, TTY, e-mail):

NAME: Hannah Dean

AGENCY: Department of Marine Resources

ADDRESS: 21 State House Station  
Augusta, Maine 04333-0021

E-MAIL: hannah.dean@maine.gov

TELEPHONE: (207) 624-6573

FAX: (207) 624-6024

TTY: (207) 633-9500 (Deaf/Hard of Hearing)

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (if different): SAME

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (if any): NONE

STATUTORY AUTHORITY FOR THIS RULE: 12 M.R.S. §6171

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different): SAME

AGENCY WEBSITE: <http://www.maine.gov/dmr/rulemaking/>

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: [DMR.rulemaking@maine.gov](mailto:DMR.rulemaking@maine.gov)

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DEPARTMENT OF MARINE RESOURCES

CHAPTER 11 - SCALLOPS

TITLE INDEX

- 11.01 Definitions
- 11.02 Reporting: See Chapter 8.
- 11.03 Atlantic Sea Scallop Harvesting Season
- 11.04 Configuration of Scallop Drag
- 11.05 Scallop Harvesting Gear Restrictions
- 11.06 Municipal Mooring Field Closures
- 11.07 Atlantic Sea Scallops Limitations
- 11.08 Targeted Scallop Conservation Closures
- 11.09 Scallop Conservation Areas Limited Access
- 11.10 Cobscook Bay Limits and Restrictions
- 11.11 Open and Closed Scallop Fishing Days
- 11.12 Ten (10) Year Rotational Management Plan
- 11.13 Trigger Mechanism

DEPARTMENT OF MARINE RESOURCES

Chapter 11 Scallops

11.08 Targeted Scallop Conservation Closures

Targeted closures are imposed as conservation measures to assist in rebuilding specific areas of the state. Targeted closures may be implemented based on depletion, seed, the presence of spat-producing scallops, and other conservation factors as determined by the Commissioner. Targeted closures are not seasonal closures and are implemented in order to improve and enhance the conservation and rebuilding of the resource in these specific areas.

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following closed areas, except for Muscle Ridge (1) which shall be open to diving on ~~Thursdays~~ Wednesdays and Fridays and shall be open to dragging on Mondays and Tuesdays and ~~Wednesdays~~, in dates specified in section 11.09 ~~and for Casco Bay (27) which shall remain open to hand harvest (scuba divers)~~. All directions are relative to True North (not magnetic).

Transiting exception:

Any vessel possessing scallops onboard, may transit these targeted closures only if the vessel has all fishing gear (dredges, drags, regulators, buoyancy compensators, fins, tanks, weight belts) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch for draggers, while regulators, buoyancy compensators and tanks should be disconnected with fins and weight belts removed for divers.

- (1) Muscle Ridge (Open Mondays and Tuesdays to draggers. Open Wednesdays and ~~Thursdays~~ Fridays to divers.)  
Eastern boundary: West and South of a line drawn from the most eastern tip of Ash Point, South Thomaston at Latitude 44° 02.805 N Longitude 069° 04.393 W to RW "PA" Mo (A) GONG; then continuing southwest to the northern tip of Two Bush Island.

Western boundary: North of a line starting at the northern end of the Rackliff Island causeway then following the shore to the most southern point of Rackliff Island continuing to the most southern point of Norton Island and then continuing to the most southern point of Whitehead Island then to the southern end of Two Bush Island.

- (2) Lower Muscle Ridge  
Northern boundary: East and South of a line beginning at the most eastern tip of Whitehead Island, St. George, to the southern tip of Seal Island (Hay Ledges) continuing to the most southwestern point of Graffam Island, then continuing to the southwestern point of Pleasant Island and continuing in a southeasterly direction to the northeastern tip of Two Bush Island.

Southern boundary: North of a line starting at the most southern point of Whitehead Island, St. George, to the southern end of Two Bush Island.

- (3) ~~Damariscotta River~~  
North of a line drawn from Emerson Point at the southern most tip of Ocean Point in the town of Boothbay, easterly to Thrumcap Island, then northerly to the southern tip of Rutherford Island, South Bristol.
- (4~~3~~) Ocean Point  
West of a line drawn from Emerson Point, at the southernmost tip of Ocean Point, Boothbay at Latitude 43° 48.852 N Longitude 069° 35.454 W, to the most northern tip of Fisherman Island, then continuing to R N "8" AND East of a line draw from R N "8" to the most southwestern tip of Ocean Point at Latitude 43° 48.874 N Longitude 069° 36.332 W.
- (5~~4~~) Eastern Casco Bay  
Eastern boundary: West and North of a line drawn from the most southern tip of Gun Point, Harpswell, to G "3", South of Round Rock; continuing in a southwesterly direction to R N "4" at Drunkers Ledges.  
  
Western boundary: East and North of a line draw from R N "4" at Drunkers Ledges to the most southern tip of Jaquish Island; then east of a line from the most northwestern tip of Jaquish Island at Latitude 43° 42.950N Longitude 70° 00.137W to the most southeastern tip of land along Jaquish Gut at Latitude 43° 43.043N Longitude 70° 00.128W.
- (6) ~~South Portland Harbor~~  
Northern boundary: South of a line drawn from the northern tip of the breakwater on Spring Point, South Portland to the southwestern tip of Fort Scammer Island.  
  
Eastern boundary: West of a line drawn from the southwestern tip of House Island, Portland to the westernmost tip of Cushing Island, Portland, then following the shoreline in a southerly direction to the southwestern most tip of Cushing Island.  
  
Southern boundary: North of a line drawn from the southwestern most tip of Cushing Island to the northeastern most tip of land on the north shore of Ship Cove, Cape Elizabeth.
- (7) ~~Lower Broad Sound~~  
Northern boundary: South of a line drawn from the northern tip of the Bates Island, Cumberland to the northern tip of Eagle Island, Harpswell.  
  
Eastern boundary: West of a line drawn from the southern tip of Eagle Island, Harpswell to West Brown Cow Island, Cumberland.  
  
Southern boundary: North of a line drawn from the western tip of West Brown Cow Island, Cumberland to the eastern most tip of Cliff Island, Cumberland.  
  
Western boundary: East of a line drawn from the eastern most tip of Cliff Island, Cumberland to the southernmost tip of Bates Island, Cumberland
- (8~~5~~) Sheepscot River  
Eastern boundary: West and North of the Townsend Gut Bridge connecting Southport Island and West Boothbay Harbor.

Western boundary: East of a line drawn from the most southern tip of Hockomock Point, Woolwich to the most northern tip of Mill Point, Arrowsic Island, and following the shoreline to the Arrowsic Island-Georgetown Island bridge, and then continuing along the northern coastline to the northeast tip of Dry Point, Georgetown Island.

Southern boundary: North of a line drawn from the southernmost tip of Cape Newagen, Southport Island, to the eastern tip of Outer Head Island, Georgetown Island, then following the southern shoreline to the most southwestern tip of Outer Head Island, then a line drawn due west to the nearest point of land on Griffith Head, Georgetown Island.

(9.6) Muscongus Bay

North and east of a line beginning at the intersection of Latitude 43° 55' N on Pemaquid Neck (just north of Brown's Cove, Bristol), and following this latitude to its intersection on the eastern side of Hupper Island, Port Clyde, then to the southern tip of Marshall Point.

(7) New Meadows River

Southeast boundary: North of a line drawn from the southernmost tip of Birch Point, Phippsburg, to the southernmost tip of Long Island, Harpswell, then continuing along the western coastline to the northern tip of Long Island, Harpswell, then a line drawn due west to the nearest point of land on Sebascodegan Island, Harpswell.

Southwestern boundary: North of the Route 24 Gurnet Bridge (Harpswell).

(8) Card Cove

West of a line drawn from the southeastern most tip of Pinkham Point, Harpswell, in a southwesterly direction to the nearest point of land and to include all of Card Cove, Harpswell.

(9) East Moosabec Reach

Eastern boundary: West of a line starting at the western end of the breakwater in Sawyer's Cover, Jonesport, to the most western end of Pig Island and then due south to the closest point of land on Great Wass Island.

Western boundary: East of the Jonesport-Beals Bridge.

(10) ~~Moosabec Reach~~

~~Eastern boundary: West of the Jonesport Bridge.~~

~~Western boundary: East of a line drawn from the most western tip of Macks Point, located north of Mill Pond cove, Beals to the end of the dock on Lobster Lane, Jonesport.~~

(11) ~~Inner Harbor/Deep Hole Closure~~

~~West of a line drawn from the most western point of Whitmore Neck, Deer Isle due True North to the South shore of Mountainville, Deer Isle at Latitude 44° 12.407' N Longitude 068° 38.819' W.~~

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following Limited Access Areas except by divers on ~~December 2, 9, 16, 19, 21, 23, 26 and 30, 2015; January 13 and 16, 2016; and March 2, 5, 9, 12, 16 and 23, 2016~~ except for Whiting and Dennys Bays Area (4) where fishing shall be ~~only be open to divers on December 4, 11, 18 and 22, 2015; January 8, 15, 22 and 29, 2016; February 5, 12, 19 and 26, 2016; and March 4, 11, 18, 25 and 26, 2016.~~ December 1, 3, 8, 10, 15, 17, 22 and 29, 2016; January 5, 12, and 19, 2017; March 2, 9, 16, 23 and 30, 2017; and April 6 and 13, 2017 except for MDI Area (5) where fishing shall be only open to divers on December 1, 8, 15, 22 and 29, 2016; January 5, 12, 19 and 26, 2017; February 2, 9, 16, and 23, 2017; March 2, 9, 16, 23 and 30, 2017; and April 6 and 13, 2017 and Whiting and Dennys Bays Area (4) which shall be open to divers on December 3, 10, 17, 24 and 31, 2016; January 6, 13, 20 and 27, 2017; February 3, 11, 18 and 25, 2017; and March 4, 10, 17 and 24, 2017. All directions are relative to True north (not magnetic).

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following Limited Access Areas except by draggers on ~~January 4, 11, 18 and 25, 2016; February 1, 8, 15, 22 and 29, 2016; March 7, 14, 21 and 28, 2016 and April 4 and 11, 2016~~ except for Whiting and Dennys Bays Area (4) where fishing shall ~~only be open to draggers on December 2, 9, 16, 23 and 30, 2015; January 6, 13, 20 and 27, 2016; February 3, 10, 17 and 24, 2016; and March 2, 9, 16, and 23, 2016.~~ January 2, 9, 16, 23 and 30, 2017; February 6, 13, 20 and 27, 2017; March 6, 13, 20 and 27, 2017; and April 3 and 10, 2017 except for MDI Area (5) where fishing shall be only open to draggers on January 2, 9, 16, 23 and 30, 2017; February 6, 13, 20 and 27, 2017; and March 6, 13, 20 and 27, 2017 and Whiting & Dennys Bays (4) where fishing shall be open to draggers on December 7, 14, 21 and 28, 2016; January 4, 11, 18 and 25, 2017; February 1, 8, 15 and 22, 2017; and March 1, 8, 15, 22 and 29, 2017. All directions are relative to True north (not magnetic).

Transiting exception:

Any vessel possessing scallops onboard, may transit these Limited Access Areas, only if the vessel has all fishing gear (dredges, drags, regulators, buoyancy compensators, fins, tanks, weight belts) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch for draggers, while regulators, buoyancy compensators and tanks should be disconnected with fins and weight belts removed for divers.

The Commissioner may close harvesting for the remainder of the season in the Limited Access Areas listed below though emergency rulemaking if the Department has information that indicates there is a likelihood that between 30 percent and 40 percent of the harvestable biomass has been removed.

(1) Casco Bay Area:

Western boundary: South of a line drawn from the most southwestern point of Basin Point (Harpwell) to the northern tip of Jewell Island. Also, the waters between and to the north of Basin Point and Gun Point bounded by the Route 24 Gurnet Bridge (Harpwell).

Eastern boundary: West and North of a line drawn from the most southern tip of Gun Point, Harpswell, to G "3", South of Round Rock; continuing in a southwesterly direction to R N "4" at Drunkers Ledges, then continuing to the southeastern tip of Jewell island.

(2) Damariscotta/Sheepscot Area:

South of a line drawn from the most northeastern point of Dogfish Head to the most northeastern point of Macmahan Island, and south of a line drawn from the most northwestern

point of Macmahan Island to the most northeastern tip of Soldier Point and south and east of the Southport Island Bridge. Then north of a line drawn from the most southern point of Outer Head Island at Griffith Head, Georgetown to the most southern tip of Cape Island, Southport and then to the most southern tip of Fishermen Island. Then, north of a line from the most northern tip of Fishermen Island to the most southwestern point of Thrumcap Island, and west of a line drawn from this point to the most southern tip of Shipley Point, following the western shoreline of Rutherford Island. Also, west of the South Bristol Bridge, and to include the Damariscotta River.

(3) Muscongus/Western Penobscot Area:

Western boundary: North and east of a line beginning at the intersection of Latitude 43° 55' N on Pemaquid Neck (just north of Brown's Cove, Bristol), and following this latitude to its intersection on the west shore of Mosquito Island, St. George.

Eastern boundary: South and west of a line starting at the northern end of the Rackliff Island causeway then following the shore to the most southern point of Rackliff Island continuing to the most southern point of Norton Island and then continuing to the most southern point of Whitehead Island then to the southern end of Two Bush Island and continuing in a southwest direction to the most eastern tip of Mosquito Island, St. George.

(4) Whiting Bay and Denny's Bay Area:

It shall be unlawful to fish for or take scallops and or urchins west of a line starting at the western end of Mahar Point, Pembroke, due south to the nearest point of land on Crow Neck, Trescott, to include all of Whiting Bay and Denny's Bay.

(5) MDI Area

Southern boundary: North and west of a line drawn from the southernmost tip of Sargent Head, Southwest Harbor, southwesterly to the most northern top of King Point, Southwest Harbor and to include all of Somes Sound.

11.11 Open and Closed Scallop Fishing Days

1. Zone 1 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 1 is open ~~December 15, 2015 through April 11, 2016~~ December 5, 2016 through April 11, 2017, both days inclusive, with the following exceptions:

- A. ~~In December 2015, January 2016, and February 2016, fishing is prohibited on Fridays, Saturdays and Sundays. Fishing is prohibited on Thursday, December 24, and Thursday, December 31, 2015.~~ In December 2016, fishing is prohibited on Thursday, Fridays, Saturdays and Sundays.
- B. ~~In March 2016 and April 2016 fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays.~~ In January 2017 and February 2017, fishing is prohibited on Fridays, Saturdays and Sundays.
- C. In March 2017 and April 2017, fishing is prohibited on Wednesdays, Thursdays, Fridays, Saturdays and Sundays, except for March 1 and 2, 2017 which shall be open.

2. Zone 1 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 1 is open ~~December 1, 2015 through April 15, 2016~~ December 1, 2016 through April 15, 2017, both days inclusive, with the following exceptions:

- A. ~~In the months of December 2015, March 2016 and April 2016, fishing is prohibited on Sundays, Mondays and Tuesdays, except for Tuesday, December 1, Tuesday, December 8, Tuesday, December 15, Monday, December 21, Tuesday, December 22, Monday, December 28 and Tuesday, December 29, 2015 and Tuesday, April 5 and Tuesday, April 12, 2016 which shall be open. Fishing is prohibited on Thursday, December 24, Friday, December 25 and Thursday, December 31, 2015. In the month of December 2016, fishing is prohibited on Sundays and Mondays. Fishing is prohibited on Saturday, December 24, 2016 and Saturday, December 31, 2016.~~
- B. ~~In the months of January 2016 and February 2016 fishing is prohibited except for Saturday, January 2, Wednesday, January 6, Thursday, December 7, Friday, January 8, Saturday, January 9, Wednesday, January 13, Thursday, January 14, Friday, January 15, and Saturday, January 16, 2016 which shall be open. In the month of January 2017, fishing is prohibited on Saturdays, Sundays, Mondays, Tuesdays and Wednesdays, except for Saturday, January 7, 2016 which shall remain open. Fishing is prohibited on Thursday, January 26 and Friday, January 27, 2017.~~
- C. Fishing is prohibited in the month of February 2017.
- D. In the month of March 2017, fishing is prohibited on Sundays, Mondays and Tuesdays.
- E. In the month of April 2017, fishing is prohibited on Sundays.

3. Zone 2 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 2 is open ~~December 1, 2015 through April 13, 2016~~ December 5, 2016 through March 28, 2017, both days inclusive, with the following exceptions:

- A. ~~In December 2015, January 2016, and February 2016, fishing is prohibited on Fridays, Saturdays and Sundays. Fishing is prohibited on Thursday, December 24, and Thursday, December 31, 2015. In December 2016, fishing is prohibited on Fridays, Saturdays and Sundays. Fishing is prohibited on Thursday, December 1, 2016.~~
- B. ~~In March 2016 and April 2016 fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays. In January 2017 and February 2017, fishing is prohibited on Saturdays and Sundays.~~



C. In March 2017, fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays.

4. Zone 2 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 2 is open ~~December 1, 2015 through April 15, 2016~~ December 1, 2016 through April 15, 2017, both days inclusive, with the following exceptions:

A. ~~In the months of December 2015, March 2016 and April 2016, fishing is prohibited on Sundays, Mondays and Tuesdays, except for Tuesday, December 1, Monday, December 21, Tuesday, December 22, Monday, December 28 and Tuesday, December 29, 2015 which shall be open. Fishing is prohibited on Thursday, December 24, Friday, December 25 and Thursday, December 31, 2015, Wednesday, March 2 and Wednesday, March 9, 2016. In the months of December 2016, January 2017 and March 2017, fishing is prohibited on Sundays, Mondays and Tuesdays. Fishing is prohibited on Saturday, December 24, and Saturday, December 31, 2016; and Wednesday, January 18, Saturday, January 21, Wednesday, January 25 and Saturday, January 28, 2017.~~

B. ~~In the months of January 2016 and February 2016 fishing is prohibited on Saturdays, Sundays, Mondays, Tuesdays and Wednesdays except for Saturday, January 2, Wednesday, January 6, Saturday, January 9, Wednesday, January 13, Saturday, January 16, Monday, February 8, Tuesday, February 9, Wednesday, February 10, and Saturday, February 13, 2016 which shall be open. In the month of February 2017, fishing is prohibited on Saturdays, Sundays, Mondays, Tuesdays and Wednesdays, except for Tuesday, February 7, Wednesday, February 8 and Saturday, February 11, 2016 which shall be open.~~

C. In the month of April 2017, fishing is prohibited on Sundays and Mondays.

5. Zone 3 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 3 is open ~~December 1, 2015 through March 23, 2016~~ December 5, 2016 through March 29, 2017, both days inclusive, with the following exceptions:

A. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays. Fishing is prohibited on Monday, March 27, 2017.

6. Zone 3 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 3 is open ~~December 3, 2015 through March 26, 2016~~ December 1, 2016 through March 24, 2017, both days inclusive, with the following exceptions:

A. ~~In December 2015 and March 2016 fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays, except for Tuesday, December 22, Wednesday, December 23, Tuesday, December 29, and Wednesday, December 30, 2015~~

~~which shall be open. Fishing is prohibited on Thursday, December 24 and Thursday, December 31, 2015. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays.~~

B. ~~In January 2016 and February 2016, fishing is prohibited on Saturdays, Sundays, Mondays and Tuesdays. Fishing is prohibited on Friday, January 1, 2016.~~

Insert this Zone One (1) DRAG calendar as if underlined (at the end of Ch. 11):

# 2016 - 2017 Scallop Season Calendar

## Zone One (1)

### 60 Day DRAG Season (15 gallons)

O Zone 1 Limited Access Areas Draggers
O Open
   Closed

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5 O	6 O	7 O	8	9	10
11	12 O	13 O	14 O	15	16	17
18	19 O	20 O	21 O	22	23	24
25	26 O	27 O	28 O	29	30	31

12

January 2017						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5 O	6	7
8	9 O	10 O	11 O	12 O	13	14
15	16 O	17 O	18 O	19 O	20	21
22	23 O	24 O	25 O	26 O	27	28
29	30 O	31 O				

18

February 2017						
S	M	Tu	W	Th	F	S
			1 O	2 O	3	4
5	6 O	7 O	8 O	9 O	10	11
12	13 O	14 O	15 O	16 O	17	18
19	20 O	21 O	22 O	23 O	24	25
26	27 O	28 O				

16

March 2017						
S	M	Tu	W	Th	F	S
			1 O	2 O	3	4
5	6 O	7 O	8	9	10	11
12	13 O	14 O	15	16	17	18
19	20 O	21 O	22	23	24	25
26	27 O	28 O	29	30	31	

10

April 2017						
S	M	Tu	W	Th	F	S
						1
2	3 O	4 O	5	6	7	8
9	10 O	11 O	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

4

**Muscle Ridge: OPEN Mondays  
& Tuesdays to DRAGGERS**

**Total Days**  
60

**Total Limited Access Areas Days**  
15

**Total Weeks**  
19

*Insert this Zone Two (2) DRAG calendar as if underlined (at the end of Ch. 11):*

# 2016 - 2017 Scallop Season Calendar

## Zone Two (2)

### 70 Day DRAG Season (15 gallons)

Zone 2 Limited Access Areas Draggers
     
  Open
     
  Closed

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5 O	6 O	7 O	8 O	9	10
11	12 O	13 O	14 O	15 O	16	17
18	19 O	20 O	21 O	22 O	23	24
25	26 O	27 O	28 O	29 O	30	31

16

January 2017						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5 O	6 O	7
8	9 O	10 O	11 O	12 O	13 O	14
15	16 O	17 O	18 O	19 O	20 O	21
22	23 O	24 O	25 O	26 O	27 O	28
29	30 O	31 O				

22

February 2017						
S	M	Tu	W	Th	F	S
			1 O	2 O	3 O	4
5	6 O	7 O	8 O	9 O	10 O	11
12	13 O	14 O	15 O	16 O	17 O	18
19	20 O	21 O	22 O	23 O	24 O	25
26	27 O	28 O				

20

March 2017						
S	M	Tu	W	Th	F	S
			1 O	2	3	4
5	6 O	7 O	8 O	9	10	11
12	13 O	14 O	15 O	16	17	18
19	20 O	21 O	22 O	23	24	25
26	27 O	28 O	29	30	31	

12

April 2017						
S	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

0

**Total Days**  
**70**

**Total Limited Access Areas Days**  
**13**

**Total Weeks**  
**17**

Insert this Zone Three (3) DRAG calendar as if underlined (at the end of Ch. 11):

**2016 - 2017 Scallop Season Calendar**  
**Zone Three (3)**  
**50 Day DRAG Season (10 gallons)**

**O** Zone 3 Limited Access Areas Draggers      **O** Open       Closed

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
4	5 O	6 O	7 O	8	9	10
11	12 O	13 O	14 O	15	16	17
18	19 O	20 O	21 O	22	23	24
25	26 O	27 O	28 O	29	30	31

January 2017						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4 O	5	6	7
8	9 O	10 O	11 O	12	13	14
15	16 O	17 O	18 O	19	20	21
22	23 O	24 O	25 O	26	27	28
29	30 O	31 O				

12

14

February 2017						
S	M	Tu	W	Th	F	S
			1 O	2	3	4
5	6 O	7 O	8 O	9	10	11
12	13 O	14 O	15 O	16	17	18
19	20 O	21 O	22 O	23	24	25
26	27 O	28 O				

March 2017						
S	M	Tu	W	Th	F	S
			1 O	2	3	4
5	6 O	7 O	8 O	9	10	11
12	13 O	14 O	15 O	16	17	18
19	20 O	21 O	22 O	23	24	25
26	27	28 O	29 O	30	31	

12

12

April 2017						
S	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

0

**Total Days**  
50

**Total Limited Access Areas Days**  
17

**Total Weeks**  
17

Strike this Zone One (1) DRAG calendar at the end of Ch.11:

# 2015 - 2016 Scallop Season Calendar

## Zone One (1)

### 60 Day DRAG Season (15 gallons)

Zone 1 Limited Access Areas Draggers
 Open
  Closed

December 2015						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15 O	16 O	17 O	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

9

January 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7 O	8	9
10	11 O	12 O	13 O	14 O	15	16
17	18 O	19 O	20 O	21 O	22	23
24	25 O	26 O	27 O	28 O	29	30
31						

16

February 2016						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4 O	5	6
7	8 O	9 O	10 O	11 O	12	13
14	15 O	16 O	17 O	18 O	19	20
21	22 O	23 O	24 O	25 O	26	27
28	29 O					

17

March 2016						
S	M	Tu	W	Th	F	S
		1 O	2 O	3	4	5
6	7 O	8 O	9 O	10	11	12
13	14 O	15 O	16 O	17	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

14

April 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

4

**Muscle Ridge: OPEN Tuesdays  
& Wednesdays to DRAGGERS**

**Total Days**  
60

**Total Limited Access Areas Days**  
15

**Total Weeks**  
18

Strike this Zone Two (2) DRAG calendar at the end of Ch.11:

# 2015 - 2016 Scallop Season Calendar

## Zone Two (2)

### 70 Day DRAG Season (15 gallons)

Open     Closed

December 2015						
S	M	Tu	W	Th	F	S
		1 O	2 O	3 O	4	5
6	7 O	8 O	9 O	10 O	11	12
13	14 O	15 O	16 O	17 O	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

17

Janaury 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7 O	8	9
10	11 O	12 O	13 O	14 O	15	16
17	18 O	19 O	20 O	21 O	22	23
24	25 O	26 O	27 O	28 O	29	30
31						

16

February 2016						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4 O	5	6
7	8 O	9 O	10 O	11 O	12	13
14	15 O	16 O	17 O	18 O	19	20
21	22 O	23 O	24 O	25 O	26	27
28	29 O					

17

March 2016						
S	M	Tu	W	Th	F	S
		1 O	2 O	3	4	5
6	7 O	8 O	9 O	10	11	12
13	14 O	15 O	16 O	17	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

14

April 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12 O	13 O	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

6

**Total Days**  
**70**

**Total Weeks**  
**20**

Strike this Zone Three (3) DRAG calendar at the end of Ch.11:

# 2015 - 2016 Scallop Season Calendar

## Zone Three (3)

### 50 Day DRAG Season (10 gallons)

O Zone 3 Limited Access Areas Draggers
O Open
   Closed

December 2015						
S	M	Tu	W	Th	F	S
		1 O	2 O	3	4	5
6	7 O	8 O	9 O	10	11	12
13	14 O	15 O	16 O	17	18	19
20	21 O	22 O	23 O	24	25	26
27	28 O	29 O	30 O	31		

14

January 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7	8	9
10	11 O	12 O	13 O	14	15	16
17	18 O	19 O	20 O	21	22	23
24	25 O	26 O	27 O	28	29	30
31						

12

February 2016						
S	M	Tu	W	Th	F	S
	1 O	2 O	3 O	4	5	6
7	8 O	9 O	10 O	11	12	13
14	15 O	16 O	17 O	18	19	20
21	22 O	23 O	24 O	25	26	27
28	29 O					

13

March 2016						
S	M	Tu	W	Th	F	S
		1 O	2 O	3	4	5
6	7 O	8 O	9 O	10	11	12
13	14 O	15 O	16 O	17	18	19
20	21 O	22 O	23 O	24	25	26
27	28	29	30	31		

11

April 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

0

**Total Days**  
50

**Total Limited Access Areas Days**  
17

**Total Weeks**  
17



Insert this Zone One (1) DIVE calendar as if underlined (at the end of Ch. 11):

# 2016-2017 Scallop Season Calendar

## Zone One (1)

### 60 Day DIVE Season (15 gallons)

Zone 1 Limited Access Areas Divers

Open

Closed

S	M	Tu	W	Th	F	S
				1 O	2 O	3 O
4	5	6 O	7 O	8 O	9 O	10 O
11	12	13 O	14 O	15 O	16 O	17 O
18	19	20 O	21 O	22 O	23 O	24
25	26	27 O	28 O	29 O	30 O	31

S	M	Tu	W	Th	F	S
1	2	3	4	5 O	6 O	7 O
8	9	10	11	12 O	13 O	14
15	16	17	18	19 O	20 O	21
22	23	24	25	26	27	28
29	30	31				

21

7

S	M	Tu	W	Th	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

S	M	Tu	W	Th	F	S
			1 O	2 O	3 O	4 O
5	6	7	8 O	9 O	10 O	11 O
12	13	14	15 O	16 O	17 O	18 O
19	20	21	22 O	23 O	24 O	25 O
26	27	28	29 O	30 O	31 O	

0

19

S	M	Tu	W	Th	F	S
						1 O
2	3 O	4 O	5 O	6 O	7 O	8 O
9	10 O	11 O	12 O	13 O	14 O	15 O
16	17	18	19	20	21	22
23	24	25	26	27	28	29

13

**Muscle Ridge: OPEN Wednesdays & Fridays to DIVERS**

**Total Days**  
60

**Total Limited Access Areas Days**  
18

**Total Weeks**  
15

**Insert this Zone Two (2) DIVE calendar as if underlined (at the end of Ch. 11):**

# 2016-2017 Scallop Season Calendar

## Zone Two (2)

### 70 Day DIVE Season (15 gallons)

Zone 2 Limited Access Areas Divers     
  Open     
  Closed

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
				O	O	O
4	5	6	7	8	9	10
			O	O	O	O
11	12	13	14	15	16	17
			O	O	O	O
18	19	20	21	22	23	24
			O	O	O	
25	26	27	28	29	30	31
			O	O	O	

January 2017						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
			O	O	O	O
8	9	10	11	12	13	14
			O	O	O	O
15	16	17	18	19	20	21
				O	O	
22	23	24	25	26	27	28
				O	O	
29	30	31				

17

12

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
				O	O	
5	6	7	8	9	10	11
		O	O	O	O	O
12	13	14	15	16	17	18
				O	O	
19	20	21	22	23	24	25
				O	O	
26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
			O	O	O	O
5	6	7	8	9	10	11
			O	O	O	O
12	13	14	15	16	17	18
			O	O	O	O
19	20	21	22	23	24	25
			O	O	O	O
26	27	28	29	30	31	
			O	O	O	

11

19

April 2017						
S	M	Tu	W	Th	F	S
						1
						O
2	3	4	5	6	7	8
		O	O	O	O	O
9	10	11	12	13	14	15
		O	O	O	O	O
16	17	18	19	20	21	22
23	24	25	26	27	28	29

11

**Total Days**  
**70**

**Total Limited Access Areas Days**  
**20**

**Total Weeks**  
**21**

**Insert this Zone Three (3) DIVE calendar as if underlined (at the end of Ch. 11):**

# 2016-2017 Scallop Season Calendar

## Zone Three (3)

### 50 Day DIVE Season (10 gallons)

Zone 3 Limited Access Areas Divers
 Open
  Closed

December 2016						
S	M	Tu	W	Th	F	S
				1	2	3
				O	O	O
4	5	6	7	8	9	10
				O	O	O
11	12	13	14	15	16	17
				O	O	O
18	19	20	21	22	23	24
				O	O	O
25	26	27	28	29	30	31
				O	O	O

January 2017						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
				O	O	O
8	9	10	11	12	13	14
				O	O	O
15	16	17	18	19	20	21
				O	O	O
22	23	24	25	26	27	28
				O	O	O
29	30	31				

15

12

February 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
				O	O	O
5	6	7	8	9	10	11
				O	O	O
12	13	14	15	16	17	18
				O	O	O
19	20	21	22	23	24	25
				O	O	O
26	27	28				

March 2017						
S	M	Tu	W	Th	F	S
			1	2	3	4
				O	O	O
5	6	7	8	9	10	11
				O	O	O
12	13	14	15	16	17	18
				O	O	O
19	20	21	22	23	24	25
				O	O	O
26	27	28	29	30	31	

12

11

April 2017						
S	M	Tu	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

0

**Total Days**  
50

**Total Limited Access Areas Days**  
17

**Total Weeks**  
17

Strike this Zone One (1) DIVE calendar at the end of Ch.11:

# 2015 - 2016 Scallop Season Calendar

## Zone One (1)

### 60 Day DIVE Season (15 gallons)

Zone 1 Limited Access Areas Divers

Open  Closed

December 2015						
S	M	Tu	W	Th	F	S
		1 O	2 O	3 O	4 O	5 O
6	7	8 O	9 O	10 O	11 O	12 O
13	14	15 O	16 O	17 O	18 O	19 O
20	21 O	22 O	23 O	24	25	26 O
27	28 O	29 O	30 O	31		

22

January 2016						
S	M	Tu	W	Th	F	S
					1	2 O
3	4	5	6 O	7 O	8 O	9 O
10	11	12	13 O	14 O	15 O	16 O
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

9

February 2016						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

0

March 2016						
S	M	Tu	W	Th	F	S
		1	2 O	3 O	4 O	5 O
6	7	8	9 O	10 O	11 O	12 O
13	14	15	16 O	17 O	18 O	19 O
20	21	22	23 O	24 O	25 O	26 O
27	28	29	30 O	31 O		

18

April 2016						
S	M	Tu	W	Th	F	S
					1 O	2 O
3	4	5 O	6 O	7 O	8 O	9 O
10	11	12 O	13 O	14 O	15 O	16 O
17	18	19	20	21	22	23
24	25	26	27	28	29	30

11

**Muscle Ridge: OPEN Thursdays & Fridays to DIVERS**

**Total Days**  
60

**Total Limited Access Areas Days**  
15

**Total Weeks**  
15

Strike this Zone Two (2) DIVE calendar at the end of Ch.11:

# 2015 - 2016 Scallop Season Calendar

## Zone Two (2)

### 70 Day DIVE Season (15 gallons)

Open       Closed

December 2015						
S	M	Tu	W	Th	F	S
		1 O	2 O	3 O	4 O	5 O
6	7	8	9 O	10 O	11 O	12 O
13	14	15	16 O	17 O	18 O	19 O
20	21 O	22 O	23 O	24	25	26 O
27	28 O	29 O	30 O	31		

20

January 2016						
S	M	Tu	W	Th	F	S
					1	2 O
3	4	5	6 O	7 O	8 O	9 O
10	11	12	13 O	14 O	15 O	16 O
17	18	19	20	21 O	22 O	23
24	25	26	27	28 O	29 O	30
31						

13

February 2016						
S	M	Tu	W	Th	F	S
	1	2	3	4 O	5 O	6
7	8 O	9 O	10 O	11 O	12 O	13 O
14	15	16	17	18 O	19 O	20
21	22	23	24	25 O	26 O	27
28	29					

12

March 2016						
S	M	Tu	W	Th	F	S
		1	2	3 O	4 O	5 O
6	7	8	9	10 O	11 O	12 O
13	14	15	16 O	17 O	18 O	19 O
20	21	22	23 O	24 O	25 O	26 O
27	28	29	30 O	31 O		

16

April 2016						
S	M	Tu	W	Th	F	S
					1 O	2 O
3	4	5	6 O	7 O	8 O	9 O
10	11	12	13 O	14 O	15 O	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

9

<b>Total Days</b>
<b>70</b>

<b>Total Weeks</b>
<b>20</b>

Strike this Zone Three (3) DIVE calendar at the end of Ch.11

# 2015 - 2016 Scallop Season Calendar

## Zone Three (3)

### 50 Day DIVE Season (10 gallons)

Zone 3 Limited Access Areas Divers     
  Open     
  Closed

December 2015						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
				O	O	O
6	7	8	9	10	11	12
				O	O	O
13	14	15	16	17	18	19
				O	O	O
20	21	22	23	24	25	26
		O	O			O
27	28	29	30	31		
		O	O			

14

January 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
			O	O	O	
10	11	12	13	14	15	16
			O	O	O	
17	18	19	20	21	22	23
			O	O	O	
24	25	26	27	28	29	30
			O	O	O	
31						

12

February 2016						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
			O	O	O	
7	8	9	10	11	12	13
			O	O	O	
14	15	16	17	18	19	20
			O	O	O	
21	22	23	24	25	26	27
			O	O	O	
28	29					

12

March 2016						
S	M	Tu	W	Th	F	S
		1	2	3	4	5
				O	O	O
6	7	8	9	10	11	12
				O	O	O
13	14	15	16	17	18	19
				O	O	O
20	21	22	23	24	25	26
				O	O	O
27	28	29	30	31		

12

April 2016						
S	M	Tu	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

0

**Total Days**  
50

**Total Limited Access Areas Days**  
17

**Total Weeks**  
17

## Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Hannah Dean, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573; E-mail: hannah.dean@maine.gov, web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 11 Atlantic Sea Scallop Regulations and 2016-2017 Harvesting Season

STATUTORY AUTHORITY: 12 M.R.S. §6171

DATE AND PLACE OF PUBLIC HEARINGS:

**September 12, 2016**, 6:00 PM, Ellsworth City Hall Auditorium, One City Hall Plaza, Ellsworth

**September 14, 2016**, 6:00 PM, University of Maine Machias, Rm 102, 116 O'Brien Avenue Machias, Maine 04654

**September 19, 2016**, 6:00 PM, Lincoln County Communications Center, US-1, Wiscasset, ME 04578

COMMENT DEADLINE: **10/12/2016**

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE:

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? \_\_\_ YES \_\_\_ **X** \_\_\_ NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [see §8057-A(1)(B)&(D)]

This proposed rulemaking establishes the 2016-2017 scallop fishing season. In addition, DMR is proposing to either maintain or implement the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops which include Muscle Ridge (limited), Lower Muscle Ridge, Eastern Casco Bay, Ocean Point, Sheepscoot River, Muscongus Bay, New Meadows River, Card Cove and East Moosabec Reach. Finally, DMR is proposing to implement a Limited Access Area in the MDI region of Zone 2.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B]: Existing Scallop Regulations

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

Enforcement of this rule will not require additional activity in this agency. Existing enforcement personnel will monitor compliance during their routine patrols.