

DEPARTMENT OF MARINE RESOURCES - SHELLFISH HARVESTING

CHAPTER 12

MUSSELS

TITLE INDEX

- 12.01 Nighttime Harvesting Prohibition
- 12.02 Drag Size Limit
- 12.03 Seed Mussel
- 12.04 Mussels Count and Tolerance
- 12.05 Use of Seed Mussels
- 12.06 Seed Mussel Conservation Areas

## DEPARTMENT OF MARINE RESOURCES

## Chapter 12 - Mussels

## 12.01 Nighttime Harvesting Prohibition

In accordance with 12 M.R.S.A. §6746-A it shall be unlawful to fish for or take mussels (*Mytilus edulis*) by dragging between sunset (12 M.R.S.A. §6001(46)) and sunrise (12 M.R.S.A. §6001(45)) within Maine's territorial waters except the Commissioner may authorize the harvest of seed mussels during those times. All requests for this exception must be made to the Department in writing and permits which are granted will be in writing. Any fishing activity not expressly authorized in the permit granted by the Commissioner shall be a violation of this subsection and subject to prosecution and or seizure.

## 12.02 Drag Size Limit

It shall be unlawful to fish for or take mussels with any one combination of mussel drag(s) having an aggregate size in excess of 6 feet, 6 inches (6'6") in width (by measuring from the extreme outside edge on one side to the extreme outside edge on the opposite side) in Maine's territorial waters.

## 12.03 Seed Mussel

A. Except by permit issued by the Commissioner of the Department of Marine Resources, (see second exception) it shall be unlawful to possess, ship, transport, buy, or sell mussels which by numerical count contain more than 106 mussels per two-quart container. Mussels by numeric count greater than the above shall be considered seed mussel.

B. Exception 1.) This section establishes that seed mussels are those which in a 2-quart container would number no less than 106 by count. This method of measurement results in an average length of 2 inches or less. It is the intent of this regulation that seed mussels may not be landed and placed in the channels of trade, but may be harvested and transported by boat for purposes other than landing, such as for relaying to a lease site or other appropriate bottom. Subsection (A) shall not apply to mussels found in possession, shipped, or transported on the coastal waters of the State of Maine.

Exception 2.) The Commissioner may issue a permit allowing possession, shipment, transportation, buying, or selling mussels which by numerical count contain more than 106 mussels per 2-quart container, for the purpose of relaying by truck, specifically for placement on a lease site or other appropriate bottom.

## 12.04 Mussels Count and Tolerance

A. The numerical count shall be determined by random sample from among the lot or bulk pile by randomly taking from various parts of the bulk pile or lot an amount equal to two quarts and then numerically counting same to determine the amount of mussels within the two-quart container.

B. Tolerance of 10%. A ten percent tolerance shall be applied to the 106 mussel count when determining a violation of section 12.03.

## 12.05 Use of Seed Mussels

Only mussels which meet the definition of seed mussels may be placed on aquaculture lease sites granted under 12 M.R.S.A. §6074.

## 12.06 Seed Mussel Conservation Areas

- A. To conserve and provide for effective management of unique mussel areas, seed mussel conservation areas will be designated by the Department of Marine Resources. These areas will be selected based upon several considerations, to include either singly or in combination but not limited to: geographic extent, density, population size distribution, extent subject to winter mortality, and condition.
- B. Areas Defined. It shall be unlawful to take mussels (*Mytilus edulis*) by any method or manner from designated seed mussel conservation area(s) without a permit issued by the commissioner of the Department of Marine Resources. Descriptions of designated areas are as follows:

Jordan River, Trenton/Lamoine Description

Except by permit defined above, it shall be unlawful to harvest in any manner or possess mussels taken from the shores, flats, and waters of Jordan River in the towns of Trenton and Lamoine, Hancock County, inside and upstream of a line drawn from the mouth of Crippens Brook, on the western shore, due east to the eastern shore of Jordan River.

West Bay, Gouldsboro Description

Except by permit defined above, it shall be unlawful to harvest in any manner or possess mussels taken from the shores, flats, and waters of West Bay and Grand Marsh Bay in the town of Gouldsboro, Hancock County, northwesterly of a line drawn from the northernmost tip of Marsh Point, northeasterly to the southernmost tip of Jetteau Point.

Narraguagus Bay, Milbridge/Harrington Description

Except by permit defined above, it shall be unlawful to harvest in any manner or possess mussels taken from the shores, flats, and waters of that area of Narraguagus Bay, in the towns of Milbridge and Harrington, Washington County, northerly of a line running from the southwesternmost tip of Foster Island, northwesterly to Clam Ledge, and continuing to a point of land on the easternmost tip of Fickett Point, on the east side of Sinclair Cove, so-called; and southerly of a line running from the northernmost tip of Foster Island, northwesterly to the southwesternmost tip of Pinkham Island, continuing northwesterly to the easternmost point of Strout Point.

Harrington River, Milbridge/Harrington Description

Except by permit defined above, it shall be unlawful to harvest in any manner or possess mussels taken from the shores, flats, and waters of that area of Harrington River and Flat Bay, in the towns of Harrington and Milbridge, Washington County, lying southwesterly of a line running from the northwesternmost point of land bordering West Carrying Place Cove, northwesterly to the northernmost island of the Five Islands, and continuing westerly to the northernmost point of land bordering Five Islands Cove; and northeasterly of a line running from the southernmost point of land bordering West Carrying Place Cove, northwesterly to Chamberly Island, continuing northwest to the northernmost tip of Blasket Point, thence northeast to the southwesternmost tip Pineo Point.

- C. The Department may issue on a first-come-first-serve basis a no-cost permit to licensed mussel fishermen which shall authorize the permit holder to fish in designated seed mussel conservation areas, consistent with provisions of statute and regulation.

CHAPTER 12

MUSSELS

INDEX

EFFECTIVE DATE:

June 4, 1982 – Section 1, EMERGENCY, EXPIRED 09/02/82

AMENDED:

September 1, 1983 – Section 1

September 12, 1988

July 20, 2009 – Section 1