

NOTICE OF AGENCY RULE-MAKING ADOPTION**AGENCY:** Department of Marine Resources**CHAPTER NUMBER AND TITLE:** Chapter 11 Scallops; 2020-21 Season**ADOPTED RULE NUMBER:**
(LEAVE BLANK-ASSIGNED BY SECRETARY OF STATE)**CONCISE SUMMARY:**

This rulemaking establishes the 2020-2021 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 7, 2020 and the last day of the season is March 18, 2021. For Zone 1, a 60-day season for divers starts on November 17, 2020 and the last day of the season is April 24, 2021. For Zone 2, a 70-day season for draggers starts on December 1, 2020 and the last day of the season is March 31, 2021. For Zone 2, a 70-day season for divers starts on November 23, 2020 and the last day of the season is April 24, 2021. For Zone 3, a 50-day season for draggers begins on December 1, 2020 and the last day of the season is March 24, 2021. For Zone 3, a 50-day season for divers begins on December 3, 2020 and the last day of the season is March 27, 2021.

Eastern Casco Bay (Zone 1) and Damariscotta River (Zone 1) are Limited Access Areas for the 2020-2021 scallop season with reduced harvesting days. Western Casco Bay (Zone 1) is closed under the targeted closures based on local depletion. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock are open to harvest all days during January 2021, in addition to open Zone 2 calendar days throughout the season.

The rule maintains 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, Sheepscot 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

010 13A 1120 10 4946 regulations

DEPARTMENT OF MARINE RESOURCES

Chapter 11 Scallops

11.08 Targeted Scallop Conservation Closures

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

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following closed areas.

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~~ Western Casco Bay

Western boundary: South of a line drawn from the most southwestern point of Basin Point (Harpowell) 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 (Harpowell).

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.

~~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 Sheepscoot 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.~~

~~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.~~

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

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.~~

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 4, 5, 11 and 12, 2020; ~~6, 7, 13, 14 and 20, 2019~~; March 12, 13, 19, 20, 26 and 27, 2021; ~~13, 14, 20, 21, 27 and 28, 2020~~; and, April 2, 9 and 16, 2021; ~~3 and 10, 2020~~; except for Whiting and Dennys Bays Area (4) which shall be open to divers on December 5, 12, 19 and 26, 2020; ~~7, 14, 21, and 28, 2019~~; January 2, 9, 16, 23 and 30, 2021; ~~4, 11, 18 and 25, 2020~~; February 6, 13, 20 and 27, 2021; ~~1, 8, 15, 22 and 29, 2020~~; and, March 6, 13 and 20, 2021. ~~7, 14, 21 and 28, 2020~~. All directions are relative to True north (not magnetic).

It shall be unlawful to fish for, take, or possess scallops taken by any method within any of the following Limited Access Areas except by draggers on January 4, 11, 18 and 25, 2021; ~~6, 13, 20 and 27, 2020~~; February 1, 8, 15 and 22, 2021; ~~3, 10, 17 and 24, 2020~~; and, March 1, 8 and 15, 2021; ~~2, 9, 16 and 23, 2020~~; except for Whiting and Dennys Bays Area (4) which shall be open to draggers on December 7, 14, 21 and 28, 2020; ~~2, 9, 16, 23 and 30, 2019~~; January 4, 11, 18 and 25, 2021; ~~6, 13, 20 and 27, 2020~~; February 1, 8, 15 and 22, 2021; ~~3, 10, 17 and 24, 2020~~; and, March 1, 8, 15 and 22, 2021; ~~2, 9, 16 and 23, 2020~~. All directions are relative to True north (not magnetic).

Transiting exception:

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

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

1. 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 draw 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.

~~Western boundary: South of a line drawn from the most southwestern point of Basin Point (Harpowell) 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 (Harpowell).~~

~~Eastern boundary: West and North of a line drawn from the most southern tip of Gun Point, Harpowell, 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 Area:~~

~~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 Barbers 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 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.~~

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.

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 7, 2020 through March 18, 2021, ~~December 9, 2019 through March 26, 2020~~, both days inclusive, with the following exceptions:

- A. In December 2020 ~~2019~~, fishing is prohibited on Fridays, Saturdays and Sundays; ~~and December 25 and 26, 2019.~~
- B. In January 2021 ~~2020~~, February 2021 ~~2020~~, and March 2021 ~~2020~~, 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 17, 2020 through April 24, 2021, ~~November 14, 2019 through April 30, 2020~~, both days inclusive, with the following exceptions:

- A. Fishing is prohibited in the month of November 2020 ~~2019~~ except on days 17, 18, 19, 20, 21, 23, 24, 25, 27 and 28, 2020. ~~14, 15, 16, 20, 21, 22, 23, 27, 29 and 30, 2019.~~ In the month of December 2020 ~~2019~~, fishing is prohibited on Sundays, Mondays, and Tuesdays; and also December 25, 2020 ~~2019~~.
- B. Fishing is prohibited in the month of January and February 2021 ~~2020~~.
- C. In the month of March 2021 ~~2020~~, fishing is prohibited on Sundays, Mondays and Tuesdays, ~~except Tuesday, March 31, 2020; and, also on days 3 and 4, 2021.~~ ~~4, 5, 6, and 7, 2020.~~
- D. In the month of April 2021 ~~2020~~, 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 1, 2020 through March 31, 2021, ~~December 2, 2019 through March 31, 2020~~, both days inclusive, with the following exceptions:

- A. In December 2020, ~~2019~~, fishing is prohibited on Fridays, Saturdays and Sundays, ~~except Friday, December 27, 2019, which shall remain open. Fishing is prohibited on December 25, 2018.~~
- B. In January 2021 ~~2020~~, February 2021 ~~2020~~ and March 2021 ~~2020~~, 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 23, 2020 through April 24, 2021, ~~November 18, 2019 through April 18, 2020~~, both days inclusive, with the following exceptions:

- A. In the month of November ~~2019~~ 2020, fishing is permitted on days 23, 24, 25, 27, 28 and 30, 2020. ~~18, 19, 23, 25, 26 and 30, 2019~~. December 2020 ~~2019~~, fishing is prohibited on Sundays, Mondays and Tuesdays; and also, December 25, 2020. ~~Wednesday 25, 2019~~.
- B. In the months of January and ~~February~~ March 2021 ~~2020~~, fishing is prohibited on Sundays, Mondays, ~~and Tuesdays~~, Wednesdays and Thursdays; ~~and also, January 1, 2020~~.
- C. In the months of February 2021, ~~March and April 2020~~, fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays.
- D. In the month of April 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 Atlantic Sea Scallop harvesting season in Maine's territorial waters around Machias Seal Island and North Rock is open January 1, 2021 through January 31, 2021, ~~2, 2019 through December 31, 2019~~, 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, 2020 through March 24, 2021, ~~December 2, 2019 through March 25, 2020~~, both days inclusive, with the following exceptions:

- A. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the month of December 2020. ~~2019, and prohibited on, December 25, 2019.~~
- B. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the months of January, February and March 2021. ~~2020~~.

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 3, 2020 through March 27, 2021, ~~December 5, 2019 through March 28, 2020~~, both days inclusive, with the following exceptions:

- A. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays in the months of December 2020; 2019; and ~~January, February, and March 2020~~. fishing is also prohibited on December 25, 2020.
- B. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays in the months of January, February and March 2021.

Strike this Zone 1 drag calendar page:

PROPOSED CALENDAR
2019-2020 SCALLOP SEASON ZONE 1 DRAG
 60 days; 12 LAA days



Zone 1 Limited Access Area



Open



Closed

NOVEMBER 2019 **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 2019 **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 2020 **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	

FEBRUARY 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

MARCH 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				

APRIL 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	31	

Strike this Zone 2 drag calendar page:

PROPOSED CALENDAR
2019-2020 SCALLOP SEASON ZONE 2 DRAG
 70 days

Open Closed

NOVEMBER 2019 **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 2019 **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 2020 **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	

FEBRUARY 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

MARCH 2020 **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				

APRIL 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		

Strike this Zone 3 drag calendar page:

PROPOSED CALENDAR
2019-2020 SCALLOP SEASON ZONE 3 DRAG
 50 days; 17 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 2019 **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 2020 **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 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

MARCH 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				

APRIL 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		

Strike this Zone 1 dive calendar page:

PROPOSED CALENDAR

2019-2020 SCALLOP SEASON ZONE 1 DIVE

60 days; 13 LAA days

Zone 1 Limited Access Area
 Open
 Closed

NOVEMBER 2019 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 2019 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				

JANUARY 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	31	

FEBRUARY 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

MARCH 2020 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 2020 22 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
2019-2020 SCALLOP SEASON ZONE 2 DIVE
70 days

Open Closed

NOVEMBER 2019 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 2019 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 2020 9 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 2020 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

MARCH 2020 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 2020 20 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

2019-2020 SCALLOP SEASON ZONE 3 DIVE

50 days; 17 LAA days

Zone 3 Limited Access Area

Open

Closed

NOVEMBER 2019 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 2019 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 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	

FEBRUARY 2020 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

MARCH 2020 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 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		

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

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		

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

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		

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

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	21	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	

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

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	

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

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		

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

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	21	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		

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; 2020-2021 Season

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

DATE AND PLACE OF PUBLIC HEARING: None scheduled

COMMENT DEADLINE: October 9, 2020

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 ___ X NO [§8056(1)(B)]

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

This proposed rule-making establishes the 2020-2021 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 7, 2020 and the last day of the season would be March 18, 2021. For Zone 1, a 60-day season for divers would start on November 17, 2020 and the last day of the season would be April 24, 2021. For Zone 2, a 70-day season for draggers would start on December 1, 2020 and the last day of the season would be March 31, 2021. For Zone 2, a 70-day season for divers would start on November 23, 2020 and the last day of the season would be April 24, 2021. For Zone 3, a 50-day season for draggers would begin on December 1, 2020 and the last day of the season would be March 24, 2021. For Zone 3, a 50-day season for divers would begin on December 3, 2020 and the last day of the season would be March 27, 2021.

Eastern Casco Bay (Zone 1) and Damariscotta River (Zone 1) are proposed as new Limited Access Areas for the 2020-2021 scallop season with reduced harvesting days. Western Casco Bay (Zone 1) is proposed to close under the targeted closures based on local depletion. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock would be open to harvest all days during January 2021, in addition to open Zone 2 calendar days throughout the season.

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, Sheepscoot 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 rulemaking establishes the 2020-2021 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 7, 2020 and the last day of the season is March 18, 2021. For Zone 1, a 60-day season for divers starts on November 17, 2020 and the last day of the season is April 24, 2021. For Zone 2, a 70-day season for draggers starts on December 1, 2020 and the last day of the season is March 31, 2021. For Zone 2, a 70-day season for divers starts on November 23, 2020 and the last day of the season is April 24, 2021. For Zone 3, a 50-day season for draggers begins on December 1, 2020 and the last day of the season is March 24, 2021. For Zone 3, a 50-day season for divers begins on December 3, 2020 and the last day of the season is March 27, 2021.

Eastern Casco Bay (Zone 1) and Damariscotta River (Zone 1) are Limited Access Areas for the 2020-2021 scallop season with reduced harvesting days. Western Casco Bay (Zone 1) is closed under the targeted closures based on local depletion. In Zone 2, territorial waters surrounding Machias Seal Island and North Rock are open to harvest all days during January 2021, in addition to open Zone 2 calendar days throughout the season.

The rule maintains 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, Sheepscot River, New Meadows River, Card Cove and Beals-Jonesport Bridge.

Summary of Comments

Notice of this proposed rulemaking appeared on September 9, 2020 in the five major daily newspapers as published by the Secretary of State. On September 9, 2020, 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. Due to the pandemic, no public hearings were offered. The comment period closed on October 9, 2020.

Written Comments:

Mary Gordius, received via email, September 10, 2020

Just wondering why the divers- every year- get more days and start earlier than draggers? Seems a bit unfair. Let me know the reasoning behind this decision

Ralph Dennison, received via email, September 14, 2020

This is to confirm my agreement with the proposed schedule for Zone 3, as it remains the same as last year.

Brian Soper, received via email, September 28, 2020

To reiterate my previous conversation referencing the upcoming scallop season in Casco Bay I strongly believe that the state should keep the same season/days as the previous season. With the pandemic amid us and lack of connection through critical public meetings/hearings in all fairness keep everything the same.

Terry Gray, received via email, October 5, 2020

As a member of the scallop diving population in Maine, I am writing to express equality and safety concerns. With regard to the recently proposed schedule, I am having a very difficult time seeing how the schedule is fair to the dive community. As you may know, scallops are not like lobster in their mobility—they don't move in and then leave. Rather, they leave by being harvested. In order for divers to have the same opportunity at the largest biomass, the season should be day-by-day and on a weekly basis instead of front loaded for divers versus those who drag. It has become increasingly dangerous to dive on days with draggers present. On multiple occasions over the past few seasons, draggers have been within 100' of my body while on bottom harvesting. The situation was extreme enough last year where the warden was contacted to no avail and he stated that there are currently no laws in place that set a safe distance. In addition to the danger this presents, even one tow up current by a drag can ruin a productive day of diving, especially with windy conditions and in a confined area where draggers often set despite a diver already being in production. Despite the sense of entitlement draggers feel they have, there is a clear lack of respect for the diving counterpart and no hesitation to silt us out if they desire the same area—again making the conditions unfair and unsafe.

With this being said, I am proposing a fair season in which there are three days per week for each group without overlap. A biweekly alternating schedule (i.e four dive days and three drag days followed by three dive days and four drag days) would also be effective at eliminating overlap. If this can't be accomplished by the governing agency, perhaps placing divers and draggers in separate zones would be an equal solution.

Thank you for your time in considering the changes for both diver SAFETY and productivity.

DMR's Response to Comments:

Dive and Drag Seasons:

Under statute §6722, the dragging season is defined as prohibited during April 16th through to November 30th due to gear conflicts. Hand harvesting for scallops does not pose issues with any gears, and as such, there is no seasonal prohibition on hand harvesting.

Both dive and drag calendars are 70 days each for Zone 2, and both calendars were produced with input from each respective industry group. The proposed calendars for 2020-2021 are in fact similar to what was utilized in 2019-2020 and as such, there was no increase in open calendar days for divers.

Maine's state waters scallop fishery has observed a relatively stable division in landings associated with drag and dive scallop licenses; approximately 97% of landings annually are harvested by drag vessels and the remaining 3% is landed by divers with both harvest methods present in all three scallop zones. Additionally, this division of landings has not changed with the inclusion of harvest days in November for the hand harvesters.

Comparison of Zone 2 dive and drag calendars for the 2020-2021 season indicate 14 days of overlap open harvest days; that is, 14 days of the 70 days on the Zone 2 dive calendar are also considered open dragging days. This represents 20% of the available days for harvest. When looking at the Zone 2 dive and drag calendars from the 2018-2019 season, there were 34 days out of the 70 days on the Zone 2 dive calendar that overlapped with the Zone 2 drag calendar; a rate of 49% overlap. There has been a concerted effort by the Scallop Advisory Council (SAC) to move towards reduced overlap. The

Department is open to hearing new proposals for better ways for the fishery to operate safely. However, a rotation of weeks (3 dive x 4 drag; followed by 4 dive x 3 drag) would become difficult for both industry and enforcement. The notion of utilizing different rotational areas for divers has briefly been discussed at the SAC and is expected to be revisited at future meetings.