

NOTICE OF AGENCY EMERGENCY RULE-MAKING**AGENCY:** Department of Marine Resources**CHAPTER NUMBER AND TITLE:** Chapter 11.08, Targeted Closures: (11) Upper Machias & Little Machias Bay; (12) Cobscook, Whiting & Denny's Bays; and 13) Upper Western Bay**CONCISE SUMMARY:**

The Commissioner adopts this emergency rulemaking to establish scallop conservation closures in Cobscook, Whiting & Dennys Bay (Zone 3), Upper Machias and Little Machias Bay, and Upper Western Bay (Zone 2). The Department is concerned that continued harvesting for the remainder of the 2024-2025 fishing season in these areas will reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2024 Scallop surveys that are essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure is necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in five important scallop harvest areas. For these reasons, the Commissioner hereby adopts an emergency closure of Maine's scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

EFFECTIVE DATE: January 19, 2025

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Chapter 11 Scallops

11.01 Definitions

1. Chafing gear or cookies.

Chafing gear or cookies, with respect to the scallop fishery, means steel, rubberized, or other types of donut rings, disks, washers, twine, or other material attached to or between the steel rings of a sea scallop drag or dredge.

2. Drag, dredge, drag gear, or dredge gear.

Drag, dredge, drag gear, or dredge gear, with respect to the scallop fishery, means gear consisting of a mouth frame attached to a holding bag constructed of metal rings, or any other modification to this design, that can be or is used in the harvest of scallops.

3. Drag or dredge bottom.

Drag or dredge bottom, with respect to the scallop fishery, means the rings and links found between the bail of the drag or dredge and the club stick, which, when fishing, would be in contact with the sea bed. This includes the triangular shaped portions of the ring bag commonly known as “diamonds”.

4. Drag or dredge top.

Drag or dredge top, with respect to the scallop fishery, means the mesh panel in the top of a drag or dredge and immediately adjacent rings and link found between the bail of the dredge, the club stick, and the two side panels. The bail of the dredge is the rigid structure of the forward portion of the drag or dredge that connects to the warp and holds the drag or dredge open. The club stick is the rigid bar at the tail of the drag or dredge bag that is attached to the rings.

5. Scallop Management “Zone One (1)” includes all coastal waters West of a line beginning at the easternmost point of Fort Point State Park on Cape Jellison then running southwesterly to channel marker #1 South of Sears Island, then running southwesterly to channel marker RW “II” located between Marshall’s Point and Bayside in the Town of Northport, then running southwesterly to Graves channel marker southeast of the Town of Camden, then running southeasterly to the Penobscot Bay Buoy “PB” East of Rockland Harbor, then running southerly to the TBI whistle southwest of Junken Ledge, then running southeasterly to Red Nun #10 buoy at Foster Ledges, then running due South magnetic to the boundary of the State’s coastal waters to the New Hampshire border.
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.
7. Scallop Management “Zone Three (3)” includes all coastal waters North and East of the Lubec-Campobello Island bridge including all of Cobscook Bay and the St. Croix River inside Maine territorial waters.
8. Commercial Scallop License. A handfishing scallop or handfishing with tender license issued under 12 M.R.S §6701 or a scallop dragging license issued under 12 M.R.S. §6702.

11.02 Reporting: See Chapter 8.**11.03 Atlantic Sea Scallops Harvesting Season, Closed Days and Rotational Management**

1. A person may not fish for or take scallops by dragging in Maine's territorial waters from April 16th to November 30th, both days inclusive.
2. A person may not fish for or take scallops by diving in Maine's territorial waters from April 30th to November 14th, both days inclusive.
3. A person may not fish for or take scallops except on an open day as established in 11.11.
4. A person may not fish for or take scallops from a rotational management area in Zone 2, except from an open rotational management area as established in 11.12.

11.04 Configuration of Scallop Drag

1. Minimum mesh size.

- A. Twine top restrictions.

The mesh size of net material on the top of a scallop dredge in use by or in possession of vessels in the Atlantic sea scallop fishery shall not be smaller than 5.5 inches (13.97 cm).

- (1) For vessels rigged with a dredge or dredges, and each individual dredge is greater than 8 ft (2.44 m) in width, there must be at least seven rows of non-overlapping steel rings unobstructed by netting or any other material, between the terminus of the dredge (club stick) and the net material on the top of the dredge (twine top).
 - (2) For vessels rigged with a dredge or dredges, and each individual dredge is greater than 3.5 ft (1.07 m) and less than or equal to 8 ft (2.44 m) in width, there must be at least four rows of non-overlapping steel rings unobstructed by netting or any other material, between the club stick and the twine top of the dredge.
 - (3) For vessels rigged with a dredge or dredges, and each individual dredge is 3.5 feet (1.07 m) or less in width, there must be at least one row of non-overlapping steel rings unobstructed by netting or any other material, between the club stick and the twine top around the circumference of the top of the dredge. The twine top must be hung on no more than two diamond meshes per ring on the top and bottom and a single diamond mesh per ring on the sides. Alternative designs may be approved by permit from the Commissioner.

- B. Measurement of mesh size.

Mesh size is measured by using a wedge-shaped gauge having a taper of 2 cm in 8 cm and a thickness of 2.3 mm, inserted into the meshes under a pressure or pull of 5 kg. The mesh size is the average of the measurements of any series of 20 consecutive meshes for nets having 75 or more meshes, and 10 consecutive meshes for nets having fewer than 75 meshes. The mesh in the regulated portion of the net will be measured at least five meshes away from the lacings running parallel to the long axis of the net.

2. Chafing gear and other gear obstructions.

- A. Chafing gear restrictions.

No chafing gear or cookies shall be used on the top of a scallop dredge.

- B. Link restrictions.

No more than double links between rings shall be used in or on all parts of the dredge bag, except the dredge bottom. No more than triple linking shall be used in or on the dredge bottom portion and the diamonds. Damaged links that are connected to only one ring, i.e., "hangers", are allowed, unless they occur between two links that both couple the same two rings. Dredge rings may not be attached via links to more than four adjacent rings. Thus, dredge rings must be rigged in a configuration such that, when a series of adjacent rings are held horizontally, the neighboring rings form a pattern of horizontal rows and vertical columns.

C. Dredge or net obstructions.

No material, device, net, dredge, ring, or link configuration or design shall be used if it results in obstructing the release of scallops that would have passed through a legal sized and configured net and dredge, as described in this part, that did not have in use any such material, device, net, dredge, ring, or link configuration or design.

3. Minimum Ring Size

A person may not use a drag to fish for or take scallops in the territorial waters with rings that measure less than 4 inches.

11.05 Scallop Harvesting Gear Restrictions

1. State Waters Drag Size Restriction

It shall be unlawful to possess on any vessel fishing for scallops, or to fish for or take scallops, in Maine's territorial waters:

Any scallop drag or combination of scallop drags that exceed 10 feet 6 inches in width (by measuring from the extreme outside of the mouth of the drag or drags).

2. Dragging for Scallops Damariscotta River, Lincoln County

It shall be unlawful to fish for or take scallops in the Damariscotta River with any scallop drag (chain sweep or rock drag) 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 from April 16 to ½ hour after sunset December 31 of each year.

3. Scalloping in the Frenchboro Cable Area - Hand Scallop Fishing Allowed

A. It shall be lawful to take scallops by hand, unless prohibited by other statute or regulation in the Frenchboro Cable Area described in 12 M.R.S. §6954-A(1) (hereafter "Frenchboro Cable Area").

B. It shall be unlawful to operate any watercraft when towing a drag or trawl while taking scallops by hand in the Frenchboro Cable Area.

C. It shall be unlawful to use a watercraft rigged for dragging while taking or attempting to take scallops by hand in the Frenchboro Cable Area.

D. It shall be unlawful to possess scallops aboard a watercraft rigged for dragging while taking or attempting to take scallops by hand in the Frenchboro Cable Area.

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.

8. Sullivan Harbor

Inside and north of a line starting at Edgewater Point, Sullivan, 44 31.214 N 068 12.692 W, continuing in an easterly direction for approximately .6 nm to an unnamed point, 44 31.023 N 068 11.902 W, Sullivan.

11.07 Atlantic Sea Scallop Limitations

1. Atlantic Sea Scallops, Minimum Size

In Maine Territorial Waters, it shall be unlawful to possess Atlantic sea scallops whose shells are less than 4 inches in the longest diameter, effective on December 1, 2004 and thereafter in accordance with 12 M.R.S. §6721(1)(A) & (B).

2. Atlantic Sea Scallops, Night Harvesting Prohibition

Effective November 1, 1986, it shall be unlawful to fish for or take scallops during the nighttime hours between sunset (as defined in 12 M.R.S. §6001(46)) until ½ hour before sunrise (as defined in 12 M.R.S. §6001(45)) within Maine's territorial waters.

3. Atlantic Sea Scallops, Culling Required

Scallops less than the minimum legal size must be immediately liberated. It is prima facie evidence of possession of illegal scallops if a vessel contains scallops smaller than the minimum size while a scallop license holder or crewmember is shucking scallops.

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.

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.

5. Atlantic Sea Scallops Harvested Seaward of Maine's Territorial Waters

A vessel may possess or land more than 15 gallons of scallop meats per day within Maine's territorial waters only if it meets each of the following requirements:

- A. The scallop meats were harvested seaward of Maine's territorial waters.
- B. The vessel holds a valid current Federal Permit (Title 50(A) §648.4) that authorizes possession of more than 15 gallons of scallop meats per day.
- C. The amount of scallop meats on board does not exceed the maximum amount authorized by the vessel's Federal Permit.
- D. The vessel has all fishing gear (dredges, drags) securely stowed when transiting Maine's territorial waters. 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.

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.

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. 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.

2. 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 "2" at Eastern Drunkers Ledge.

Western boundary: East and North of a line drawn from 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.

3. Upper Sheepscot River

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.

Eastern boundary: West of a line drawn at the most northern tip of Soldier Point, Georgetown Island running north to the most southern tip of Westport Island.

Southern boundary: North of a line drawn from the most southern point of Kehail Point running northeasterly to the most southern point of Barbers Island and continuing southeasterly to the most northwestern tip of Sawyer Island

4. 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 Sebascodagan Island, Harpswell.

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

5. 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.

6. 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.

7. Lower Sheepscoot River

Eastern boundary: West and North of the Townsend Gut Bridge connecting Southport Island and West Boothbay Harbor.

Northern boundary: South of a line drawn from the most southern point of Kehail Point running northeasterly to the most southern point of Barthers Island and continuing southeasterly to the most northwestern tip of Sawyer Island.

Western boundary: East of a line drawn at the most northern tip of Soldier Point, Georgetown Island running north to the most southern tip of Westport Island.

Southern boundary: 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.

8. 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.

9. Moosabec Reach

Western boundary: North and east of a line drawn from the eastern tip of Merritt Point, Addison and running easterly to RN "22"; continuing southeasterly to the northern tip of Hardwood Island, then running northeasterly to the northern tip of Pomp Island and ending at the western tip of Indian Point on Beals Island.

Eastern boundary: Inside and west of a line starting at the eastern tip of Kelley Point, Jonesport and running southwesterly to the eastern tip of Pig Island; and, continuing southwesterly to the northeastern tip of Great Wass Island.

10. Upper Cranberries

North of a line starting at the southern point of Bass Head; then running northeasterly to the southern tip of Baker Island and continuing along the southern shore to the eastern tip of Baker Island; and running northerly to Otter Point, Mount Desert Island.

11. Upper Machias Bay and Little Machias Bay

~~North of a line starting at the northeastern point of Bucks Head; then running northeasterly to the western tip of Point Ruth, Cutler.~~

North of a line starting at the southeastern tip of Spruce Point on Cross Island and running to the southern tip of the Double Shot Islands; then continuing northeasterly to the northern tip of Old Man Island; and continuing northeasterly to Western Head, Cutler.

12. Cobscook, Whiting & Dennys Bays

Northern boundary: South and west of a line drawn from the northern tip of Kendall Head, Eastport to the southern tip of Cummings Cove, Deer Island Point, Canada.

Eastern boundary: West of the international maritime boundary line.

Southern boundary: North and west of the International Bridge between Lubec and Campobello Island.

13. Upper Western Bay

Southern boundary: North and east of a line starting that the northern tip of Tom Island and running northeasterly to the northern most tip of Disko Island; then continuing on to the southern most tip of Little Drisko Island; then running easterly to the western tip of Slate Island, and continuing directly east to Great Wass Island at Folkingham Cove.

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 3, 4, 5, 10, 11, 12, 17, 18, 19, 24 and 26, 2024 in areas 1 and 3 in Zone 1; and, December 6, 7, 13, 14, 20, 21, 27 and 28, 2024, January 4, 11, 18 and 25, 2025, and February 1, 8, 15 and 22, 2025 in area 2 in Zone 3. 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 6, 13, 20 and 27, 2025, February 3, 10, 17 and 24, 2025 and March 3, 10 and 17, 2025 in areas 1 and 3 in Zone 1; December 2, 9, 16, 23 and 30, 2024 in area 4 and 5 in Zone 2; and December 2, 4, 9, 11, 16, 18, 23 and 30, 2024, January 1, 6, 13, 20, and 27, 2025, and February 3, 10, and 17, 2025 in area 2 in Zone 3. 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 through 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. Western Casco Bay

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 "2" at Eastern Drunkers Ledge, then continuing to the southeastern tip of Jewell Island.

2. 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.

3. Muscle Ridge

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.

4. Gouldsboro and Dyers Bay Area

North of a line starting at the eastern most tip of Youngs Point, Corea, continuing to the western most tip of Sheep Island and following the southern shoreline to the eastern most tip of Sheep Island; and then running easterly to the southern tip of Petit Manan Point.

5. Upper Blue Hill Bay Area

North of a line starting at the southern most tip of Woods Point, Blue Hill, running southeasterly to the northern most tip of Long Island, then running to the southern tip of Burnt Point, then running northeasterly to the southern tip of Oak Point.

11.10 Cobscook Bay Limits and Restrictions

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.

C. Daily limit.

Any vessel which has taken scallops within the restricted area of Cobscook Bay, as defined by 12 M.R.S. §6728(1), may not land scallops and return to fishing for scallops within that restricted area on the same day. It is unlawful to transfer to or receive from another vessel any scallop shellstock or scallop meats.

D. Harvester Meat Count

Except as allowed pursuant to Chapter 11.19(2), no vessel or person may take, possess or transfer shucked scallops which measure more than 35 meats per 16 oz. certified measure from or within the Cobscook Bay Restricted Area, as defined by 12

M.R.S. §6728 (1). The meat count shall be measured by selecting small scallop meats from the harvester's catch.

E. Limited Access Areas: See Chapter 11.09 (4)

2. Non-Cobscook Bay scallops, landing and possession restrictions.

A. Possession.

Vessels transiting or landing scallops within the restricted area of Cobscook Bay, as defined by 12 M.R.S. §6728(1), and which have been fishing exclusively outside of the restricted area may possess more than ten gallons of scallop meat or scallops which measure more than 35 meats per 16 oz. certified measure.

B. Landing scallops harvested outside the restricted area, in Cobscook Bay.

Vessels which are transiting or landing in the restricted area and which are in possession of more than ten gallons of scallop meat or scallops measuring more than 35 meats per 16 oz. certified measure, which have been harvested outside the restricted area, may not possess any shellstock and must have all fishing gear (dredges, drags) securely stowed when transiting the restricted area.

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 9, 2024 through to March 20, 2025, both days inclusive, with the following exceptions:

- A. In December 2024 fishing is prohibited on Fridays, Saturdays and Sundays, and also Wednesday, December 25, 2024, with the exception of Friday, December 27, 2024 which will remain open.
- B. In January, February, and March 2025, fishing is prohibited on 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 3, 2024 through to April 26, 2025, both days inclusive, with the following exceptions:

- A. In the month of December 2024, fishing is prohibited on Sundays and Mondays, and Wednesday, December 25 and Tuesday, December 31, with the exception of Monday, December 23, 2024 which shall remain open.
- B. Fishing is prohibited in the months of January and February 2025.
- C. In the months of March and April 2025, fishing is prohibited on Sundays and Mondays.

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 2, 2024 through to March 31, 2025, both days inclusive, with the following exceptions:

- A. In December 2024, fishing is prohibited on Fridays, Saturdays and Sundays, and also Wednesday, December 25, 2024, with the exception of Friday, December 27, 2024 which will remain open.
- B. In January, February, and March 2025, fishing is prohibited on Fridays, Saturdays and Sundays, except for Friday, January 3, 2025 which will remain open.

4. Zone 2 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 2 is open November 19, 2024 through to April 12, 2025, both days inclusive, with the following exceptions:

- A. In the month of November 2024, fishing is permitted on days 19, 20, 21, 22, 23, 26, 27, 29 and 30, 2024. December 2024, fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays.
- B. In the months of January, February, and March 2025 fishing is prohibited on Sundays, Mondays, Tuesdays, and Wednesdays. April 2025, fishing is prohibited on Sundays and Mondays.

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 December 1, 2024 through March 31, 2025, both days inclusive.

6. Zone 3 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 3 is open December 2, 2024 through March 26, 2025, both days inclusive, with the following exceptions:

- A. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the month of December 2024, and also Wednesday, December 25, 2024.
- B. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the months of January, February and March 2025.

7. Zone 3 season for divers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 3 is open December 5, 2024 through to March 29, 2025 both days inclusive, with the following exceptions:

- A. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays in the month of December 2024 and also Thursday, December 26, 2024.
- B. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays in the months of January, February and March 2025.

11.12 Rotational Management Plan

All areas in the First Rotation as described in 11.12(1)(A) are closed to harvest during the 2024-2025 scallop season.

All areas in the Second Rotation as described in 11.12(1)(B) are open to all individuals issued a license under §6701 or 6302-A for scallop diving only.

All areas in the Third Rotation as described in 11.12(1)(C) are open to individuals issued a license under §6702 or 6302-A for scallop dragging only.

1. Zone Two (2): Eastern Maine

A. First Rotation

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 True 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 True 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 True 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.

B. Second Rotation

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 Cutler Shore

Eastern boundary: South and West of a line starting at the most western tip of Jim's Head in the town of Trescott and South to the three mile limit.

Western boundary: North and East of a line drawn South from Western Head, Cutler to the three mile limit.

(2) Chandler Bay/Head Harbor Island

Eastern boundary: North and West 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 the Thoroughfare between Roque Island and Great Spruce Island.

Western boundary: East of the Jonesport Bridge then True South from the most Eastern tip of Little Pond Head to the three mile limit.

(3) Narraguagus/Pigeon Hill Bay

Eastern boundary: South and West 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 True South to the three mile limit.

Western boundary: North and East of a line starting at the most southern tip of Petit Manan to EB gong, then South to the northern most tip of Green Island; then from the southeastern top of Green Island to the northern tip of Petit Manan Island; then from the southern tip of Petit Manan Island to N"2", then to G"1" bell, then True South to the three mile limit.

(4) Cranberry Isle Area

Eastern boundary: South and West 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.

Western boundary: North and East of a line starting at Bass Harbor Head Light then in a southeast direction to the most easterly point on the eastern head of Great Gott Island continuing on True South to the three mile limit.

(5) Lower Blue Hill Bay/Jericho Bay

Eastern boundary: North and West 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.

Western boundary: North and East of the line from the most southeastern point of Naskeag Point, Brooklin to the northern most tip of Swan's Island Head, Swan's Island.

Northern boundary: South of a line drawn from the eastern most point of Harriman Point due East to the southern tip of Hardwood Island, then South to the northern tip of Moose Island, then from the southern tip of Moose Island East to Reed Point, Mount Desert Island.

(6) East Isle Au Haut Bay

Eastern boundary: West of a line from the eastern tip of Coles Head on Whitemore Neck, Deer Isle to the western most point of Millett Island, then South to Richs Point, Isle Au Haut; then from the southern tip of Eastern Head, Isle au Haut, True South to the three mile limit.

Western boundary: South and East 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.

(7) Mid Penobscot Bay

Northern boundary: South of a line from the most northwestern 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.

Southern boundary: North of a line starting at the southern most point of Stinson Point, Deer Isle, West to Mullen Head, North Haven AND North of a line starting at Pulpit Rock, North Haven due West to the Sea Urchin Zone line at Latitude 44 09.551 N Longitude 69 01.510 W.

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

Territorial waters surrounding Machias Seal Island and North Rock.

C Third Rotation

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) Machias Area

North and East of a line starting at Bucks Head, Machiasport proceeding east to the southern end of Northwest Head on Cross Island then due South to the three mile limit, and West of a line drawn due south from Western Head, Cutler to the three mile limit.

(2) Wohoa/Western Bay

Eastern boundary: West of the Jonesport Bridge then True South from the most Eastern tip of Little Pond Head to the three mile limit.

Western boundary: North and East 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.

(3) Gouldsboro/Dyer Bay

Eastern boundary: South and West of a line starting at the most southern tip of Petit Manan to EB gong. then South to the northern most tip of Green Island; then from the southeastern top of Green Island to the northern tip of Petit Manan Island; then from the southern tip of Petit Manan Island to N"2"; then to G"1" bell; then True South to the three mile limit.

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

(4) Upper Blue Hill Bay/Union River

North of a line from Eastern most point of Harriman Point due East to the southern tip of Hardwood Island, then South to the northern tip of Moose Island, then from the southern tip of Moose Island East to Reed Point, Mount Desert Island.

(5) Lower Jericho Bay

Northern boundary: South and east of a line from the southeastern point of Stinson Neck, Deer Isle to the southeastern point of Naskeag Point, Brooklin; continuing southeast to The northern most tip of Swan's Island Head, Swan's Island.

Eastern boundary: North and West of a line from northern most tip of Swans Island Head; continuing South from West Point, Swans Island to Long Point, Marshall Island; then West of a line from the southern most tip of Lower Head, Marshall Island running True South to the three mile limit.

Western boundary: East and south of a line from the southwestern tip of Stinson Neck, Deer Isle west to the eastern tip of Coles Head on Whitemore Neck, Deer Isle; then south to the western most point of Millett Island, then South to Richs Point, Isle Au Haut; then from the southern tip of Eastern Head, Isle au Haut, True South to the three mile limit.

(6) Eggmoggin Reach/Southeast Harbor

Eastern boundary: North and West of a line from the most southeastern point of Stinson Neck, Deer Isle then running to Naskeag Point, Brooklin AND North of a line starting at the most southwestern tip of Stinson Neck, Deer Island running to Coles Point on Whitmore Neck, Deer Island; this includes all of Southeast Harbor.

Western boundary: South and West of the Deer Isle Bridge.

(7) Lower Penobscot Bay & Outer Islands

Northern/Western boundary: South of a line starting at Pulpit Rock, North Haven due West to the Sea Urchin Zone line at Latitude 44 09.551 N Longitude 69 01.510 W and continuing south along the Sea Urchin Zone line to Latitude 43 58.279 N Longitude 69 0.249 W at RW "TBI" Mo (A) WHIS, then running southeasterly to meet the three mile limit at intersection Latitude 43 57.629 N Longitude 68 58.991 W.

Eastern boundary: West of a line starting at Calder Wood Point, Vinalhaven to Fish Point, North Haven; then West of a line from the southern most point of Lane Island, Vinalhaven, True South to the three mile limit.

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

Territorial waters surrounding Machias Seal Island and North Rock.

11.13 Trigger Mechanism

The Commissioner may close any portion of Maine's territorial waters to harvesting through 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. Such closures are established for conservation purposes, to protect the resource from unusual damage or imminent depletion.

11.14 Commercial Scallop License Limited Entry System

1. Limited Entry Procedure:

- A. The Department shall hold two annual lotteries for commercial scallop licenses, provided that the number of licenses to be awarded as determined by the respective exit ratios is greater than zero. One lottery will be held for scallop dragging licenses issued under 12 M.R.S. §6702 and one lottery will be held for handfishing scallop or handfishing with tender license issued under 12 M.R.S §6701.

- B. Eligible individuals wishing to enter either lottery must submit a lottery application that must be received by the Department by the date specified by the Department, for licenses to be issued in the following calendar year.
- C. An individual is eligible to enter either the scallop dragging license lottery or the scallop handfishing or handfishing with tender license lottery, but not both, if they meet the following criteria:
 - a. Is a Maine resident and 18 years of age or older;
 - b. Held in any previous calendar year or currently holds any commercial license issued under 12 M.R.S Part 9, or has in the past or currently is crewing onboard an active commercial scallop vessel;
 - c. Has not been convicted or adjudicated of a marine resources offense that resulted in a license suspension within the last 7 years; and,
 - d. Does not currently possess a license issued under 12 M.R.S. §6701 or §6702.
- D. The number of draws (chances) allotted to each eligible applicant shall be calculated by the Department.
 - a. Each eligible applicant shall be awarded a minimum of one draw.
 - b. Each eligible applicant shall be awarded one additional draw for every consecutive year they enter each lottery.
- E. Before the lotteries are held the Department shall calculate the number of licenses to be awarded for that calendar year, if any.
- F. The Department shall choose individuals to whom licenses will be awarded through a random selection process. The drawing will continue until all available licenses have been awarded.
- G. The Department will verify an applicant's eligibility for the lottery and any additional chances claimed at the time the individual is drawn. If it is determined that the individual misrepresented or falsified any information on their lottery application that drawing shall be void and the Department will draw another individual.
- H. Once a list of winners has been determined, drawing will continue to establish an ordered list of alternates the same length as the list of winners.

2. Exit Ratios

- A. Drag Exit/Entry Ratio. Two individuals will be awarded license eligibility for every three individuals who held a commercial scallop drag license in the year prior to the previous calendar year but who did not renew that license in the previous calendar year. One of the licenses issued will go to an individual over the age of 18 and under the age of 31, and one of the licenses will go to an individual 31 years of age or older. If the number of persons who did not renew is greater than, but not evenly divisible by three, it shall be rounded down to the nearest number evenly divisible by three. If the number is rounded down, the non-renewed licenses in excess of that number evenly divisible by three shall be carried over to the next calendar year for consideration in that year's calculation. If the number is either one or two, the number of licenses awarded shall be zero and the one or two non-renewed license shall be carried over to the next year for consideration in that year's calculation. If the number is zero, the number of licenses awarded shall be zero.
- B. Handfishing Exit/Entry Ratio. One person will be awarded license eligibility for every one person who held a commercial scallop dive license in the year prior to the previous calendar year but who did not renew that license in the previous calendar year. If the number is zero, the number of licenses awarded shall be zero.

3. Issuing the Awarded Licenses

- A. Lottery winners will be informed in writing and mailed a license application form by the Department by registered mail. In addition, lottery winners and alternates will be announced on the Department website.
 - B. Lottery winners must submit their license application, correctly completed with the correct fees and documentation to the Department within 30 days of receipt of notice, or the winner will lose their license eligibility.
 - C. Any license awarded through misrepresentation or misstatement on the license lottery application shall be void.
 - D. If the winner has not complied with the requirements within 30 days, the next alternate on the list of alternates will be sent a license application and have 30 days to comply in the same manner.
4. Exit/Entry Ratio Review
- A. At a minimum of every two years, the Department shall consult the Scallop Advisory Council concerning potential adjustments to the lottery

Basis Statement

The Department is taking emergency rulemaking action to include targeted conservation closures in Chapter 11.08, Targeted Closures: (11) Upper Machias & Little Machias Bay; (12) Cobscook, Whiting & Denny's Bays; and (13) Upper Western Bay.

Upper Machias & Little Machias Bay

This rotational area opened for harvest on December 2, 2025, with a pre-season closure north of a line from Bucks Head, Bucks Harbor eastward to Point Ruth, Cutler. On opening day, approximately 22 vessels were observed by Marine Patrol harvesting within the rotational area; all vessels were fishing on the east of Cross Island towards Western Head, Cutler or southeast of Old Man Island. Total number of vessels harvesting in this area has fluctuated between 15 and 20 since the season began.

Observations of harvesting within the proposed closed area indicate minimal effort in the upper Machias Bay, north of Cross Island, with comments from local harvesters suggesting that at most 3 vessels may have prospected in the early weeks of December but found no great quantity of harvestable scallops. Catch rates within Little Machias Bay were moderate until the end of week 6 (January 9, 2025), at which time it was noted that boats were taking longer to reach their daily limit. Overall, catch rates were low to zero in the area north of Cross Island (Upper Machias Bay) and moderate to low in Little Machias Bay.

The 2024 spring survey had stations within Upper Machias Bay and Little Machias Bay that did not observe any scallops (blue dots; Figure 1). Overall, the legal density in this rotational area decreased from 0.23 scallops/m² to 0.11 scallops/m² in the 2021-2022 season and an additional decrease to 0.09 scallops/m² for the 2024-2025 season. Observations of seed and sublegal scallops were extremely low. The majority of stations showing moderate to high abundance of legal shellstock exist outside of this closure boundary. The area to the northeast of cross island that observed high density of scallops during the spring season has been reported by harvesters to be mostly harvested.

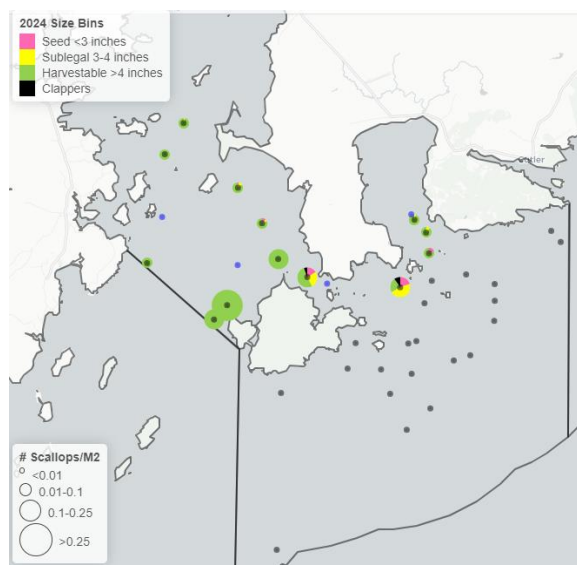


Figure 1: Bubble plots of scallop resource observations during the ME DMR Scallop Survey conducted Spring 2024 in Machias Rotational Area (Zone 2) showing results from inside the proposed closure. Legal scallop density for Machias Rotational Area was estimated at 0.09 scallops/m² in spring survey compared to 0.11 scallops/m² observed during previous spring scallop survey conducted in 2021.

This closure is necessary to prohibit a new wave of effort as a result of displacement from Cobscook from reducing the already low levels of legal spawning stock that remains in the area and to protect the sublegal and seed scallops from any additional incidental mortality (Figure 2).

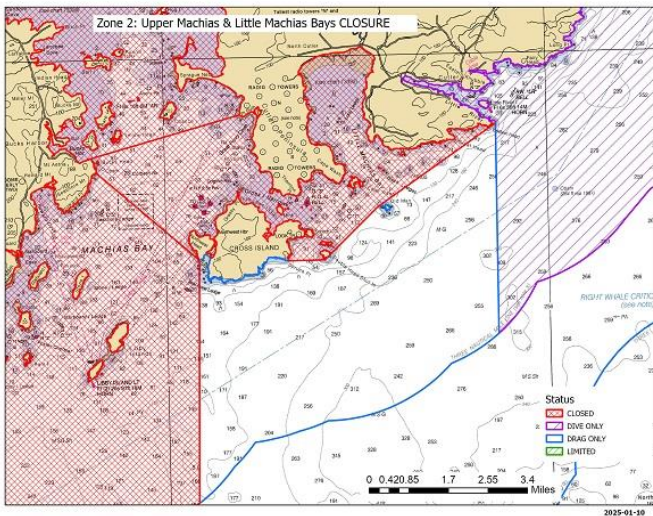


Figure 2: Chart depicts in-season conservation closure for Machias and Little Machias Bays (Zone 2) effective Sunday, January 19, 2025.

Cobscook Bay, including Whiting & Dennys Bays

DMR pre-season scallop survey for Cobscook Bay occurred November 22-24, 2024. Overall, the survey reported a moderate presence of sublegal and legal scallops. However, the past two seasons have shown the lowest amount of sublegal scallops (<3-4 inches) since 2016 (Figure 3). When compared with the DMR pre-season scallop survey completed November 2023, a continued downward trend was observed in total legal scallop density since the high of 0.67 scallops/m² in November 2021 to the lowest value since 2016 of 0.36 scallops/m² in the most recent survey in November 2024 (Figure 4).

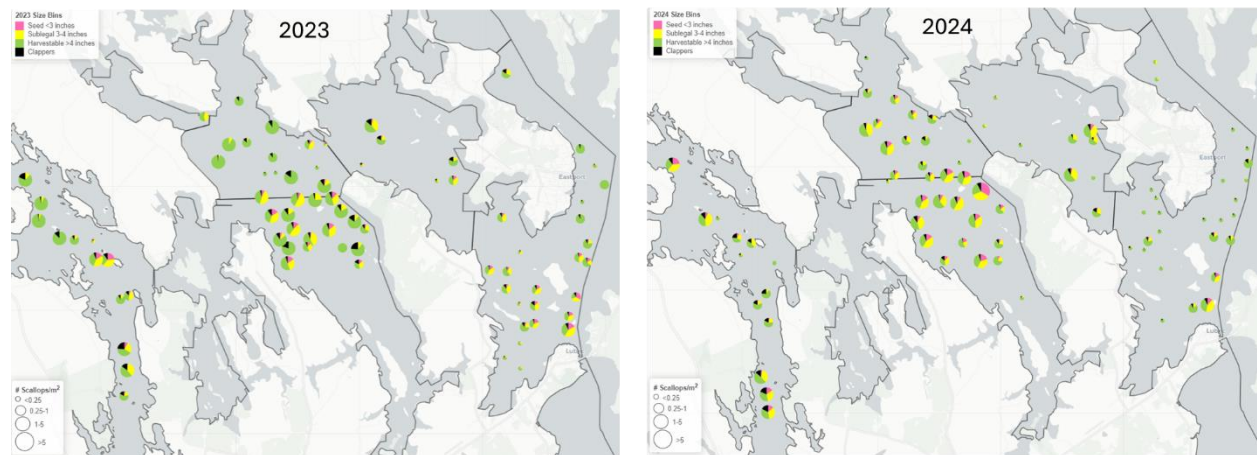


Figure 3: Bubble plots of scallop resource observations during the ME DMR Fall Scallop Survey conducted November 2023 (left) and November 2024 (right) in Cobscook Bay area. Legal scallop density was estimated at 0.36 scallops/m² in 2024 compared to 0.37 scallops/m² for the 2023-24 Scallop Season.

The scallop resource in Cobscook proper (local areas of South Bay, Johnson Bay and Eastport Breakwater) had been relatively stable in the three previous seasons (2020-2023), but the 2023 pre-season survey indicated a decrease in legal biomass as well as relatively low seed and sublegal biomass in the area (Figure 4). This decline has continued with the 2024 pre-season survey results. Harvesters were quick to comment on the opening day that it appears that minimal growth or recovery occurred since the closure of the area on January 28, 2024. Harvesters, again, signaled early in the season that the area would not reach its typical 30-day season.

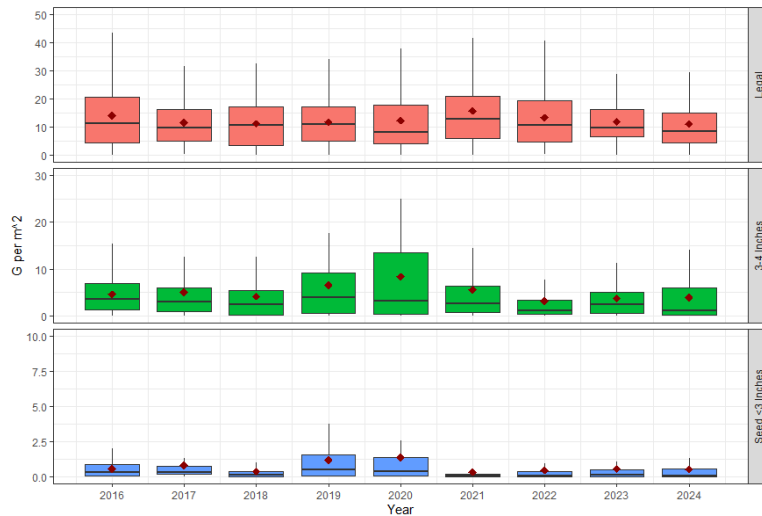


Figure 4: Box plots of scallop resource observations during ME DMR Scallop Surveys conducted Fall 2016 through 2024 for Cobscook Bay including Whiting and Dennys Bays excluding the Saint Croix River. Density of legal scallops (red) peaked in the 2021-2022 season and have been steadily declining since then. This year, there was a slight increase in observations of 3-4 inch scallops (green), but seed scallop (blue) density remain low.

DMR science staff completed an in-season survey of Cobscook on January 4-6, 2025. A decline of 44% in legal density was denoted for all areas of the survey combined from the values calculated pre-season (Figure 5). This is approximately half of the average legal density from all surveys (2016-2024). The largest decrease in legal density was noted for South Bay, decreasing to 0.3 scallops/m² from a pre-season value of 0.46 scallops/m².

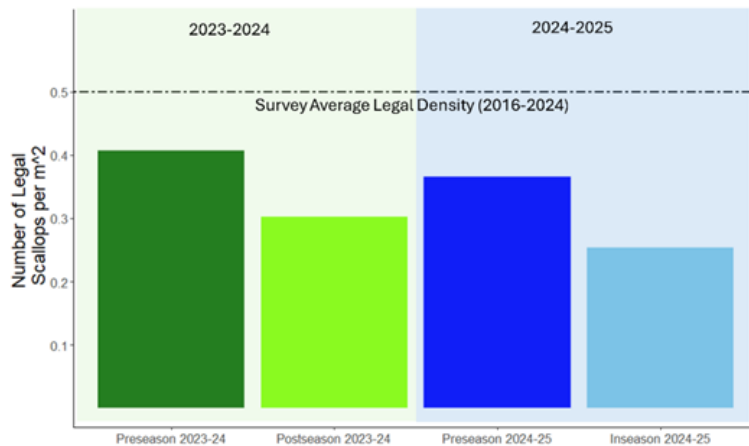


Figure 5: On the left, in green hues, is the initial and final density of legal scallops for the 2023-2024 season. On the right, in the blue hues, is the initial density and the in-season (5 weeks) density of legal scallops for the 2024-2025 season. The black dotted line represents the average density of legal scallops over time as observed by the scallop survey for the years 2016 through to 2024.

Additionally, observations of sublegal cut shells were reported by harvesters earlier in the season and higher number of encounters with sublegal cut shells were noted during the in-season survey (Figure 6).

Marine Patrol observed a sizeable increase in effort beginning the first day of the 2024-2025 scallop season which opened on December 2, 2024. Where in the past two seasons, it's been a range of 60-75 vessels harvesting in the first 3 weeks of December with an increase in vessels entering Cobscook Bay following Christmas. This year, 95 vessels were counted at the beginning of the scallop season and this count remained constant for the first 2-3 weeks. By the fifth week, the number of vessels harvesting in all of Cobscook increased to 110-115. Early comments from harvesters indicated that Cobscook Bay did not appear to have the same high level of scallop biomass, legal or sublegal, as observed in previous seasons.

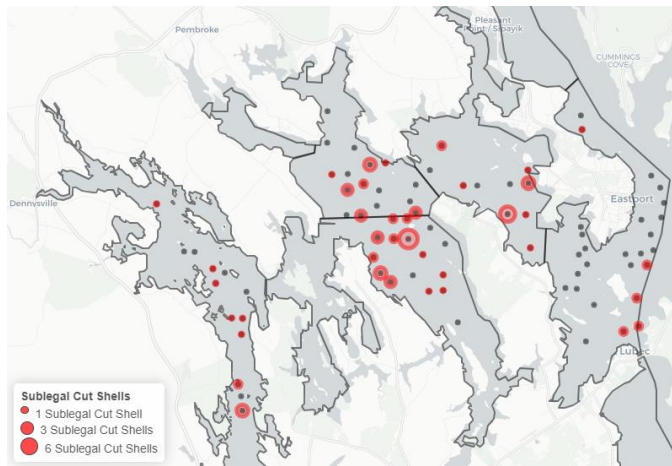


Figure 6: Within the Cobscook survey area, red bubbles indicate observations of cut sublegal scallops. The larger the red bubble, the higher the number of observed cut sublegal shells per tow. The size range of sublegal cut shells observed were as small as 2.5 inches in shell height to just below legal 4 inches.

This closure is necessary to prohibit further reduction of the legal spawning stock that remains in the area and to protect the high abundance of sublegal and seed scallops from any additional incidental mortality (Figure 7).

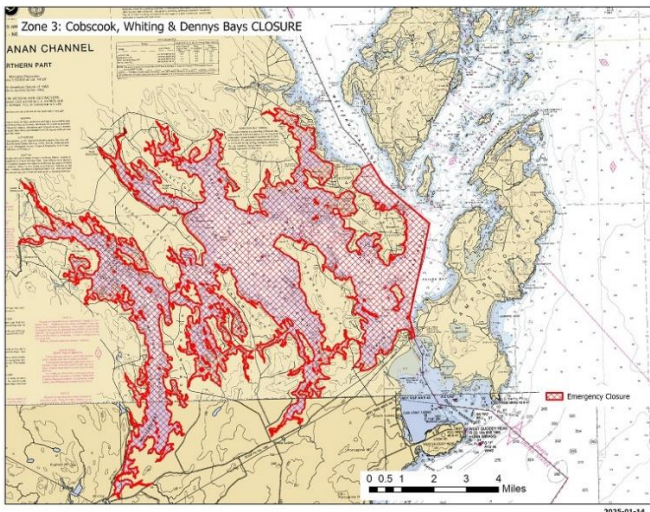


Figure 7: Chart depicts in-season conservation closure for Cobscook, Whiting and Dennys Bays (Zone 3) effective Sunday, January 19, 2025.

Upper Western Bay

Prior to the start of the 2024-2025 scallop season, a conservation closure was implemented through rulemaking from Merritt Point, Addison to Kelly Point, Jonesport. DMR scallop survey results for 2024 noted five of nine stations within the western side of Moosabec Reach, Wahoo Bay and Upper Western Bay as having zero scallops. There was one station of those nine sampled that showed moderate levels of legal and sublegal scallops on the outer portion of Moosabec Reach just north of Norton Island (Figure 8).

Again, there was an observed decline in total scallop density within the Wahoo and Western Bays rotational area, with a 43% decline in legal density. Comparison with the DMR scallop survey completed Spring 2021 indicated a legal scallop density of ~ 0.07 scallops/m² versus ~ 0.04 scallops/m² observed during the most recent Spring 2024 survey.

In open waters south of the conservation closure, approximately 8 vessels were observed by Marine Patrol on December 2, 2025. Reports were positive the first week, indicating healthy shellstock with moderate meat counts caught northeast of Tibbets Island. All boats were catching the daily limit by 9-10 am. By mid-December, only 3 boats were observed in the area and were ranging further south, outside of the proposed boundary to prospect and find their daily limit. Activity in the area has remained low; with weather restricting harvest opportunities in the outer portions of the rotational area.

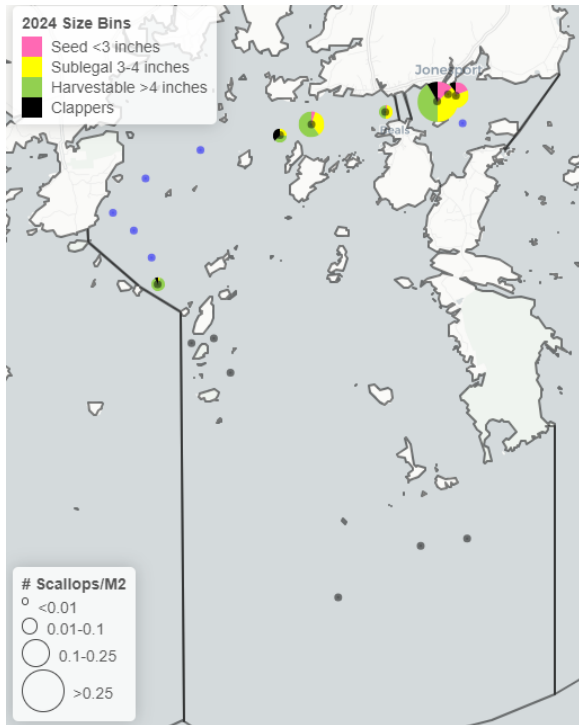


Figure 8: Bubble plots of scallop resource observations during the ME DMR Scallop Survey conducted Spring 2024 in the Western/Wahoa Bays Rotational Area within the proposed closure area. Legal biomass density was estimated at ~ 0.04 scallops/m² in 2024 compared to ~ 0.07 scallops/m² for the 2021-22 Scallop Season. The only station that observed sublegal scallops was north of Norton Island, within the conservation closure.

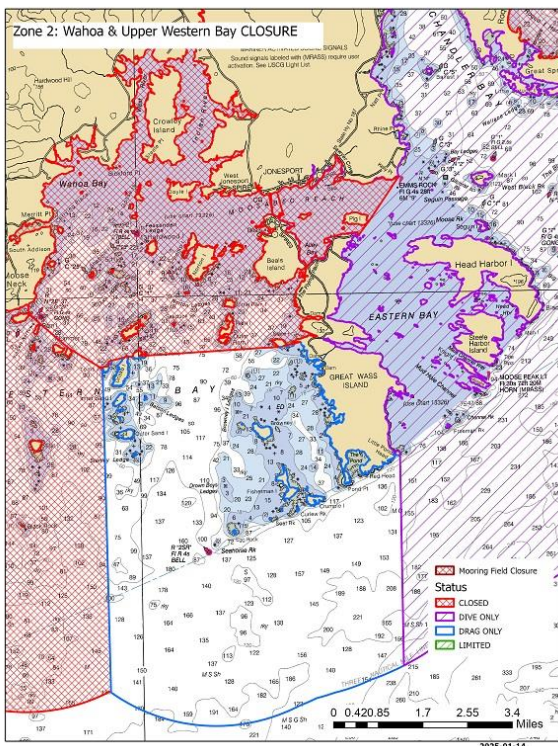


Figure 9: Chart depicts the in-season conservation closure for the Wahoa Bay and West Moosabec Reach Limited Access Area, effective Sunday, January 19, 2025.

This closure is necessary to prohibit a new wave of effort as a result of displacement from Cobscook from reducing the already low levels of legal spawning stock that remains in the area and to protect the sublegal and seed scallops from any additional incidental mortality (Figure 9).

In summary, the Department is concerned that continued harvesting for the remainder of the 2024-2025 fishing season in these areas will reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2024 scallop surveys (spring, fall and in-season) that are essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure is necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in Cobscook Bay (Zone 3) and portions of Machias Bay and Western Bay rotational areas (Zone 2).

For these reasons, the Commissioner hereby adopts an emergency closure of Maine's scallop fishery in these areas as authorized by 12 M.R.S. §6171(3)(A).

In accordance with 5 M.R.S. §8052, sub-§5-A, a statement of the impact on small business has been prepared. Information is available upon request from the DMR Commissioner's Office, State House Station #21, Augusta, Maine 04333-0021, telephone (207) 624-6553.

Rule-Making Fact Sheet

(5 M.R.S., §8057-A)

AGENCY: Department of Marine Resources

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON:

Melissa Smith, Department of Marine Resources, 21 State House Station, Augusta, Maine 04333-0021 Telephone: (207) 441-5040; E-mail: Melissa.Smith@maine.gov, web address: <http://www.maine.gov/dmr/rulemaking/>

CHAPTER NUMBER AND RULE: **Chapter 11.08, Targeted Closures: (11) Upper Machias & Little Machias Bay; (12) Cobscook, Whiting & Denny's Bays; and (13) Upper Western Bay**

STATUTORY AUTHORITY: **12 M.R.S. §6171(3)(A)**

DATE AND PLACE OF PUBLIC HEARING: NA; Emergency Rulemaking

COMMENT DEADLINE: NA; Emergency Rulemaking

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

The Commissioner adopts this emergency rulemaking to establish scallop conservation closures in Cobscook, Whiting & Dennys Bay (Zone 3), Upper Machias and Little Machias Bay, and Upper Western Bay (Zone 2). The Department is concerned that continued harvesting for the remainder of the 2024-2025 fishing season in these areas will reduce scallop broodstock further, as well as jeopardize sublegal scallops that were observed in the 2024 Scallop surveys that are essential to the ongoing recruitment, regrowth and recovery of the scallop resource. An immediate conservation closure is necessary to reduce the risk of unusual damage and imminent depletion of the scallop resource in four important scallop harvest areas.

INCORPORATED BY REFERENCE IN THE RULE? YES NO [§8056(1)(B)]

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

The adopted rule(s) seek to maintain the recovery of the scallop resource within the State of Maine. The rule is intended to have a long-term positive impact on the scallop fishery.

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]

Input from DMR science staff, Maine Marine Patrol, and scallop industry members along scallop survey data streams.

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

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

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.