

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 11 Scallops; 2017-18 Season

ADOPTED RULE NUMBER:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

CONCISE SUMMARY:

This rule establishes the 2017-2018 scallop fishing season. As in the 2016-2017 season, there is 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 for draggers begins on December 4, 2017 and the last day of the season is April 10, 2018. For Zone 1, a 60-day season for divers starts on December 1, 2017 and the last day of the season is April 15, 2018. For Zone 2, a 70-day season for draggers starts on December 4, 2017 and the last day of the season is March 29, 2018. For Zone 2, a 70-day season for divers starts on December 1, 2017 and the last day of the season is April 14, 2018. For Zone 3, a 55-day season for draggers begins on December 4, 2017 and the last day of the season is March 28, 2018. For Zone 3, a 55-day season for divers begins on December 1, 2017 and the last day of the season is April 14, 2018.

In Zone 1, Casco Bay, Sheepscot River and Muscongus Bay/W. Penobscot Bay Areas, as well as Whiting/Dennys Bays in Zone 3 are Limited Access Areas with reduced harvesting days. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock are open to harvest daily for the month of March 2018, only.

DMR will maintain the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops: Muscle Ridge, Lower Muscle Ridge, Eastern Casco Bay, Upper Sheepscot River, Ocean Point, Damariscotta River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

Additionally, the daily possession and harvest limits for individuals issued a license under either 12 M.R.S §6701 and 6302-A are updated to reflect both personal and vessel limits for divers.

EFFECTIVE DATE:
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)

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Please approve bottom portion of this form and assign appropriate MFASIS number.

APPROVED FOR PAYMENT _____ DATE: _____
 FUND AGENCY S-UNIT APP OBJT AMOUNT

Please forward invoice to: Natural Resource Service Center, 155 SHS, Augusta

010 13A 1120 10 4946 regulations

DEPARTMENT OF MARINE RESOURCES

Chapter 11 Scallops

11.01 Definitions

6. Scallop Management "Zone Two (2)" includes all coastal waters East of the line defined in the preceding subsection 5 for Zone One, including all coastal waters of the Penobscot River North of Fort Point State Park to the Lubec-Campobello Island bridge; and, all territorial waters surrounding Machias Seal Island and North Rock.

11.06 Municipal Mooring Field Closures

It shall be unlawful to fish for, take, or possess scallops taken by dragging within any of the following closed areas. All directions are relative to True North (not magnetic).

Transiting exception:

A vessel may not transit within the following closed areas with any part of a drag, including the cable, in the water.

1. Inner Blue Hill Harbor

West of a line drawn from the most western point of Sculpin Point, Blue Hill to the closest point of land on Parker Point, Blue Hill Neck.

2. Bartlett Landing

East of a line starting at the town pier 44 20.576 N 068 25.042 W, running south to the northern tip of west point 44 20.274 N 068 25.264 W.

3. Seal Harbor

North of a line starting at the southern end of Crownshield Pt 44 17.286 N 068 14.620 W running in an easterly direction to 44 17.416 N 068 14.180 W.

4. Northeast Harbor

North of a line starting at a private pier on the western side of the Harbor 44 17.244 N 068 16.787 W running in a north easterly direction to the southern tip of land on the eastside of the harbor 44 17.432 N 068 16.583 W.

5. Somes Sound Harbor

North of a line starting at the northern tip of Mason Point 44 21.491 N 068 19.626 W then running in a southeasterly direction to the southern tip of Squantum Point 44 21.425 N 068 19.311 W.

6. Western Blue Hill Bay (Blue Hill)

Inside and westerly of a line beginning at the easternmost point of High Head, Blue Hill, then running northeast to the most eastern tip of Sand Point, Blue Hill.

7. Pennamaquan River

Inside and up river of a line drawn from the Eastern tip of Kelly Point, Pembroke and running in a Northeast direction to GC "11" and then continuing in a direction of true North to Hersey Neck.

11.07 Atlantic Sea Scallop Limitations

4. Atlantic Sea Scallops, Shellstock Ratio to Meat Conversion, Possession Limit, Daily Limit

A. Shellstock Ratio to Meat Conversion

For the purposes of this regulation, one and a half bushels of shellstock shall be equal to one gallon of scallop meat.

B. Daily Harvest and Possession Limits.

- (1) Daily Harvest and Possession Limit for Individuals Issued a License under §6702 or 6302-A for scallop dragging
It is unlawful to fish for, take or possess more than 15 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 15 gallons of meat per day per vessel.

- (2) Daily Harvest and Possession Limit for Individuals Issued a License under §6701 or 6302-A for scallop diving
It is unlawful for an individual licensed under §6701 or 6302-A for scallop diving to fish for, take or possess more than 15 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 15 gallons of meat per day. If more than one individual licensed under §6701 or 6302-A for scallop diving use the same vessel to fish for or take scallops on the same fishing day, it is unlawful for those individuals to possess or land more than 30 gallons of scallop meat, or any aggregate of meat and shellstock equivalent to 30 gallons of meat per vessel per day.

This section will sunset November 30, 2018.

C. Daily Limit Restrictions.

It is unlawful to unload any portion of a day's catch and return to fishing in Maine's territorial waters. It is unlawful to transfer to or receive from another vessel any scallop shellstock or scallop meats.

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 ~~Wednesdays and Fridays~~ Thursdays and shall be open to dragging on ~~Mondays and Wednesdays~~ Tuesdays, ~~in~~ on calendar dates specified in section ~~44.09~~ 11.11. 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 Fridays~~ Thursdays 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} 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; and, E~~ east of a line drawn from R N "8" to the most southwestern tip of Ocean Point at Latitude 43° 48.874 N Longitude 069° 36.332 W.

{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~~ R N "2" at Eastern Drunkers Ledge.

Western boundary: East and North of a line draw from ~~R N "4" at Drunkers Ledges~~ R N "2" at Eastern Drunkers Ledge 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.

{5} Upper 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 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.

~~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.~~

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.

{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} Beals-Jonesport Bridge

Eastern boundary: West of a line drawn from the most eastern tip of Perio Point, Beals to OW Look's wharf, Jonesport.

Western boundary: East of the Jonesport-Beals Bridge.

11.09 Limited Access Areas

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 1, 3, 8, 10, 15, 17, 22 and 29, 2016; January 7, 2017; March 2, 9, 16, 18, 23, 25 and 30, 2017; and April 6 and 13, 2017~~ except for MDI Area (5) and the East Moosabec Reach Area (6) 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. December 1, 7, 8, 14, 15, 21, 22 and 29, 2017; January 4 and 5, 2018; March 15, 16, 22, 23, 29 and 30, 2018; and, April 6 and 13, 2018 except for Whiting and Dennys Bays Area (4) which shall be open to divers on December 1, 8, 15, 22 and 29, 2017; January 5, 12, 19 and 26, 2018; February 2, 9, 16 and 23, 2018; March 2, 9, 16, 23 and 30, 2018; and, April 6 and 13, 2018. 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 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) and the East Moosabec Reach Area (6) 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. January 8, 15, 22 and 29, 2018; February 5, 12, 19 and 26, 2018; March 5, 12, 19 and 26, 2018; and, April 2 and 9, 2018 except for Whiting and Dennys Bays Area (4) which shall be open to draggers on December 4, 11 and 18, 2017; January 8, 15, 22 and 29, 2018; February 5, 12, 19 and 26, 2018; March 5, 12, 19 and 26, 2018. 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 (Harpswell) 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 (Harpswell).~~

~~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 R N "2" at Eastern Drunkers Ledge, 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 southern point of Thrumcap Island Ocean Point. 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 eastern side of Hupper Island, Port Clyde, then to the southern tip of Marshall Point the west shore of Mosquito Island, St. George, and to include both Medomak and St. George Rivers.~~

~~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 and then from the west shore of Mosquito Island to the most southern tip of Marshall Point, Port Clyde.~~

~~(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) Mount Desert Island 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.~~

~~(6) East Moosabec Reach Area~~

~~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: West of a line drawn from the most eastern tip of Perio Point, Beals to OW Look's wharf, Jonesport.~~

1. Cobscook Bay.

A. Shellstock ratio to meat count.

For the purposes of 12 M.R.S. §6728, one and a half bushels of shellstock shall be equal to one gallon of scallop meat.

B. Daily harvest and possession limits.

(1) Daily Harvest and Possession Limit for Individuals Issued a License under §6702 or 6302-A for scallop dragging

Except as allowed pursuant to Chapter 11.19(2), it is unlawful to fish for, take or possess more than 10 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 10 gallons of meat per day per vessel.

(2) Daily Harvest and Possession Limit for Individuals Issued a License under §6701 or 6302-A for scallop diving

It is unlawful for an individual licensed under §6701 or 6302-A for scallop diving to fish for, take or possess more than 10 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 10 gallons of meat per day. If more than one individual licensed under §6701 or 6302-A for scallop diving use the same vessel to fish for or take scallops on the same fishing day, it is unlawful for those individuals to possess or land more than 20 gallons of scallop meat, or any aggregate of meat and shellstock equivalent to 20 gallons of meat per vessel per day.

This section will sunset November 30, 2018.

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 5, 2016 through April 11, 2017~~, December 4, 2017 through April 10, 2018, both days inclusive, with the following exceptions:

- A. In December ~~2016~~ 2017, fishing is prohibited on Thursday, Fridays, Saturdays and Sundays; and, December 25, 2017.
- B. In January ~~2017~~ 2018 and February ~~2017~~ 2018, fishing is prohibited on Fridays, Saturdays and Sundays; and, January 1, 2018.
- C. In March ~~2017~~ 2018 and ~~April 2017~~, fishing is prohibited on ~~Wednesdays~~, Thursdays, Fridays, Saturdays and Sundays, ~~except for March 1 and 2, 2017 which shall be open.~~; and, March 28, 2018.
- D. In April 2018, fishing is prohibited on Wednesdays, Thursdays, Fridays, Saturdays and Sundays.

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, ~~2016~~ 2017 through April 15, ~~2017~~ 2018, both days inclusive, with the following exceptions:

- A. In the month of December ~~2016~~ 2017, fishing is prohibited on Sundays and Mondays; except Monday, December 18, 2017, which shall be open. ~~Fishing is prohibited on Saturday, December 24, 2016 and Saturday, December 31, 2016.~~
- B. In the month of January ~~2017~~ 2018, fishing is prohibited, except for January 2, 3, 4, 5, and 6, 2018 ~~and 7, 2017~~ which shall remain open.

- C. Fishing is prohibited in the month of February ~~2017~~ 2018.
- D. In the month of March ~~2017~~ 2018, fishing is prohibited ~~on Sundays, Mondays and Tuesdays, except Tuesday, March 21 and Tuesdays, March 28 which shall remain open.~~ from March 1 through 9, 2018 inclusive and the three following Sundays.
- E. In the month of April ~~2017~~ 2018, fishing is prohibited on Sundays: ~~;~~ except Sunday, April 15, 2018, which shall be open.

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 5, 2016 through March 28, 2017~~ December 4, 2017 through March 29, 2018, both days inclusive, with the following exceptions:

- A. In December ~~2016~~ 2017, fishing is prohibited on Fridays, Saturdays and Sundays, ~~except Fridays December 8 and 29, 2017 which shall remain open.~~ Fishing is prohibited on ~~Thursday, December 1, 2016~~ Monday, December 25, 2017.
- B. In January ~~2017~~ 2018 and February ~~2017~~ 2018, fishing is prohibited on Fridays, Saturdays and Sundays, ~~except Friday, January 5, 2018 and February 2, 2018 which shall remain open.~~ Fishing is prohibited on Monday, January 1, 2018.
- C. In March ~~2017~~ 2018, 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, 2016 through April 14, 2017~~ December 1, 2017 through April 14, 2018, both days inclusive, with the following exceptions:

- A. In the months of December ~~2016-2017~~, ~~and~~ January ~~2017-2018~~ and February ~~2018~~ ~~and~~ March ~~2017~~, fishing is prohibited on Sundays, Mondays and Tuesdays. ~~Fishing is prohibited on Saturday, December 24, and Saturday, December 31, 2016; and Saturday, January 21 and Saturday, January 28, 2017.~~
- B. In the month of ~~February 2017~~ March 2018, fishing is prohibited on Saturdays, Sundays, Mondays, Tuesdays and Wednesdays, ~~except for Tuesday, February 7 and Saturday, February 11, 2017 which shall be open.~~
- C. In the month of April ~~2017~~ 2018, fishing is prohibited on Sundays, Mondays, Tuesdays, ~~and~~ Wednesdays and Thursdays.

5. Zone 2 State Waters season

The Atlantic Sea Scallop harvesting season in Maine's territorial waters around Machias Seal Island and North Rock is open March 1, 2018 through March 31, 2018, both days inclusive. Fishing will be prohibited during the months of December, January, February, and April, 2018.

6 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 5, 2016 through March 29, 2017~~, December 4, 2017 through March 28, 2018, both days inclusive, with the following exceptions:

- A. Fishing is prohibited on ~~Thursdays~~, Fridays, Saturdays and Sundays in the month of December, ~~except Friday, December 8, 2017 which shall remain open.~~ ~~Fishing is prohibited on Monday, March 27, 2017.~~ Fishing is prohibited on Monday, December 25, 2017.

- B. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the months of January, February and March 2018, except Thursday, January 4, 2018 which shall remain open.

7 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 1, 2016 through March 24, 2017~~ December 1, 2017 through April 14, 2018, both days inclusive, with the following exceptions:

- A. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays- in the months of December 2017, and January, March and April 2018.
- B. In the month of February 2018, fishing is prohibited on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays.

11.12 Ten (10) Year Rotational Management Plan

1. Zone Two (2): Eastern Maine

The open and closed seasons in the specified areas within Zone Two (2) shall be open on a rotational basis as shown in the following table:

Zone Two (2) Eastern Maine 10 Year Rotational Management Plan Schedule										
Rotation	Year 1 2012-13 Season	Year 2 2013-14 Season	Year 3 2014-15 Season	Year 4 2015-16 Season	Year 5 2016-17 Season	Year 6 2017-18 Season	Year 7 2018-19 Season	Year 8 2019-20 Season	Year 9 2020-21 Season	Year 10 2021-22 Season
First	X	X	OPEN	X	X	OPEN	X	X	OPEN	X
Second	OPEN	OPEN	X	X	OPEN	X	X	OPEN	X	X
Third	OPEN	OPEN	X	OPEN	X	X	OPEN	X	X	OPEN

A. First Rotation

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following closed areas, except for the 2014-15 fishing season, the 2017-18 fishing season and the 2020-21 fishing season. All directions are relative to True North (not Magnetic unless specified as such).

Transiting exception:

Any vessel possessing scallops onboard, may transit these closed areas, only if the vessel has all fishing gear (dredges, drags) 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.

(1) The Bold Coast

Eastern boundary: South and West of a line drawn from the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada.

Western boundary: North and East of a line starting at the most western tip of Jim's Head in the town of Trescott and Magnetic south to the three mile limit.

(2) Little Kennebec/Englishman Bay:

Eastern boundary: South and West of a line starting at Bucks Head, Machiasport proceeding East to the southern end of Northwest Head on Cross Island then True South to the three mile limit.

Western boundary: East and South of a line starting at the most northeastern point of Great Head, Roque Island then northeast to the most southern end of Shoppee Point, Roque Bluffs and from the eastern tip of Great Spruce Island to the day board at East Black Rock 'RW Bn', and then True South to the three mile limit, including Roque Island harbor however not to include the Thoroughfare between Roque Island and Great Spruce Island.

(3) Addison

Eastern boundary: South and West of a line starting at the most eastern end of Tibbett Island going due North to the closest point of land on Moose Neck and southeast to the most northern tip of eastern Plummer Island then the most western tip of Toms Island then True South to the three mile limit.

Western boundary: East and South of a line starting at Strout Point in the town of Milbridge to the most northern tip of Foster Island in the town of Milbridge then the most southeastern tip of Fosters Island to the most northern tip of Dyers Island; continuing from southern tip of Dyers Island to the most northwestern tip of Flint Island and the most southwestern tip of Flint Island then running Magnetic South to the three mile limit.

(4) Frenchman's Bay

Eastern boundary: South and West of a line starting from the southern most tip of Schoodic Point Magnetic South to the three mile limit (western boundary of the Zone A lobster management zone).

Western boundary: East and North of a line starting at the most eastern end of Otter Point, Mount Desert Island continuing SE (135°) to the three mile limit at Latitude 44 16.080 N Longitude 68 07.919 W.

(5) Swan's Island

Eastern boundary: South and West of a line starting at Bass Harbor Head then in a southeast direction to the most easterly Point of Great Gott Island continuing on True South to the three mile limit.

Western boundary: East and South of a line from the southern most tip of Lopaus Point to the northern most point of Black Island; continuing from the western most tip of Black Island to the northern most tip of Swans Island Head, Swans Island; continuing South from West Point, Swans Island to Long Point, Marshall Island; then East of a line from the southwestern most tip of Lower Head, Marshall Island running True South to the three mile limit.

(6) Isle Au Haut Bay

Eastern boundary: South and West of a line starting at Moose Island, Deer Isle, to the western most point of Farrel Island, then True South to the three mile limit.

Western boundary: South of a line starting at the southern most point of Stinson Point, Deer Isle west to Mullen Head, North Haven; then East of a line starting at Fish Point, North Haven to Calder Wood Point on Calderwood Neck, Vinalhaven; continuing from the southern most point of Lane Island, Vinalhaven, True South to the three mile limit.

(7) Upper Penobscot Bay

Eastern boundary: Northwest of a line from Deer Isle bridge and the most southwestern point of Little Deer Isle to the most northern point of Pickering Island, then to the most eastern tip of Dark Harbor, Islesboro; continuing on from Grindel Point, Islesboro due West to the Sea Urchin Zone line at Latitude 44 16.913 N Longitude 68 58.508 W.

Western boundary: East of the Sea Urchin Zone Line.

(8) Outer Islands (Machias Seal Island and North Rock)

Territorial waters surrounding Machias Seal Island and North Rock.

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

2017 - 2018 Scallop Season Calendar

Zone One (1)

60 Day DRAG Season (15 gallons)

O Zone 1 Limited Access Areas Draggers **O** Open Closed

December 2017						
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	26 O	27 O	28	29	30
31						

11

January 2018						
S	M	Tu	W	Th	F	S
	1	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			

18

February 2018						
S	M	Tu	W	Th	F	S
				1 O	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			

16

March 2018						
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	29	30	31

11

April 2018						
S	M	Tu	W	Th	F	S
1	2 O	3 O	4	5	6	7
8	9 O	10 O	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

4

Muscle Ridge:
OPEN Tuesdays to Draggers;
OPEN Thursdays to Divers.

Limited Access Areas:
Casco Bay
Sheepscot River
Muscongus Bay

Total Days
60

Total Limited Access Areas Days
14

Total Weeks
19

Strike this Zone One (1) DRAG calendar 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 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 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				

12

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				

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	

16

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):

2017 - 2018 Scallop Season Calendar

Zone Two (2)

70 Day DRAG Season (15 gallons)

Zone 2 Limited Access Areas Draggers
 Open
 Closed

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7 O	8 O	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	26 O	27 O	28 O	29 O	30
31						

17

January 2018						
S	M	Tu	W	Th	F	S
	1	2 O	3 O	4 O	5 O	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			

19

February 2018						
S	M	Tu	W	Th	F	S
				1 O	2 O	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			

17

March 2018						
S	M	Tu	W	Th	F	S
				1 O	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

17

April 2018						
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
70

Total Limited Access Areas Days
12

Total Weeks
17

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

2016 - 2017 Scallop Season Calendar

Zone Two (2)

70 Day DRAG Season (15 gallons)

O 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):

2017 - 2018 Scallop Season Calendar

Zone Three (3)

55 Day DRAG Season (10 gallons)

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

December 2017						
S	M	Tu	W	Th	F	S
					1	2
3	4 O	5 O	6 O	7 O	8 O	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	26 O	27 O	28 O	29	30
31						

16

January 2018						
S	M	Tu	W	Th	F	S
	1	2 O	3 O	4 O	5	6
7	8 O	9 O	10 O	11	12	13
14	15	16 O	17 O	18	19	20
21	22 O	23 O	24 O	25	26	27
28	29 O	30 O	31 O			

15

February 2018						
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			

12

March 2018						
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

April 2018						
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

Limited Access Areas:
Whiting/Dennys Bay

Total Days
55

Total Limited Access Areas Days
15

Total Weeks
17

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

2016 - 2017 Scallop Season Calendar

Zone Three (3)

50 Day DRAG Season (10 gallons)

Zone 3 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	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

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

2017-2018 Scallop Season Calendar Zone One (1) 60 Day DIVE Season (15 gallons)

Zone 1 Limited Access Areas Divers Open Closed

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

23

January 2018						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
	O	O	O	O	O	O
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

5

February 2018						
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			

0

March 2018						
S	M	Tu	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
						O
11	12	13	14	15	16	17
		O	O	O	O	O
18	19	20	21	22	23	24
		O	O	O	O	O
25	26	27	28	29	30	31
	O	O	O	O	O	O

19

April 2018						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
	O	O	O	O	O	O
8	9	10	11	12	13	14
						O
15	16	17	18	19	20	21
O						
22	23	24	25	26	27	28
29	30					

13

Muscle Ridge:

OPEN Tuesdays to Draggers;
OPEN Thursdays to Divers.

Total Days
60

Total Limited Access Areas Days
18

Total Weeks
12

Strike this Zone One (1) DIVE calendar 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

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	O
11	12	13	14	15	16	17
		O	O	O	O	O
18	19	20	21	22	23	24
		O	O	O	O	
25	26	27	28	29	30	31
		O	O	O	O	

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

21

5

February 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				

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	O
26	27	28	29	30	31	
		O	O	O	O	

0

21

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

Muscle Ridge: OPEN Wednesdays & Fridays to DIVERS

13

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):

2017-2018 Scallop Season Calendar

Zone Two (2)

70 Day DIVE Season (15 gallons)

Zone 2 Limited Access Areas Diver Open Closed

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

18

January 2018						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
			O	O	O	O
7	8	9	10	11	12	13
			O	O	O	O
14	15	16	17	18	19	20
			O	O	O	O
21	22	23	24	25	26	27
			O	O	O	O
28	29	30	31			
			O			

17

February 2018						
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	O
25	26	27	28			
			O			

16

March 2018						
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

15

April 2018						
S	M	Tu	W	Th	F	S
1	2	3	4	5	6	7
					O	O
8	9	10	11	12	13	14
					O	O
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

4

Total Days
70

Total Limited Access Areas Days
20

Total Weeks
20

Strike this Zone Two (2) DIVE calendar 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 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

January 2017						
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
22	23	24	25 O	26 O	27 O	28
29	30	31				

17

14

February 2017						
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 O
12	13	14	15 O	16 O	17 O	18
19	20	21	22 O	23 O	24 O	25
26	27	28				

March 2017						
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	

14

19

April 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
16	17	18	19	20	21	22
23	24	25	26	27	28	29

6

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):

2017-2018 Scallop Season Calendar Zone Three (3) 55 Day DIVE Season (10 gallons)

Zone 3 Limited Access Areas Divers
 Open
 Closed

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

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

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

8

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	30 O	31 O

15

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	20	21
22	23	24	25	26	27	28
29	30					

6

Total Days
55

Total Limited Access Areas Days
20

Total Weeks
20

Strike this Zone Three (3) DIVE calendar 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	
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

Basis Statement

This rule establishes the 2017-2018 scallop fishing season. As in the 2016-2017 season, there is 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 for draggers begins on December 4, 2017 and the last day of the season is April 10, 2018. For Zone 1, a 60-day season for divers starts on December 1, 2017 and the last day of the season is April 15, 2018. For Zone 2, a 70-day season for draggers starts on December 4, 2017 and the last day of the season is March 29, 2018. For Zone 2, a 70-day season for divers starts on December 1, 2017 and the last day of the season is April 14, 2018. For Zone 3, a 55-day season for draggers begins on December 4, 2017 and the last day of the season is March 28, 2018. For Zone 3, a 55-day season for divers begins on December 1, 2017 and the last day of the season is April 14, 2018.

In Zone 1, Casco Bay, Sheepscot River and Muscongus Bay/W. Penobscot Bay Areas, as well as Whiting/Dennys Bays in Zone 3 are Limited Access Areas with reduced harvesting days. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock are open to harvest daily for the month of March 2018, only.

DMR will maintain the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops: Muscle Ridge, Lower Muscle Ridge, Eastern Casco Bay, Upper Sheepscot River, Ocean Point, Damariscotta River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

Additionally, the daily possession and harvest limits for individuals issued a license under either 12 M.R.S §6701 or §6702 and 6302-A are updated to reflect possession limits for divers have both a personal limit and a vessel limit.

Based upon comments received during the rulemaking process, the Department has changed the following items:

- The proposed dates for open harvest within territorial waters surrounding Machias Seal Island and North Rock has been changed to the month of March 2018, from December 2017.
- Zone 2 Drag Calendar: Six days were moved from April and redistributed to December (2 additional days), January (1 additional day), February (1 additional day) and March (2 additional days). Both the price and quality of meat for landed product is generally better in all months prior to April.
- Zone 2 Dive Calendar: Nine days from March (4) and April (5) were redistributed to January (5 additional days) and February (4 additional days) to maintain four-day fishing weeks in lieu of three day fishing weeks during January and February to provide divers with better access to the resource before potential mid-season closures are implemented.
- Zone 3 Drag Calendar: Six days were moved from April and redistributed to December (5 additional days) and January (1 additional day). This is based on industry feedback that the price and quality of meat for landed product is generally better in months prior to April.
- A technical change to modify the waypoint of the Eastern Casco Bay Target Closure and the Casco Bay Limited Access Area from R N “4” at Drunkers Ledges to R N “2” at Eastern Drunkers Ledge for alignment between legal text and existing charts.
- The proposed removal of a vessel limit for individuals issued a license under either 12 M.R.S §6701 or 6302-A for scallop diving has been amended to implement both an individual and a vessel limit.

Summary of Comments

Notice of this proposed rulemaking appeared on September 20, 2017 in the five major daily newspapers as published by the Secretary of State. On September 20, 2017, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. On September 20, 2017 postcards outlining the proposed rulemaking were mailed to industry members. Public hearings were advertised in compliance with the procedures outlined in the Maine Administrative Procedures Act and were held as follows: October 10, 2017, 6:00 PM, University of Maine at Machias, Rm 102, 116 O'Brien Avenue Machias; October 11, 2017, 6:00 PM, Ellsworth City Hall Auditorium, One City Hall Plaza, Ellsworth; October 12, 2017, 6:00 PM, DMR – Augusta, 32 Blossom Lane, Augusta. The comment period closed October 23, 2017.

I. Machias Public Hearing

October 10, 2017 @ 6pm

Attendance:

Members of the Public (35)	DMR Staff (4)/State Representatives (2)
Ernest Kelley Jr., Colon Alley, Mark Patryn, Alan Crowley, James Ackley, Mike Porter, Sarah Dedru, Owen Moody, Lukas Johnson, Gary Wood, Ed Guptill, Mike Murphy II, Rocky Alley, Rick Guptill, Ben Crocker Jr., Shaun Moody, Avery Kelley, Billy Moore, Joseph Moore, Elihu Beal, Johanna Billings, Curtis Haycock, Allen Leighton, Raymond Alley, George Bamford, Travis Preston, Daniel Albee, Rodney Dame, Danny Jodway, William Feltner Jr., Dallas Huckins, James Smith, Franklin Smith, and David Morang	Deirdre Gilbert, Melissa Smith, Amanda Ellis, and Specialist Mark Murray Representative Robert W. Alley and Representative William R. Tuell

Testimony for 2017-18 Season

Opposed (7)

Franklin Smith, Dragger

I speak in opposition to the rule that has to do with harvesting around Machias Seal Island. I think December is a poor choice of months due to the gear that is there during that period of time. The fact that our season has just opened in December and more people are going to concentrate here during the open period because Seal Island is a long sail. I think more benefit would be for fishermen if it was open in March for a month and there would be more access for Maine fishermen.

Mike Murphy II, DMR Advisory Council

I am opposed to the rule because of the Machias Seal Island piece. I believe it should be open from the first day of scallop season until the last day of scallop season, seven days a week. There has been zero pressure there and I don't think it is going to amount to much anyways. I am also opposed to the days in April I believe they should be put into the calendar for December, January, and February. We get a better price during that time and in April we won't. Usually we don't see a price in March, but I know things have changed on that front. I guess if people are good with March, I am good with March.

Jimmy Ackley, Dragger

I am opposed to the days for Machias Seal Island. I think they should be later in the season, March or whatever. Along with what Mike said I think we should move the April days to December, January, and February because nine times out of ten we'll never see those days anyway. We will be shutdown before then.

Billy Moore, Dragger

I'd like to comment on the days in April or wherever. I think it would be beneficial to move them to December for five days a week because of the price. As far as the Seal Island one, you can't do it. You just can't do it. You can't do it in December. This has been a terrible year for lobster fishing. More so than ever they are going to be staying there later than normal. You can't have boats going out there dragging through their gear. We went through this years ago and finally got to a point where it was no problem. We certainly don't want this to a problem again. I can't see no benefit to days in April when prices will be no good and I doubt we'll see any days in April, anyway. It will be closed before then. My main concern is take the days at the end of the season and put them in December. You cannot let boats go out there in December. I cannot believe the wardens didn't say that. March would be good for Machias Seal Island.

William Feltner Jr., Dragger

I agree with taking days from April and putting them in December.

Joe Moore, Dragger

I oppose the days in April. It makes no sense and I think everyone here knows that.

Lukas Johnson, Dragger

I'd like to mirror what Mike said. Days in April should be moved to December. That's the best chance we have for a good price. The Machias Seal Island thing I don't understand why you guys don't think of this as a sovereignty deal. It should be open seven days a week for the whole season. The Canadians are there all the time. We are just giving it to them. I think it is time for our state and our government to help us out a little bit. Not a lot of boats go out there, but people who want to should be able to go out there. It's ridiculous they are there day and night. We should have a chance to go seven days a week.

Neutral (1)

William Tuell, State Representative

It is my impression that the general consensus that the days should be moved from April to December and that the Machias Seal Island should generally be moved to March. I know some feel it should be open year round, or throughout the duration of the scallop season. This is just my general impression of what I have seen and heard here tonight.

II. Ellsworth Public Hearing

October 11, 2017 @ 6pm

Attendance:

Members of the Public (49)	DMR Staff (6)
Chris Sawyer, Isaiah Sawyer, Michael Eaton, Charles MacDonald, Ben MacDonald, Frank Jones, Derek Jones, Paul Gray, George Lowen, Daniel Bachman, Fred Bachman, Forrest Dow, Joel Harper, Jake Mitchell, John Mitchell, David Tarr, Tabor Horton, Tim Robinson, Brian Schwartz, Eugene Lymburner, Richard Quinn, James McMillan, Kurt Ciomei, Scott Keenan, William Soukup, Shirley Soukup, Jesse Gilley, Brandon Bunker, Alston Walls, Jon Bunker, Alton Pinkham, Curtis Haycock, Warren Dorr, Travis Perry, Chris Gross, Cecil Holden, Frank Thompson, Brian Gordius, Robbie Gray, Dean Barrett, Roy Whalen, Roy Whalen Jr., James West, Steve Carter, James Thurlow, Victor Doyle, Dave Horner, Gary Hatch, and James West.	Deirdre Gilbert, Jeff Nichols, Melissa Smith, and Amanda Ellis. Marine Patrol Officers: Jeff Turcotte and Brent Chasse.

Testimony for 2017-18 Season

Opposed (3)

Robbie Gray, Dragger

I am against April and this four days. Please let us have it at the beginning of the season.

James West, Dragger

I'd like to have days moved from April to any of the other months. Like he said, in December would be best. If you open Machias Seal Island in December the trap gear is still going to be there. That would be a problem. I thought Machias Seal Island would be open December, January, February, March-right through the whole season. Then I see that you took one month. I understand it will be hard for marine patrol, but if you are going to keep it closed at least figure out if a VMS or tracker could be put on the boats. If the guys are willing to do that then that area can be open for them.

Tim Robinson, Diver

In zone 2 draggers get 18 days in January and divers only get 12. The divers only get 12 in February. I want days from April and March moved up to January and February. The areas get depleted quickly and I am sure other divers feel that way. I would want all five Wednesdays in January.

III. Augusta Public Hearing

October 12, 2017 @ 6pm

Attendance:

Members of the Public (7)	DMR Staff (3)
Pete Gasperini, Vance McMahan, Joe Nickerson, Emmanuel Kourinos, Doug McLennan, Kyle Godi, and Travis Fogg	Deirdre Gilbert, Amanda Ellis, and Melissa Smith.

Testimony for 2017-18 Season

Opposed (2)

Pete Gasperini, Diver

For Zone 2 in March there is a lot of overlap days for draggers and divers and I have been doing this for 32 years and we do not get along. I don't like to have to fish with draggers. I know that sounds self-serving but I think any diver would say the same thing. See it is Wednesdays-Thursdays so if there was anything that could be done about that. We're on the same calendar pretty much. I have been to many of these advisory meetings and the general consensus was that there are only 32 or so active divers left and give us more time later in the season. March and April. Living in Zone 2 where we are under rotational management closures, I have had three early season management closures and you gave us one week extra, but the weather was so bad we didn't use it. I would like the Department to consider when they do their sampling to consider the fact that divers gave up days in January-February for your recommendation of March-April. We should be allowed to fish those days even if it means a reduction in the daily limits, which other divers would be in favor of.

Travis Fogg

I would like to recommend that the season start the third week of December to avoid gear conflict with lobstermen, because lobstermen are going late this year. We all fish the bottom. Seems a conflict of interest of gear types. If we could add days in February and March it seems to be a better idea. Given the fact they have relinquished the vessel limit for divers. In the mind of safety two divers on one boat sounds safe. More than three divers on a boat is too much poundage for one day.

Written Comments for 2017-18 Season
Comment period closed October 23, 2017

Opposed (3)

Wayne Rich, Lobster Fisherman, letter received via mail, dated October 1, 2017

These comments are in reference to Notice of Agency Rule-Making Proposal for the chapter 11 scallops; 2017-2018 season. In this proposal under section 11.12 ten (10) year rotational management plan, the area noted under subsection (5) Swans Island is scheduled for a 70 day season starting December 4, 2017 and ending April 11, 2018 for draggers. Please postpone scallop season for 1 month in the Bass Harbor-Swans Island area as the lobster catch appears to be late this year. Thank you.

Philip Donovan, Lobster Fisherman, letter received via mail, dated October 1, 2017

These comments are in reference to Notice of Agency Rule-Making Proposal for the chapter 11 scallops; 2017-2018 season. In this proposal under section 11.12 ten (10) year rotational management plan, the area noted under subsection (5) Swans Island is scheduled for a 70 day season starting December 4, 2017 and ending April 11, 2018 for draggers. As you know this lobster season has been very slow. My concern is that the area outside of Bass Harbor and surrounding islands is very much subject to a late lobster run this year. Others and I are looking to set the scalloping in that area back at least until the first of the year. Thank you.

Tim Robinson, Blue Hill Bay, received via email, October 23, 2017

Blue Hill bay scallop diver since 1992. I spoke at the ellsworth hearing 10/12/2017 and would like to send a written comment as well. On the zone 2 scallop dive season i would like days moved from march and-or april to all wendsdays in both january and february.

This would bring the DAS totals for jan to 17...feb to 16.

No wendsday DAS were scheduled for either jan nor feb., only 12 DAS per jan-feb were scheduled. The scallop biomass is much more abundant earlier in the season.

Draggers limit out early in the day so conflict is not that bad.

Support (2)

Gary Libby, received via email on October 14, 2017

I'm in favor of the season as written, I'm also in favor of the limited reentry, I think there should be a priority for captain's that once held a Maine scallop license and has landing history during the qualifying years. My biggest problem is that I have a boat that has lost value because of problem's in management for ground fish, I made the dissension to sell the federal permit and was hoping to sell the boat which has proven difficult. If I had the opportunity to state waters scallop or shrimp during winters that would help.

I'm currently lobstering out of my small boat, if I could sell the bigger ground fish boat and get a boat that smaller than my current drag boat but larger than my lobster boat so I could work off one boat not two. But I really need to be able to scallop and shrimp to go along with the lobstering. As of now I have two boats one I can use and one that doesn't do anything except drain my saving during the winter months. This reentry to scallop is very important to me and will do what is required to obtain the privilege again. Thank you for the time you spend protecting our marine resources.

Togue Brawn, Downeast Day Boat, received via email, October 23, 2017

In Favor: I approve of almost every suggested change, but here are specific points I'd like to address:

Season: It's very important to have the season start as early in December as possible to capitalize on the Christmas market. Also, having days in December is good for the fishermen since the Canadian fishery opens in January, which can impact price. I also am happy to have the season extend into April. The longer I have to build a market for Maine scallops, the better.

Opposed to Individual Diver Effort (7):

Allan Walls, received via email, October 19, 2017

I, Allan Walls, am writing to say I am completely opposed to having more than one license on a dive boat! License #520W.

Mike Murphy, Machiasport, received via email, October 19, 2017

Hi my name is Mike Murphy II from Machiasport Maine. I would like to oppose the diver personal limit peace of this rule. Divers and Draggers should be treated equally. If a diver can stack licenses on a boat draggers should be allowed to as well.

Alex Todd, received via email, October 19, 2017

Given that we just passed an owner operator a requirement in the Drager sector , it seems to go against that direction to let the other Sector stack licenses. I understand why it's beneficial to the divers and lowers their expenses. However I think it increases and encourages latent diver effort. I know from my standpoint if I could continue to go lobstering and just jump on somebody that was already sculpins boat and get my 135 in addition to Their's financially I'd do so. And I know many non active draggers who would love to come with me and stack on their license.

I acknowledge that historically divers take a relatively low portion of the total catch. But I feel that this will increase the overall effort. And given that recently divers have still gotten access once the inner areas are closed to draggers, it will increase effort in areas that have already been shut down.

Jim Hanscom, received via email, October 19, 2017

My name is Jim Hanscom and am a scallop dragger from MDI. I feel it would be very unfair to us and the industry to permit multiple divers each with a 135lb limit from one vessel we are only allowed one license per boat so should they. This could make it so a good diver can take a poor diver and put him right on good fishing, this would also allow someone who hasn't gone before or for some time because they simply don't have a boat. divers are always capable of getting onto the brood stock scallops that are bigger worth more money and in the shallower waters we're can't tow. I believe in some ways divers can do way more damage to the scallop resource and rebuilding of it than anyone because of there selective way of harvesting. If anything diving should be potentially banned from the fishery rather than giving more opportunities. Thank you for your consideration and hopefully the proper decision is made.

Togue Brawn, Downeast Day Boat, received via email, October 23, 2017

Opposed:

I oppose changing the possession limit for divers from a per-vessel limit to a per-individual limit. Decades ago draggers brought in hundreds of pounds per day from some areas. Suppressing a "boom and bust" culture by maintaining a limit that actually limits harvest is critical to the success of DMR's rebuilding plan. Current possession limits greatly restrict draggers, but the only way they restrict divers is by making it less profitable for multiple divers to work from one vessel. This is a minor constraint, especially when compared to the significant constraints put on draggers. Given the ever-simmering animosity between divers and draggers, I do not believe it prudent to remove what is essentially the only real constraint on divers' harvesting capacity.

I also worry about the enforceability of this change when recreational harvesters are on board. Is there a mechanism to prevent several commercial divers from taking along recreational divers to build up to their cumulative limits? How will this be addressed if the per-vessel limit is changed to a per-individual limit?

Some might argue "What does it matter – this change will yield only a modest uptick in landings – you're making a mountain out of a molehill." But it DOES matter, because perception and buy-in is important. Maine's scallop fishery has come a long way in a relatively short number of years, and part of the reason is that by and large, fishermen believe the regulations are fair. The conservation mentality is improving in the scallop fishery, but we have a long way to go. Now is not the time to be eroding trust and buy-in. I worry about upsetting the apple cart when it seems to be moving steadily in the right direction.

Averill West, received via email, October 23, 2017

My name is Averill West. I have fished with my husband for many years as part of the scalloping crew. I strongly oppose the idea of multiple divers each having a 135 pound limit on one boat.

Draggers are only allowed one license per boat and are restricted to owner operator. The way you have it set up for next year, (allowing divers to start their season earlier than draggers) gives them the opportunity to have a one month head start on fishing. Divers are also allowed access to areas that are closed for dragging. I urge the council oppose this sector. I realize diving is dangerous and hard work. I also know firsthand how costly and dangerous dragging is. It is a choice we make. Divers have a choice too. How can stacking licenses seriously be considered? This is completely biased. Thank you for taking the time to read my comment.

James West, received via email, October 23, 2017

My name is James West. I've fished for many years scalloping. I strongly oppose the idea of multiple divers each having a 135 pound limit on one boat. Draggers are only allowed one license per boat and are restricted to owner operator. The way you have it set up for next year, (allowing divers to start their season earlier than draggers) gives them the opportunity to have a one month head start on fishing. Divers are also allowed access to areas that are closed for dragging. I urge the council oppose this.

Frenchman's Bay where I live, I am the third generation of West dragging scallops out of this bay.

Most of the area in this bay is 60 feet or less where there are scallops. You would be allowing multiple divers which is going to hurt this bay tremendously because they will be taking the seeders out of the bay. It's like you have something against us divers. You keep giving and giving to the divers. I keep hearing that they only take 3 percent to 10 percent out of the state, but a lot of that comes out of Frenchman's Bay and Blue Hill Bay. Most of that area is 60 feet or less and prime site for divers.

I realize diving is dangerous and hard work. I also know firsthand how costly and dangerous dragging is. It is a choice we make. Divers have a choice too. How can stacking licenses seriously be considered? This is completely biased. Thank you for taking the time to read my comment.

Department Response:

Calendars

For the Zone 2 Drag Calendar, the Department will move April 2, 3, 4, 9, 10 and 11 to December 8 and 29, 2017; January 5 and 12; February 2, and; March 22 and 29, 2018 in accordance with the public comments received.

For the Zone 2 Dive Calendar, the Department will move March 7, 14, 21 and 28 and April 15 to January 3, 10, 17, 24 and 31, 2018 and April 4, 5, 11 and 12 to February 7, 14, 21 and 28. With the intent of filling in the calendar for January and February as the commenter suggested, this amendment of calendar days results in four day weeks beginning on December 6th through to March 3rd, 2018. Additional comment received during the Augusta Public Hearing held on the following day, requested days to increase in April as well as reduce overlap calendar days with the drag sector calendar. Because of these two opposing comments, a compromise has been reached to 1) increase to 4-day weeks in January and February, and; 2) maintain calendar days in April should opportunities to harvest late in the season still be available.

Public comment taken during the Ellsworth meeting suggested shifting April days into January to allow for a continued Wednesday-Saturday harvesting schedule, which conflicts with another commenter's opinion that there was consensus from the scallop diving community to allocate more calendar days towards the end of the season. Overlap days exist not only for the month of March, but are observed from December through February also. It has been noted by information received during public comment that the overlap between dragger and diver is manageable as the draggers tend complete their work day early. To allow for a compromise amongst commenters regarding the Zone 2 Dive Calendar, the Department will move March 7, 14, 21 and 28 and April 15 to January 3, 10, 17, 24 and 31, 2018; and, April 4, 5, 11 and 12 to February 7, 14, 21 and 28. This change in calendar dates will allow for the dive sector to take advantage of better prices and have access to product prior to late season closures.

For the Zone 3 Drag Calendar, the Department will move April 2, 3, 4, 9, 10 and 11 to December 7, 8, 14, 21, 28 and 29, 2017 in response to most comments suggesting such a change.

With respect to territorial waters surrounding Machias Seal Island and North Rock, the Department will move the open period for this new area for Zone 2 to the month of March. Therefore, territorial waters around Machias Seal Island and North Rock will be open seven days a week for the month of March. The Department considered the comments that this area should be open seven days a week for the duration of the season, but is concerned about the enforcement challenge that such unrestricted fishing would present. As a compromise, the Department is allowing fishing seven days a week for one month (March) and will consider longer term access in future seasons

Scallop Season Start Date

The recommendation to shift the start of the scallop season was thoroughly discussed by Department staff, as this recommendation was heard from three individuals in different zones. Looking back through the history of the scallop fishery and the seasonal timeframe in which the scallop fishery operates, there have been instances whereby specific areas of the coast have experienced delays in opening due to the existence of gear conflict. Ultimately, this culminated to a permanent truncation of the scallop fishery season to begin coastwide on December 1st by statutory change under 12 M.R.S.A. §6726. Therefore, the scallop fishery and the season duration has already been limited with the intent to reduce gear conflict. Further delaying the season to late December or early January will negatively impact scallop fishermen, as the best price is usually received in December. In fact, many comments were received requesting that the Department shift additional fishing days into December for that reason. While the lobster fishery may be having an unusual season, and anticipate they may be fishing later into December, these fisheries have historically managed to co-exist. DMR expects that fishermen will work to avoid gear conflict. If gear conflict does occur, the Commissioner is authorized to use emergency rule-making to close areas to fishing when necessary. The Department would implement these closures on a case-by-case basis, as needed.

Individual Dive Limits

The Department proposed changing the daily limit for divers from a vessel limit to an individual limit as a way to promote greater safety in the dive sector. DMR does not want the regulations to incentivize divers diving alone, in order to maximize their catch. This is a winter fishery, with set fishing days that does not allow fishermen to pick good weather days for fishing. For these reasons, the Department sees a basis for providing individual limits instead of vessel limits for divers. In response to the comments from draggers opposing this change, the Department has amended the rule to maintain the individual limit for scallop divers and to impose a vessel limit of no more than twice the individual limit, even if the number of divers fishing from the vessel is greater than two.

Comments opposed to this change referred to “stacking of licenses” on vessels. It has long been the case that the same vessel may be identified on multiple licenses. Thus, “stacking” of licenses has already been allowed. All that is changing is whether the daily limit for divers applies to an individual, or a vessel.

The Department disagrees that divers have not made any sacrifices under the rebuilding plan established through the rotational management system. The majority of effort in the scallop fishery is from draggers, who represent approximately 97% of the landings. As DMR has implemented emergency in-season closures when biomass removal targets have been reached or exceeded, divers have also been excluded, in some cases when they have had little to no opportunity to harvest those areas. Divers tend to be less mobile than draggers, so if their local fishing area is closed, it effectively ends their season. During the 2014-2015 season, the 343 active draggers each harvested an average of 1534 meat pounds, while the 33 active divers harvested an average of 515 meat pounds. Each active dragger is therefore harvesting approximately 3 times what each active diver is harvesting.

Marine Patrol has affirmed that they do not anticipate any greater enforcement challenge with enforcing an individual rather than a boat limit on divers. That is how it is enforced in the urchin fishery, without any problem.

The Department does not anticipate that this will cause a significant amount of divers who have not previously been using their licenses to activate their licenses. Because divers represent only 3% of the state landings, the Department does not agree that this proposed change will have any negative effect on the scallop resource.

Calendar Revisions

Revisions for the Zone 2 and 3 Drag calendar as well as Zone 2 Dive calendar (red calendar days were moved to green calendar days) are addressed in the calendar below.

REVISIONS BASED ON COMMENTS

2017 - 2018 Scallop Season Calendar
Zone Two (2)
70 Day DRAG Season (15 gallons)

REVISIONS BASED ON COMMENTS

2017 - 2018 Scallop Season Calendar
Zone Three (3)
55 Day DRAG Season (10 gallons)

O Zone 2 Limited Access Areas Draggers **O** Open Closed

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

December 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	30
31						

January 2018						
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	31			

December 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	30
31						

January 2018						
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	31			

17

19

16

15

February 2018						
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			

March 2018						
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	31

February 2018						
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			

March 2018						
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	31

17

17

12

12

April 2018						
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					

April 2018						
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					

Limited Access Areas:
Whiting/Dennys Bay

0

0

Total Days
70

Total Limited Access Areas Days
12

Total Weeks
17

Total Days
55

Total Limited Access Areas Days
15

Total Weeks
17

REVISIONS BASED ON COMMENTS

2017-2018 Scallop Season Calendar Zone Two (2) 70 Day DIVE Season (15 gallons)

Zone 2 Limited Access Areas Diver Open Closed

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

18

January 2018						
S	M	Tu	W	Th	F	S
	1	2	3	4	5	6
			O	O	O	O
7	8	9	10	11	12	13
			O	O	O	O
14	15	16	17	18	19	20
			O	O	O	O
21	22	23	24	25	26	27
			O	O	O	O
28	29	30	31			
			O			

17

February 2018						
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	O
25	26	27	28			
			O			

16

March 2018						
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	O
25	26	27	28	29	30	31
			O	O	O	O

15

April 2018						
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	O	O
22	23	24	25	26	27	28
			O	O	O	O
29	30					
			O			

4

Total Days
70

Total Limited Access Areas Days
20

Total Weeks
20

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Amanda Ellis, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 624-6573;
web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: Chapter 11 Scallops; 2017-18 Season

STATUTORY AUTHORITY: **12 M.R.S. §6171, 6722, 6728-C**

DATE AND PLACE OF PUBLIC HEARING:

October 10, 2017, 6:00 PM, University of Maine at Machias, Rm 102, 116 O'Brien Avenue Machias, ME

October 11, 2017, 6:00 PM, Ellsworth City Hall Auditorium, One City Hall Plaza, Ellsworth, ME

October 12, 2017, 6:00 PM, DMR – Augusta, 32 Blossom Lane, Augusta, ME

COMMENT DEADLINE: **10/23/2017**

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

Scallop Regulations must be updated for each new season to adjust the schedules and closure lines based on lessons learned from the previous season.

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 2017-2018 scallop fishing season. As in the 2016-2017 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 4, 2017 and the proposed last day of the season is April 10, 2018. For Zone 1, a 60-day season is set for divers to start on December 1, 2017 and the proposed last day of the season is April 15, 2018. For Zone 2, a 70-day season is set for draggers to start on December 4, 2017 and the proposed last day of the season is April 11, 2018. For Zone 2, a 70-day season is set for divers to start on December 1, 2017 and the proposed last day of the season is April 15, 2018. For Zone 3, a 55-day season is proposed for draggers to begin on December 4, 2017 and the proposed last day of the season is April 11, 2018. For Zone 3, a 55-day season is proposed for divers to begin on December 1, 2017 and the proposed last day of the season is April 14, 2018.

In Zone 1, Casco Bay, Sheepscot River and Muscongus Bay/W. Penobscot Bay Areas, as well as Whiting/Dennys Bays in Zone 3 are proposed as Limited Access Areas with reduced harvesting days. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock will be open to harvest daily for the month of December 2017, only.

DMR is proposing to maintain the following targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops: Muscle Ridge, Lower Muscle Ridge, Eastern Casco Bay, Upper Sheepscot River, Ocean Point, Damariscotta River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

Additionally, the daily possession and harvest limits for individuals issued a license under either 12 M.R.S §6701 or §6702 has been updated to reflect personal limits for divers are no longer limited by vessel.

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]

Recommendations from the Scallop Advisory Council, scallop industry members [harvesters and dealers] and Bureau of Marine Patrol.

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.