

## NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. §§6172, 6192 & 6193

**RULE REPEAL AND PROMULGATION:** DMR Regulation 95.03 M, Closed Area No. 16, Maquoit Bay and Middle Bay (Freeport, Brunswick, and Harpswell), promulgated on July 10, 2007, has been repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.03 M, Closed Area No. 16, Maquoit Bay and Middle Bay (Freeport, Brunswick, and Harpswell)

A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the following areas.

1. Maquoit Bay (Brunswick): north of a line drawn across the mouth of Bunganuc Creek, beginning at a red painted post located on the on the west shore of the mouth of the creek; then running due east to a red painted post on the east shore of the mouth of the creek.
2. Maquoit Bay (Freeport): within 500 feet of the Lower Flying Point shore, inside of a line beginning at the end of Byram Rd, then running north to the north end of Maquoit Drive.
3. Merepoint Bay (Harpswell): inside and shoreward of a line beginning 1000 feet south of Birch Island Landing; then running north to the westernmost tip of land near Birch Island Landing; then running east to the westernmost point of land 1000 feet north of Birch Island Landing.

B. Effective immediately, because of pollution, the shores, flats and waters of Maquoit Bay (Brunswick): inside and shoreward of a line beginning at the southeast tip of Bunganuc Point, then running northeast to the north tip of Pulsifer Point, have been classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels from September 1 through March 31.

C. Effective immediately, because of pollution, the shores, flats and waters of Merepoint Bay: inside and shoreward of a line beginning at the unnamed point of land 2000 feet north of Paul's Marina (Brunswick), then running southeast to the north tip of Birch Island (Harpswell); then running southwest to the north tip of Gallows Island (Harpswell); then running west to the south end of Windemere Road on Merepoint Neck (Brunswick); have been classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels from April 15 through October 31.

EFFECTIVE DATE: August 6, 2007

EFFECTIVE TIME: 4:13 PM

AGENCY CONTACT PERSON

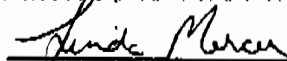
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[http://www.maine.gov/dmr/rm/public\\_health/closures/closedarea.htm](http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm)

PORTLAND PRESS HERALD-August 9, 2007

### STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals DMR Regulation 95.03 M, Closed Area No. 16, Maquoit Bay and Middle Bay (Freeport, Brunswick, and Harpswell), promulgated on July 10, 2007, and replaces it with a new rule. This new rule closes a portion of the east side of Flying Point, Freeport, due to a malfunctioning septic system.



LINDA MERCER, ADMINISTRATIVE OFFICER FOR GEORGE D

LAPOINTE, COMMISSIONER AS AUTHORIZED BY 12 M.R.S.A. §6023



# Maine Department of Marine Resources

## Pollution Closed Area No. 16

Maquoit Bay and Middle Bay (Freeport, Brunswick, and Harpswell)



8/6/07

