

NOTICE OF AGENCY RULE-MAKING ADOPTION

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND TITLE: Chapter 11 Scallops; 2021-22 Season

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

CONCISE SUMMARY:

This rule-making establishes the 2021-2022 scallop fishing season. Daily possession limits of 15 gallons for Zone 1 and Zone 2, and 10 gallons for Zone 3 remain unchanged. For Zone 1, a 60-day season for draggers begins on December 6, 2021 and the last day of the season is March 17, 2022. For Zone 1, a 60-day season for divers starts on November 16, 2021 and the last day of the season is April 29, 2022. For Zone 2, a 70-day season for draggers starts on December 1, 2021 and the last day of the season is March 31, 2022. For Zone 2, a 70-day season for divers starts on November 19, 2021 and the last day of the season is March 26, 2022. For Zone 3, a 50-day season for draggers begins on December 1, 2021 and the last day of the season is March 28, 2022. For Zone 3, a 50-day season for divers begins on December 2, 2021 and the last day of the season is March 26, 2022.

New limited access areas for the 2021-2022 season: Western Casco Bay and Sheepscot River in Zone 1; and, Gouldsboro/Dyers Bay and West Moosabec Reach in Zone 2. Targeted seed closures are re-established in Eastern Casco Bay and Damariscotta River in Zone 1. In Zone 3, St. Croix River is established as a new targeted seed closure. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock are open to harvest all days beginning December 1, 2021 through March 31, 2022.

A new mooring closure is implemented for Sullivan Harbor. The Limited entry system is updated to allow entry to either the scallop dragging license lottery or the scallop hand harvest lottery but individuals may not enter both lotteries.

DMR is maintaining the following Limited Access Areas: Western Penobscot Bay, Muscle Ridge, Whiting and Denny’s Bays. Additionally, the following existing targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops are maintained: Lower Muscle Ridge, Back River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

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

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DEPARTMENT OF MARINE RESOURCES

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.

11.06 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.

11.08 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. ~~Western Casco Bay~~

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

~~Eastern boundary: West and North of a line drawn from the most southern tip of Gun Point, Harpswell, to G "3", South of Round Rock; continuing in a southwesterly direction to R N "2" at Eastern Drunkers Ledge, then continuing to the southeastern tip of Jewell 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. Back 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.

Northern boundary: West and south of a line drawn from the southern tip of Davis Island, running southwest to Clough Point, Westport Island.

Eastern boundary: West of a line drawn at the most northern tip of Soldier Point 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.~~

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

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 Sebascodegan 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. 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.

8. St. Croix River

Northern boundary: South and west of a line drawn from the International Bridge between Calais, Maine and St. Stephen, New Brunswick, Canada.

Eastern boundary: West of the international maritime boundary line.

Southern boundary: North and east of a line drawn from the northern tip of Kendall Head, Eastport to the southern tip of Cummings Cove, Deer Island, Canada.

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 November 24 and 27, 2021; December 3, 4, 10, 11, 17, 18, 23, 24 and 31, 2021 in Areas 1, 2, 3 and 5; except for November 24, 26, and 27, 2021; December 16, 17 and 18, 2021; and January 6, 7, and 8, 2022 in Areas 6 and 7; except in Whiting and Dennys Bays (Area 4) on December 4, 11, 18, and 24, 2021; January 1, 8, 15, 22 and 29, 2022; February 5, 12, 19 and 26, 2022; and March 5, 12 and 19, 2022. ~~December 4, 5, 11 and 12, 2020; March 12, 13, 19, 20, 26 and 27, 2021; and April 2, 9 and 16, 2021; except for Whiting and Dennys Bays Area (4) which shall be open to divers on December 5, 12, 19 and 26, 2020; January 2, 9, 16, 23 and 30, 2021; February 6, 13, 20 and 27, 2021; and, March 6, 13 and 20, 2021.~~ 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 3, 10, 17, 24 and 31, 2022; February 7, 14, 21 and 28, 2022; and March 7 and 14, 2022 in Areas 1, 2, 3 and 5; except for December 6, 7, 8, 27, 28 and 29, 2021; and January 17, 18 and 19, 2022 in Areas 6 and 7; except in Whiting and Dennys Bays (Area 4) on December 6, 13, 20 and 27, 2021; January 3, 10, 17, 24 and 31, 2022; February 7, 14, 21 and 28, 2022; and March 7, 14 and 21, 2022. ~~January 4, 11, 18 and 25, 2021; February 1, 8, 15 and 22, 2021; and March 1, 8 and 15, 2021; except for Whiting and Dennys Bays Area (4) which shall be open to draggers on December 7, 14, 21 and 28, 2020; January 4, 11, 18 and 25, 2021; February 1, 8, 15 and 22, 2021; and March 1, 8, 15 and 22, 2021;~~ 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. Eastern Casco Bay Area~~

~~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.~~

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. 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.~~

2. Sheepscot River

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

Northern boundary: East and south of a line drawn from the southern tip of Davis Island, running southwest to Clough Point, Westport Island.

Eastern boundary: West of a line drawn from Cross Point, Edgecomb, running easterly to the northern tip of Barters Island and continuing southerly along the western shore of Barters Island to the southern the most point of Barters Island and continuing southeasterly to the most northwestern tip of Sawyer Island.

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

3. Western Penobscot Area:

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. 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.

6. 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.

7. West Moosabec Reach Area

Eastern boundary: West of the Jonesport Bridge.

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

11.11 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 6, 2021 ~~7, 2020~~ through March 17, 2022 ~~18, 2021~~, both days inclusive, with the following exceptions:

A. In December 2021 ~~2020~~ fishing is prohibited on Fridays, Saturdays and Sundays.

B. In January 2022 ~~2021~~, February 2022 ~~2021~~, and March 2022 ~~2021~~, 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 November 16, 2021 ~~17, 2020~~ through April 29, 2022 ~~24, 2021~~, both days inclusive, with the following exceptions:

- A. Fishing is prohibited in the month of November 2021 ~~2020~~ except on days 16, 17, 18, 19, 20, 22, 23, 24, 26 and 27, 2021 ~~17, 18, 19, 20, 21, 23, 24, 25, 27 and 28, 2020~~. In the month of December 2021 ~~2020~~ fishing is prohibited on Sundays, Mondays, and Tuesdays; and also December 25, 2021 ~~2020~~.
- B. Fishing is prohibited in the month of January 2022 and February 2022 ~~2021~~.
- C. In the month of March 2022 ~~2021~~, fishing is prohibited on Sundays, Mondays, and Tuesdays, and Wednesdays, ~~also on days 3 and 4, 2021~~.
- D. In the month of April 2022 ~~2021~~, fishing is prohibited on Sundays and Mondays; and, 26, 27 and 30, 2022.

3. Zone 2 season for draggers

The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 2 is open December 1, 2021 ~~2020~~ through March 31, 2022 ~~2021~~, both days inclusive, with the following exceptions:

- A. In December 2021 ~~2020~~, fishing is prohibited on Fridays, Saturdays and Sundays.
- B. In January 2022 ~~2021~~, February 2022 ~~2021~~, and March 2022 ~~2021~~, fishing is prohibited on 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 November 19, 2021 ~~23, 2020~~ through March 26, 2022 ~~April 24, 2021~~, both days inclusive, with the following exceptions:

- A. In the month of November 2021 ~~2020~~, fishing is permitted on days 19, 20, 23, 24, 25, 26, 27, 28 and 30, 2021 ~~2020~~. December 2021 ~~2020~~, fishing is prohibited on Sundays, Mondays and Tuesdays; and also, December 25, 2021 ~~2020~~.
- B. In the months of January 2022 ~~and March 2021~~, fishing is prohibited on Sundays, Mondays, Tuesdays, and Wednesdays ~~and Thursdays~~.
- C. In the months of February and March 2022 ~~2021~~, fishing is prohibited on Sundays, Mondays, Tuesdays ~~and Wednesdays~~.
- D. In the month of April 2022 ~~2021~~, fishing is prohibited. ~~on Thursdays and Sundays~~.

5. Zone 2 State Waters season

~~In addition to the dates identified for draggers and divers in Zone 2 in sections 3 and 4 above,~~
the The Atlantic Sea Scallop harvesting season in Maine's territorial waters around Machias Seal Island and North Rock is open December 1, 2021 through March 31, 2022, ~~January 1, 2021 through January 31, 2021,~~ 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 1, ~~2021~~ 2020 through March 28, 2022 ~~24, 2021~~, both days inclusive, with the following exceptions:

- A. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the month of December ~~2021~~ 2020.
- B. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the months of January 2022, February 2022 and March 2022 ~~2021~~.

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 2, 2021 ~~3, 2020~~ through March 26, 2022 ~~27, 2021~~, both days inclusive, with the following exceptions:

- A. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays in the months of December ~~2021~~ 2020; and fishing is also prohibited on December 25, ~~2021~~ 2020.
- B. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays in the months of January 2022, February 2022 and March 2022 ~~2021~~.

11.12 Ten (10) Year Rotational Management Plan

All areas are closed with the exception of the Third Rotation as described in 11.12(1)(C).

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~~ 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 ~~Magnetic~~ 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 ~~Magnetic~~ 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

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 2012-13 fishing season, the 2013-14 fishing season, the 2016-17 fishing season and the 2019-20 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 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 ~~Magnetic~~ 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

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 2012-13 fishing season, the 2013-14 fishing season, the 2015-16 fishing season, the 2018-19 fishing season and the 2021-22 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) 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 Great Head, Cutler to the three mile limit.

(2) Wahoo/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 ~~Magnetic~~ 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 Whitemore 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 the three mile limit, encompassing the territorial waters around all the outer islands of Penobscot Bay including Matinicus Island, Ragged Island, Wooden Ball Island, Seal Island and Matinicus Rock.

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.

11.14 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.

Strike this Zone 1 drag calendar page:

PROPOSED CALENDAR
2020-2021 SCALLOP SEASON ZONE 1 DRAG
 60 days; 11 LAA days

Zone 1 Limited Access Area

Open

Closed

NOVEMBER 2020 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
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					

DECEMBER 2020 **16 Days**

Su	Mo	Tu	We	Th	Fr	Sa
		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 2021 **16 Days**

Su	Mo	Tu	We	Th	Fr	Sa
					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 2021 **16 Days**

Su	Mo	Tu	We	Th	Fr	Sa
	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 2021 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
	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			

APRIL 2021 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
				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	

Strike this Zone 1 dive calendar page:

PROPOSED CALENDAR
2020-2021 SCALLOP SEASON ZONE 1 DIVE
 60 days; 13 LAA days

 Zone 1 Limited Access Area

 Open  Closed

NOVEMBER 2020 10 Days

Su	Mo	Tu	We	Th	Fr	Sa
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					

DECEMBER 2020 17 Days

Su	Mo	Tu	We	Th	Fr	Sa
		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 2021 0 Days

Su	Mo	Tu	We	Th	Fr	Sa
					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 2021 0 Days

Su	Mo	Tu	We	Th	Fr	Sa
	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 2021 15 Days

Su	Mo	Tu	We	Th	Fr	Sa
	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			

APRIL 2021 18 Days

Su	Mo	Tu	We	Th	Fr	Sa
				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	

Strike this Zone 2 drag calendar page:

PROPOSED CALENDAR
2020-2021 SCALLOP SEASON ZONE 2 DRAG
 70 days

Open Closed

NOVEMBER 2020 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
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					

DECEMBER 2020 **19 Days**

Su	Mo	Tu	We	Th	Fr	Sa
		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 2021 **16 Days**

Su	Mo	Tu	We	Th	Fr	Sa
					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 2021 **16 Days**

Su	Mo	Tu	We	Th	Fr	Sa
	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 2021 **19 Days**

Su	Mo	Tu	We	Th	Fr	Sa
	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			

APRIL 2021 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
				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	

Strike this Zone 2 dive calendar page:

PROPOSED CALENDAR
2020-2021 SCALLOP SEASON ZONE 2 DIVE
 70 days

Open Closed

NOVEMBER 2020 **6 Days**

Su	Mo	Tu	We	Th	Fr	Sa
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					

DECEMBER 2020 **17 Days**

Su	Mo	Tu	We	Th	Fr	Sa
		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 2021 **10 Days**

Su	Mo	Tu	We	Th	Fr	Sa
					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 2021 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
	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 2021 **8 Days**

Su	Mo	Tu	We	Th	Fr	Sa
	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			

APRIL 2021 **17 Days**

Su	Mo	Tu	We	Th	Fr	Sa
				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	

Strike this Zone 3 drag calendar page:

PROPOSED CALENDAR
2020-2021 SCALLOP SEASON ZONE 3 DRAG
 50 days; 16 LAA days

Zone 3 Limited Access Area

Open

Closed

NOVEMBER 2020 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
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					

DECEMBER 2020 **14 Days**

Su	Mo	Tu	We	Th	Fr	Sa
		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 2021 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
					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 2021 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
	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 2021 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
	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			

APRIL 2021 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
				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	

Strike this Zone 3 dive calendar page:

PROPOSED CALENDAR
2020-2021 SCALLOP SEASON ZONE 3 DIVE
 50 days; 16 LAA days

 Zone 3 Limited Access Area

 Open  Closed

NOVEMBER 2020 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
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					

DECEMBER 2020 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
		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 2021 **14 Days**

Su	Mo	Tu	We	Th	Fr	Sa
					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 2021 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
	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 2021 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
	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			

APRIL 2021 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
				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	

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

PROPOSED CALENDAR
2021-2022 SCALLOP SEASON ZONE 1 DRAG
 60 days; 11 LAA days

Limited Access Area

Open

Closed

NOVEMBER 2021 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
	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				

DECEMBER 2021 **16 Days**

Su	Mo	Tu	We	Th	Fr	Sa
			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 2022 **17 Days**

Su	Mo	Tu	We	Th	Fr	Sa
						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 2022 **16 Days**

Su	Mo	Tu	We	Th	Fr	Sa
		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 2022 **11 Days**

Su	Mo	Tu	We	Th	Fr	Sa
		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		

APRIL 2022 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
					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

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

PROPOSED CALENDAR

2021-2022 SCALLOP SEASON ZONE 1 DIVE

60 days; 11 LAA days

Limited Access Area

Open Closed

NOVEMBER 2021 10 Days						
Su	Mo	Tu	We	Th	Fr	Sa
	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				

DECEMBER 2021 18 Days						
Su	Mo	Tu	We	Th	Fr	Sa
			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 2022 0 Days						
Su	Mo	Tu	We	Th	Fr	Sa
						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 2022 0 Days						
Su	Mo	Tu	We	Th	Fr	Sa
		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 2022 13 Days						
Su	Mo	Tu	We	Th	Fr	Sa
		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		

APRIL 2022 19 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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

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

PROPOSED CALENDAR
2021-2022 SCALLOP SEASON ZONE 2 DRAG
70 days

Limited Access Areas

Open

Closed

NOVEMBER 2021 0 Days						
Su	Mo	Tu	We	Th	Fr	Sa
	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				

DECEMBER 2021 18 Days						
Su	Mo	Tu	We	Th	Fr	Sa
			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 2022 17 Days						
Su	Mo	Tu	We	Th	Fr	Sa
						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 2022 16 Days						
Su	Mo	Tu	We	Th	Fr	Sa
		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 2022 19 Days						
Su	Mo	Tu	We	Th	Fr	Sa
		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		

APRIL 2022 0 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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

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

PROPOSED CALENDAR
2021-2022 SCALLOP SEASON ZONE 2 DIVE
70 days

Limited Access Areas

Open

Closed

NOVEMBER 2021 **7 Days**

Su	Mo	Tu	We	Th	Fr	Sa
	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				

DECEMBER 2021 **18 Days**

Su	Mo	Tu	We	Th	Fr	Sa
			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 2022 **13 Days**

Su	Mo	Tu	We	Th	Fr	Sa
						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 2022 **16 Days**

Su	Mo	Tu	We	Th	Fr	Sa
		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 2022 **16 Days**

Su	Mo	Tu	We	Th	Fr	Sa
		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		

APRIL 2022 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
					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

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

PROPOSED CALENDAR
2021-2022 SCALLOP SEASON ZONE 3 DRAG
50 days; 16 LAA days

Limited Access Area

Open

Closed

NOVEMBER 2021 0 Days						
Su	Mo	Tu	We	Th	Fr	Sa
	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				

DECEMBER 2021 13 Days						
Su	Mo	Tu	We	Th	Fr	Sa
			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 2022 13 Days						
Su	Mo	Tu	We	Th	Fr	Sa
						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 2022 12 Days						
Su	Mo	Tu	We	Th	Fr	Sa
		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 2022 12 Days						
Su	Mo	Tu	We	Th	Fr	Sa
		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		

APRIL 2022 0 Days						
Su	Mo	Tu	We	Th	Fr	Sa
					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

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

PROPOSED CALENDAR

2021-2022 SCALLOP SEASON ZONE 3 DIVE

50 days; 16 LAA days

Limited Access Area

Open

Closed

NOVEMBER 2021 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
	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				

DECEMBER 2021 **13 Days**

Su	Mo	Tu	We	Th	Fr	Sa
			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 2022 **13 Days**

Su	Mo	Tu	We	Th	Fr	Sa
						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 2022 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
		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 2022 **12 Days**

Su	Mo	Tu	We	Th	Fr	Sa
		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		

APRIL 2022 **0 Days**

Su	Mo	Tu	We	Th	Fr	Sa
					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

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; 2021-2022 Season

STATUTORY AUTHORITY: 12 M.R.S. §6171, §6722

DATE AND PLACE OF PUBLIC HEARING: Public hearings are scheduled for 6:00 p.m. at the dates and locations listed below; please carefully review the masking requirements for each venue:

* September 13: University of Maine at Machias, 116 O'Brien AV, Performing Arts Center, Masks are required regardless of vaccination status;

* September 14: DMR's Augusta Office (Marquardt Building), 32 Blossom LN, Rm. 118, Masks are required for those who are not fully vaccinated;

* September 16: Jeff's Catering, 15 Littlefield RD, Brewer, Masks are required for those who are not fully vaccinated.

COMMENT DEADLINE: September 26, 2021

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 data from the previous season.

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

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

This proposed rule-making establishes the 2021-2022 scallop fishing season. Daily possession limits of 15 gallons for Zone 1 and Zone 2, and 10 gallons for Zone 3 remain unchanged. For Zone 1, a 60-day season for draggers would begin on December 6, 2021 and the last day of the season would be March 17, 2022. For Zone 1, a 60-day season for divers would start on November 16, 2021 and the last day of the season would be April 29, 2022. For Zone 2, a 70-day season for draggers would start on December 1, 2021 and the last day of the season would be March 31, 2022. For Zone 2, a 70-day season for divers would start on November 19, 2021 and the last day of the season would be March 26, 2022. For Zone 3, a 50-day season for draggers would begin on December 1, 2021 and the last day of the season would be March 28, 2022. For Zone 3, a 50-day season for divers would begin on December 2, 2021 and the last day of the season would be March 26, 2022.

New limited access areas are proposed for the 2021-2022 season: Western Casco Bay and Sheepscot River in Zone 1; and, Gouldsboro/Dyers Bay and West Moosabec Reach in Zone 2. Targeted seed closures would be re-established in Eastern Casco Bay and Damariscotta River in Zone 1. In Zone 3, St. Croix River is proposed as a new targeted seed closure. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock would be open to harvest all days beginning December 1, 2021 through March 31, 2022.

A new mooring closure is proposed for Sullivan Harbor. Limited entry system has been updated to allow entry to either the scallop dragging license lottery or the scallop hand harvest lottery but individuals may not enter both lotteries.

DMR would maintain the following Limited Access Areas: Western Penobscot Bay, Muscle Ridge, Whiting and Denny's Bays. Additionally, the following existing targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops would be maintained: Lower Muscle Ridge, Back River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

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 Science staff.

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.

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

Basis Statement

This rule-making establishes the 2021-2022 scallop fishing season. Daily possession limits of 15 gallons for Zone 1 and Zone 2, and 10 gallons for Zone 3 remain unchanged. For Zone 1, a 60-day season for draggers begins on December 6, 2021 and the last day of the season is March 17, 2022. For Zone 1, a 60-day season for divers starts on November 16, 2021 and the last day of the season is April 29, 2022. For Zone 2, a 70-day season for draggers starts on December 1, 2021 and the last day of the season is March 31, 2022. For Zone 2, a 70-day season for divers starts on November 19, 2021 and the last day of the season is March 26, 2022. For Zone 3, a 50-day season for draggers begins on December 1, 2021 and the last day of the season is March 28, 2022. For Zone 3, a 50-day season for divers begins on December 2, 2021 and the last day of the season is March 26, 2022.

New limited access areas for the 2021-2022 season: Western Casco Bay and Sheepscot River in Zone 1; and, Gouldsboro/Dyers Bay and West Moosabec Reach in Zone 2. Targeted seed closures are re-established in Eastern Casco Bay and Damariscotta River in Zone 1. In Zone 3, St. Croix River is established as a new targeted seed closure. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock are open to harvest all days beginning December 1, 2021 through March 31, 2022.

A new mooring closure is implemented for Sullivan Harbor. The Limited entry system is updated to allow entry to either the scallop dragging license lottery or the scallop hand harvest lottery but individuals may not enter both lotteries.

DMR is maintaining the following Limited Access Areas: Western Penobscot Bay, Muscle Ridge, Whiting and Denny's Bays. Additionally, the following existing targeted closures based on depletion, high concentrations of seed/sublegal scallops and/or the presence of spat-producing scallops are maintained: Lower Muscle Ridge, Back River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

Summary of Comments

Notice of this proposed rulemaking appeared on August 25, 2021 in the five major daily newspapers as published by the Secretary of State. On August 24, 2021, the rule was posted on the DMR website, and electronic messages were sent to individuals who subscribe to DMR notices. Electronic notice was provided to scallop license holders, who provided the Department with an email address. Public hearings were held at 6:00 p.m. at the date and locations noted below. The comment period closed on September 26, 2021.

September 13: University of Maine at Machias, Performing Arts Center

Melissa Smith (DMR), Amanda Ellis (DMR), Earl Small, Gary Small, W. William Anderson, Ralph Dennison, Representative William Tuell (House District-139), and Representative Robert Alley (House District 138) attended the September 13, 2021 hearing.

Earl Small

I am a scallop fisherman out of Eastport. The one problem I have with this proposal is shutting down the St. Croix River to try to gain the stock it's not going to happen. We've tried this in the past, I've explained it to the state. If we shut it down like we did for three years, before it opened the Canadians came right over and fished 800 or 900 pounds a day and cleaned it up. What are we going to save it for? The Canadians to fish it? People said we need more Marine Patrol, but they don't prosecute them so there's no sense in closing the St. Croix River. If you wanted to do a seed program, I talked to you last year. I said I'd be willing to take my own time and boat, no charge to the state, and I'd move seed up there. The state said if we did that then we'd need to shut it down. I explained the same thing again, the Canadians are just going to clean it out. I know it goes both ways. We're not going to save anything by shutting down the St. Croix River. What we can do is no one fishes

it until Cobscook Bay is shut down. Then there will be a few boats, but not a lot. That's when we can get a chance. I didn't even get up there last year. I email Melissa a lot with what I am finding and what I see. If I see small stuff and I think it should be shut down, like in Cobscook, I send her an email. One other time I sent her a picture of the small scallops being cut. We can do the same thing in the St. Croix. There's no sense in shutting down for one year or three years, because the Canadians will fish. You know a couple years ago they tried to do rotational closures in Zone 3 and the Cobscook Bay Fishermen's Association said that's not going to work. What can we do to alleviate this? That's how we got to the two-bucket limit. Leave everything open and we'll take two buckets instead of three. Now here we are, lets do rotational closures. It just doesn't work. I'd be willing to put some seed up there and let's watch this. There's no sense it just putting seed up there and letting it go because it won't work.

Gary Small,

I've dragged scallops for years. I oppose the closing of the St. Croix River. We've been up there and see the Canadian druggers come in on the Robinston boat landing and they drag down through there. One thing that happened this year that you closed from West Quoddy Head down through Boot Head for three years. There were some scallops there off Morton ledge. The Canadians came over and dragged them in that area. I am not talking about closing that, in the rotations. I am just showing that the Canadians come down and clean out areas with their drags. We went down there this year and tried to fish, but there was hardly anything. Way down in Moose River we were alright, that was the year before. In the St. Croix River those Canadians come over to Treats Island and over in that area. You're talking about closing the upper end. I would like to see, later on, that we could take stock from the bay and dump them in the St. Croix to see if we could regenerate a new breed of scallops. Then if we drag and there aren't that many, we can close it. To shut it down for three years, the Canadians are just going to fish it on us. Border Patrol isn't going to do anything. That's my opinion.

W. William Anderson, Trescott

I just came to support your proposal as written.

Ralph Dennison

I come to support the proposal as written too. I think it has really been working great. I never thought about the St. Croix portion of the proposal because I don't fish in that particular part. I don't want to comment on that yes or no, but I think the rest of the proposal has really been working. We're having good years, year after year.

Representative Robert Alley, House District 138, Beals

I agree with the comments and proposal you've put forward and laid out for us. I am going to say yes to the proposal.

Representative William Tuell, House District 139, East Machias

I represent the Machias Bay area, plus Lubec and Eastport in the Legislature. I served on the Committee with Robert Alley for six years. Although I am not on it anymore, I certainly have to commend you all for the proposal you've put together. Fishermen that I've talked with seem generally content. I haven't heard a lot about the St. Croix issue, but certainly those who have commented on it have made some really good points. I would encourage you to consider those comments. I know in other fisheries we have issues with the grey zone and lobstering. We are a border region, so that is a serious concern. If there's a way to rebuild that stock without opening it up to the Canadians. To be clear, we would do the same thing if we were on the other side. As Mr. Small said we probably fish their waters too. That's just the reality. I would think about that moving forward. One year I don't know if that long enough, or if three years it too long. I think what Mr. Small suggested is worth exploring. I have not received a lot of phone calls about this proposal. If people were unhappy with this proposal the room would be full. I think you've done a really good job with the proposal.

September 14: DMR's Augusta Office, Marquardt Building

Melissa Smith (DMR), Amanda Ellis (DMR), and Brian Preeney attended the September 14, 2021 hearing.

Brian Preeney

I am in opposition to one part of the rulemaking, which is maintaining of the closure of the upper Sheepscot River. That part of the river has been closed for as many as ten years now. I may be the only person who's seen the bottom there as I do regular mooring jobs in the summertime. I can attest that there are a small amount of harvestable scallops there. We have limited opportunity on bad days to dive in the Sheepscot area. The areas in the lower Sheepscot are very limited and now the Damariscotta River is closed this year, which limits opportunity further. I believe harvesters will need that on bad days, especially as a safety issue. That way they aren't going to Ocean Point on bad days, which could be dangerous. The amount of effort that would be introduced in that area would be extremely limited. I believe I would be the only harvester in there. Most of the local draggers are no longer active. The three that I know of for sure won't be there. I don't think other draggers would travel that far to harvest that really small area. I was at the scallop council meeting a few weeks ago. It was well attended by the public. The council supported the recommendation to open the upper Sheepscot all the way to the Wiscasset bridge. There was no opposition from the audience. I believe maintaining the closure based on scant information and no evidence of sublegals or spat is wrong. I would request the DMR go with the unanimous council recommendation and open the upper Sheepscot all the way to the Wiscasset bridge.

September 16: Jeff's Catering, Brewer

Except for DMR staff (Melissa Smith and Amanda Ellis), no one else attended the September 16, 2021 hearing.

Written Comment:**Timothy Robinson, submitted via email, September 23, 2021**

I am a blue hill bay scallop diver since 1993. I missed the comment deadline last year, and watched divers get only 2 days a week in january, 3 in february, and a bunch of days in march and april where the scallop beds are mostly depleted. This years proposed days looks much better, i agree with all days, but january is a hottly contested month. please add 1 day a week to january...from march.

Department's Response*St. Croix River*

The suggestion to close the St. Croix river for one season to determine if any noticeable recruitment occurs has been suggested by local harvesters and the Scallop Advisory Council for the last few seasons. With the observation that directed harvest of scallops in Cobscook Bay portion of Zone 3 has become seemingly stable, with strong catches and high level of meat quality, closing the St. Croix River for one season should have minimal impact on the overall scallop season in Zone 3. While it is recognized that fishing effort along the St. Croix may not be limited to just US vessels, it has been several years since the area was entirely closed which did have positive results previously. Considering the area and its management will be re-examined annually, this is a short time closure to determine any potential positive impacts.

Upper Sheepscot River

Based on comment received, the Department has extended the proposed limit access area northward towards Davis Island and the northern portion of Westport Island. In general, fishing effort in this area has declined in recent years and should pose no issues regarding gear conflict. The northern portion of the area has not been

open for nearly a decade and the allowance of establishing a limited access area would allow for fishery dependent observations.

Zone 2 Dive Calendar

There have been several iterations of the Zone 2 Dive calendar over the last few seasons, as both the Scallop Advisory Council, DMR and harvesters attempt to balance concerns related to access, safety, visibility, and resource availability. In comparing this coming season's calendar with 2020-2021 Zone 2 Calendar, the removal of 17 harvest days in April have been dispersed amongst calendar months November through March based on feedback from the SAC and harvesters from the dive community present at that meeting. A thorough discussion took place for the Zone 2 calendar recommendation from the SAC and the Department believes it will work best for many.