

STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE

Notice of Agency Rulemaking Adoption

AGENCY: Department of Marine Resources

CHAPTER NUMBER AND RULE TITLE: Chapter 11: Scallops [Apprentice Program]

ADOPTION FILING NUMBER: [Leave Blank] - Assigned by the Department of the Secretary of State]

CONCISE SUMMARY:

This rulemaking amends the limited entry system for scallop licenses. Scallop dive licenses will be issued through a license lottery held annually, as is currently the case. Scallop drag licenses will be issued through a license lottery annually, but individuals selected through the lottery will need to complete a Scallop Drag Apprenticeship Program before they are eligible to purchase their scallop drag license.

EFFECTIVE DATE: [Leave Blank] -- To Be Filled in by the Department of the Secretary of State]

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13-188 **DEPARTMENT OF MARINE RESOURCES**

CHAPTER 11: SCALLOPS

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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.
6. **Scallop Management Zone One (1).** “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.
7. **Scallop Management Zone Two (2).** “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.
8. **Scallop Management Zone Three (3).** “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.
9. **Commercial Scallop License.** “Commercial Scallop License” refers to a handfishing scallop or handfishing with tender license issued under 12 M.R.S. §6701 or a scallop dragging license issued under 12 M.R.S. §6702.

11.02 Reporting

See Chapter 8.

11.03 Atlantic Sea Scallops Harvesting Season, Closed Days and Rotational Management

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

11.04 Configuration of Scallop Drag

1. Minimum mesh size

- A. Twine top restrictions. The mesh size of net material on the top of a scallop dredge in use by or in possession of vessels in the Atlantic sea scallop fishery shall not be smaller than 5.5 inches (13.97 cm).
 - (1) For vessels rigged with a dredge or dredges, and each individual dredge is greater than 8 ft (2.44 m) in width, there must be at least seven rows of non-overlapping steel rings unobstructed by netting or any other material, between the terminus of the dredge (club stick) and the net material on the top of the dredge (twine top).
 - (2) For vessels rigged with a dredge or dredges, and each individual dredge is greater than 3.5 ft (1.07 m) and less than or equal to 8 ft (2.44 m) in width, there must be at least four rows of non-overlapping steel rings unobstructed by netting or any other material, between the club stick and the twine top of the dredge.
 - (3) For vessels rigged with a dredge or dredges, and each individual dredge is 3.5 feet (1.07 m) or less in width, there must be at least one row of non-overlapping steel rings unobstructed by netting or any other material, between the club stick and the twine top around the circumference of the top of the dredge. The twine top must be hung on no more than two diamond meshes per ring on the top and bottom and a single diamond mesh per ring on the sides. Alternative designs may be approved by permit from the Commissioner.
- B. Measurement of mesh size. Mesh size is measured by using a wedge-shaped gauge having a taper of 2 cm in 8 cm and a thickness of 2.3 mm, inserted into the meshes under a pressure or pull of 5 kg. The mesh size is the average of the measurements of

any series of 20 consecutive meshes for nets having 75 or more meshes, and 10 consecutive meshes for nets having fewer than 75 meshes. The mesh in the regulated portion of the net will be measured at least five meshes away from the lacings running parallel to the long axis of the net.

2. Chafing gear and other gear obstructions

- A. Chafing gear restrictions. No chafing gear or cookies shall be used on the top of a scallop dredge.
- B. Link restrictions. No more than double links between rings shall be used in or on all parts of the dredge bag, except the dredge bottom. No more than triple linking shall be used in or on the dredge bottom portion and the diamonds. Damaged links that are connected to only one ring, i.e., “hangers”, are allowed, unless they occur between two links that both couple the same two rings. Dredge rings may not be attached via links to more than four adjacent rings. Thus, dredge rings must be rigged in a configuration such that, when a series of adjacent rings are held horizontally, the neighboring rings form a pattern of horizontal rows and vertical columns.
- C. Dredge or net obstructions. No material, device, net, dredge, ring, or link configuration or design shall be used if it results in obstructing the release of scallops that would have passed through a legal sized and configured net and dredge, as described in this part, that did not have in use any such material, device, net, dredge, ring, or link configuration or design.

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

11.05 Scallop Harvesting Gear Restrictions

- 1. State waters drag size restriction.** It shall be unlawful to possess on any vessel fishing for scallops, or to fish for or take scallops, in Maine's territorial waters:
 - A. Any scallop drag or combination of scallop drags that exceed 10 feet 6 inches in width (by measuring from the extreme outside of the mouth of the drag or drags).
- 2. Dragging for scallops Damariscotta River, Lincoln County.** It shall be unlawful to fish for or take scallops in the Damariscotta River with any scallop drag (chain sweep or rock drag) north of a line drawn from Emerson Point, at the southernmost tip of Ocean Point in the town of Boothbay, easterly to Thrumcap Island, then northerly to the southern tip of Rutherford Island, South Bristol from April 16th to ½ hour after sunset December 31st of each year.

3. Scalloping in the Frenchboro Cable Area - hand scallop fishing allowed

- A. It shall be lawful to take scallops by hand, unless prohibited by other statute or regulation in the Frenchboro Cable Area described in 12 M.R.S. §6954-A(1) (hereafter "Frenchboro Cable Area").
- B. It shall be unlawful to operate any watercraft when towing a drag or trawl while taking scallops by hand in the Frenchboro Cable Area.
- C. It shall be unlawful to use a watercraft rigged for dragging while taking or attempting to take scallops by hand in the Frenchboro Cable Area.
- D. It shall be unlawful to possess scallops aboard a watercraft rigged for dragging while taking or attempting to take scallops by hand in the Frenchboro Cable Area.

11.06 Municipal Mooring Field Closures

It shall be unlawful to fish for, take, or possess scallops taken by dragging within any of the following closed areas. All directions are relative to True North (not magnetic).

Transiting exception. A vessel may not transit within the following closed areas with any part of a drag, including the cable, in the water.

- 1. **Inner Blue Hill Harbor.** West of a line drawn from the most western point of Sculpin Point, Blue Hill to the closest point of land on Parker Point, Blue Hill Neck.
- 2. **Bartlett Landing.** East of a line starting at the town pier 44° 20.576' N, 068° 25.042' W, running south to the northern tip of west point 44° 20.274' N, 068° 25.264' W.
- 3. **Seal Harbor.** North of a line starting at the southern end of Crownshield Pt 44° 17.286' N, 068° 14.620' W running in an easterly direction to 44° 17.416' N, 068° 14.180' W.
- 4. **Northeast Harbor.** North of a line starting at a private pier on the western side of the Harbor 44° 17.244' N, 068° 16.787' W running in a north easterly direction to the southern tip of land on the east side of the harbor 44° 17.432' N, 068° 16.583' W.
- 5. **Somes Sound Harbor.** North of a line starting at the northern tip of Mason Point 44° 21.491' N, 068° 19.626' W then running in a southeasterly direction to the southern tip of Squantum Point 44° 21.425' N, 068° 19.311' W.
- 6. **Western Blue Hill Bay (Blue Hill).** Inside and westerly of a line beginning at the easternmost point of High Head, Blue Hill, then running northeast to the most eastern tip of Sand Point, Blue Hill.
- 7. **Pennamaquan River.** Inside and up river of a line drawn from the Eastern tip of Kelly Point, Pembroke and running in a Northeast direction to GC "11" and then continuing in a direction of true North to Hersey Neck.

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

11.07 Atlantic Sea Scallop Limitations

1. **Atlantic sea scallops, minimum size.** In Maine Territorial Waters, it shall be unlawful to possess Atlantic sea scallops whose shells are less than 4 inches in the longest diameter, effective on December 1, 2004 and thereafter in accordance with 12 M.R.S. §6721(1)(A) & (B).
2. **Atlantic sea scallops, night harvesting prohibition.** Effective November 1, 1986, it shall be unlawful to fish for or take scallops during the nighttime hours between sunset (as defined in 12 M.R.S. §6001(46)) until ½ hour before sunrise (as defined in 12 M.R.S. §6001(45)) within Maine's territorial waters.
3. **Atlantic sea scallops, culling required.** Scallops less than the minimum legal size must be immediately liberated. It is prima facie evidence of possession of illegal scallops if a vessel contains scallops smaller than the minimum size while a scallop license holder or crewmember is shucking scallops.
4. **Atlantic sea scallops, shellstock ratio to meat conversion, possession limit, daily limit**
 - A. Shellstock ratio to meat conversion. For the purposes of this regulation, one and a half bushels of shellstock shall be equal to one gallon of scallop meat.
 - B. Daily harvest and possession limits
 - (1) Daily Harvest and Possession Limit for Individuals Issued a License under §6702 or 6302-A for scallop dragging

It is unlawful to fish for, take or possess more than 15 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 15 gallons of meat per day per vessel.
 - (2) Daily Harvest and Possession Limit for Individuals Issued a License under §6701 or 6302-A for scallop diving

It is unlawful for an individual licensed under §6701 or 6302-A for scallop diving to fish for, take or possess more than 15 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 15 gallons of meat per day.
 - (3) Daily Limit Restrictions. It is unlawful to unload any portion of a day's catch and return to fishing in Maine's territorial waters. It is unlawful to transfer to or receive from another vessel any scallop shellstock or scallop meats.

5. **Atlantic sea scallops harvested seaward of Maine's territorial waters.** A vessel may possess or land more than 15 gallons of scallop meats per day within Maine's territorial waters only if it meets each of the following requirements:
- A. The scallop meats were harvested seaward of Maine's territorial waters.
 - B. The vessel holds a valid current Federal Permit (Title 50(A) §648.4) that authorizes possession of more than 15 gallons of scallop meats per day.
 - C. The amount of scallop meats on board does not exceed the maximum amount authorized by the vessel's Federal Permit.
 - D. The vessel has all fishing gear (dredges, drags) securely stowed when transiting Maine's territorial waters. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch.

11.08 Targeted Scallop Conservation Closures

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

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

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

1. Lower Muscle Ridge

Northern boundary: East and South of a line beginning at the most eastern tip of Whitehead Island, St. George, to the southern tip of Seal Island (Hay Ledges) continuing to the most southwestern point of Graffam Island, then continuing to the southwestern point of Pleasant Island and continuing in a southeasterly direction to the northeastern tip of Two Bush Island.

Southern boundary: North of a line starting at the most southern point of Whitehead Island, St. George, to the southern end of Two Bush Island.

2. Eastern Casco Bay

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

Western boundary: East and North of a line 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° 42.950’ N, Longitude 70° 00.137’ W to the most southeastern tip of land along Jaquish Gut at Latitude 43° 43.043’ N, Longitude 70° 00.128’ W.

3. Upper Sheepscot River

Western boundary: East of a line drawn from the most southern tip of Hockomock Point, Woolwich to the most northern tip of Mill Point, Arrowsic Island, and following the shoreline to the Arrowsic Island-Georgetown Island bridge, and then continuing along the northern coastline to the northeast tip of Dry Point, Georgetown Island.

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

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

4. New Meadows River

Southeast boundary: North of a line drawn from the southernmost tip of Birch Point, Phippsburg, to the southernmost tip of Long Island, Harpswell, then continuing along the western coastline to the northern tip of Long Island, Harpswell, then a line drawn due west to the nearest point of land on Sebascodegan Island, Harpswell.

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

5. Card Cove. West of a line drawn from the southeasternmost 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. East Moosabec Reach

Western boundary: Inside and east of the Jonesport-Beals Bridge

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

- 8. Upper Cranberry Isles.** North of a line starting at the eastern point of Seawall Point running northeasterly to the northwestern tip of Spurling Point, Great Cranberry; then continuing along the northern shore of Great Cranberry to Long Point and running northeasterly to the tip of Haddock Point; then continuing along the shore of Little Cranberry to Marsh Head; and then running northerly to Otter Point, Mount Desert Island.

9. Upper Western Casco Bay

Southern boundary: North of a line drawn from the most southwestern point of Basin Point, Harpswell (Harpswell) running southeasterly to the southwestern tip of Bailey Island.

10. Casco Bay Islands

Southern boundary: North of a line drawn from the northern point of Ship Cove, South Portland running northeasterly to the southwestern tip of Cushing Island and running along the southeastern shore of Cushing Island to most northern point of White Head; then continuing northeasterly to RN4 and then northeasterly to the western most point of Jewell Island, and then running northeast to the southwestern point of Basin Point, Harpswell.

11. Lower Blue Hill Rotational Area

Eastern boundary: North and West of a line from the southernmost tip of Lopaus Point to the northernmost point of Black Island, continuing from the westernmost tip of Black Island to the northernmost 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 easternmost 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.

12. Upper Narraguagus

Southern boundary: North of a line starting at the southern tip of Flint Island and running southwesterly to the R N "2" buoy, and continuing westerly to the southern tip of Bois Bubert Island; and, continuing north along the eastern shore of Bois Bubert Island to the northern tip and running north to Tom Leighton Point, Milbridge.

13. Inner Chandler Bay

Eastern boundary: West of a line starting at the southwestern tip of Bunker Hole on Great Spruce Island and running southwesterly to the G1 Bell; continuing eastward to the RN2 at Bay Ledges and then continuing southerly to the eastern point of Beals Harbor on Head Harbor Island.

Southern boundary: North of a line starting at the northeastern most tip of Sand Cove, Great Wass Island and running southeasterly to the southwestern most tip of Brim Cove, Steele Harbor Island, continuing along south along the western shore of Steele Harbor Island to the southeastern point of Upper Herring Cove and then running northeast to the southwestern point of Black Head, Head Harbor Island.

14. Cobscook, Whiting and Dennys Bays

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

Eastern boundary: West of the international maritime boundary line.

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

Exception. Harvest by drag only may occur on Monday, January 12, 2026, in Cobscook, Whiting and Dennys Bay. Harvest by dive only may occur on Saturday, January 17, 2026, in Cobscook, Whiting and Dennys Bay.

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 5, 6, 12, 13, 19 and 20, 2025 and April 1, 7, 14, 21 and 28, 2026 in areas 1, 3, 4 and 5 in Zone 1. In area 2 of Zone 3, December 6, 13, 20, and 27, 2025; January 3, 10, 17, 24, and 31, 2026; February 7, 14, 21 and 28, 2026; and March 7 and 14, 2026. 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 5, 12, 19 and 26, 2026; February 2, 9, 16, and 23, 2026; and, March 2, and 9, 2026 in areas 1, 3, 4 and 5 in Zone 1. In area 2 of Zone 3, December 1, 8, 15, 22, and 29, 2025; January 5, 12, 19 and 26, 2026; February 2, 9, 16, and 23, 2026; and March 2 and 9, 2026. 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. Outer Western Casco Bay

Northern boundary: South of a line drawn from the most southwestern point of Basin Point, Harpswell (Harpswell) running southeasterly to the southwestern tip of Bailey Island.

Western boundary: East of a line drawn from the most southwestern point of Basin Point (Harpswell) to the northern tip of Jewell Island.

Southern boundary: North of a line drawn from the southern tip of Jewell Island, running easterly to the R N "2" at Eastern Drunkers Ledge, then continuing north to the southwestern tip of Bailey Island.

2. 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.

3. Lower Sheepscot River

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

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

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

Southern boundary: North of a line drawn from the most southern point of Outer Head Island at Griffith Head, Georgetown to the most southern tip of Cape Island, Southport.

4. 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.

11.10 Cobscook Bay Limits and Restrictions

1. Cobscook Bay

- A. Shellstock ratio to meat count. For the purposes of 12 M.R.S. §6728, one and a half bushels of shellstock shall be equal to one gallon of scallop meat.
- B. Daily harvest and possession limits
 - (1) Daily Harvest and Possession Limit for Individuals Issued a License under §6702 or 6302-A for scallop dragging. Except as allowed pursuant to Chapter 11.19(2), it is unlawful to fish for, take or possess more than 10 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 10 gallons of meat per day per vessel.
 - (2) Daily Harvest and Possession Limit for Individuals Issued a License under §6701 or 6302-A for scallop diving. It is unlawful for an individual licensed under §6701 or 6302-A for scallop diving to fish for, take or possess more than 10 gallons of scallop meat or any aggregate of meat and shellstock, which is greater than the equivalent of 10 gallons of meat per day.
- C. Daily limit. Any vessel which has taken scallops within the restricted area of Cobscook Bay, as defined by 12 M.R.S. §6728(1), may not land scallops and return to fishing for scallops within that restricted area on the same day. It is unlawful to transfer to or receive from another vessel any scallop shellstock or scallop meats.
- D. Harvester meat count. Except as allowed pursuant to Chapter 11.19(2), no vessel or person may take, possess or transfer shucked scallops which measure more than 35 meats per 16 oz. certified measure from or within the Cobscook Bay Restricted Area, as defined by 12 M.R.S. §6728 (1). The meat count shall be measured by selecting small scallop meats from the harvester's catch.
- E. Limited access areas: See Chapter 11.09(4).

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

- A. Possession. Vessels transiting or landing scallops within the restricted area of Cobscook Bay, as defined by 12 M.R.S. §6728(1), and which have been fishing exclusively outside of the restricted area may possess more than ten gallons of scallop meat or scallops which measure more than 35 meats per 16 oz. certified measure.
- B. Landing scallops harvested outside the restricted area, in Cobscook Bay. Vessels which are transiting or landing in the restricted area and which are in possession of more than ten gallons of scallop meat or scallops measuring more than 35 meats per 16 oz. certified measure, which have been harvested outside the restricted area, may not possess any shellstock and must have all fishing gear (dredges, drags) securely stowed when transiting the restricted area.

11.11 Open and Closed Scallop Fishing Days

1. **Zone 1 season for draggers.** The Atlantic Sea Scallop harvesting season in Maine's territorial waters for draggers in Zone 1 is open December 8, 2025 through to March 31, 2026, both days inclusive, with the following exceptions:
 - A. In December 2025 fishing is prohibited on Fridays, Saturdays and Sundays, and also Thursday, December 25, 2025.
 - B. In January, February, and March 2026, fishing is prohibited on Fridays, Saturdays and Sundays.
2. **Zone 1 season for divers.** The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 1 is open December 3, 2025 through to April 29, 2026, both days inclusive, with the following exceptions:
 - A. In the month of December 2025, fishing is prohibited on Sundays, Mondays, and Tuesdays, as well as Thursday, December 25 and Wednesday, December 31, 2025.
 - B. Fishing is prohibited in the month of January. In the months of February 2026 and March 2026, fishing is prohibited on Sundays, Mondays, Tuesdays, and Wednesdays.
 - C. In the month of April 2026, 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, 2025 through to March 26, 2026, both days inclusive, with the following exceptions:
 - A. In December 2025, fishing is prohibited on Fridays, Saturdays and Sundays, and also Thursday, December 25, 2025
 - B. In January, February, and March 2026, fishing is prohibited on Fridays, Saturdays and Sundays, except for Friday, January 30, 2026, which will remain open.
4. **Zone 2 season for divers.** The Atlantic Sea Scallop harvesting season in Maine's territorial waters for divers in Zone 2 is open November 18, 2025 through to April 18, 2026, both days inclusive, with the following exceptions:
 - A. In the month of November 2025, fishing is permitted on days 18, 19, 20, 21, 22, 25, 26, 28, and 29, 2025. December 2025, fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays and also Thursday, December 25, 2025.
 - B. In the months of January, February, and March 2026 fishing is prohibited on Sundays, Mondays, Tuesdays, and Wednesdays, and also Thursday, January 1, 2026. April 2026, fishing is prohibited on Sundays, Mondays and Tuesdays.

5. **Zone 2 State waters season.** The Atlantic Sea Scallop harvesting season in Maine's territorial waters around Machias Seal Island and North Rock is open December 1, 2025 through March 31, 2026, 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, 2025 through March 25, 2026, both days inclusive, with the following exceptions:
 - A. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the month of December 2025, and also Wednesday, December 24, 2025.
 - B. Fishing is prohibited on Thursdays, Fridays, Saturdays and Sundays in the months of January, February and March 2026.
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 4, 2025 through to March 28, 2026 both days inclusive, with the following exceptions:
 - A. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays in the month of December 2025, and also Thursday, December 25, 2025.
 - B. Fishing is prohibited on Sundays, Mondays, Tuesdays and Wednesdays in the months of January, February and March 2026.

11.12 Rotational Management Plan

All areas in the Third Rotation as described in 11.12(1)(C) are closed to harvest during the 2025-2026 scallop season.

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

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

1. Zone Two (2): Eastern Maine

- A. First Rotation. All directions are relative to True North (not Magnetic unless specified as such).

Transiting exception. Any vessel possessing scallops onboard may transit these closed areas, only if the vessel has all fishing gear (dredges, drags) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch.

(1) The Bold Coast

Eastern boundary: South and West of a line drawn from the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada.

Western boundary: North and East of a line starting at the most western tip of Jim's Head in the town of Trescott and True south to the three-mile limit.

(2) Little Kennebec/Englishman Bay:

Eastern boundary: South and West of a line starting at Bucks Head, Machiasport proceeding East to the southern end of Northwest Head on Cross Island then True South to the three-mile limit.

Western boundary: East and South of a line starting at the most northeastern point of Great Head, Roque Island then northeast to the most southern end of Shoppee Point, Roque Bluffs and from the eastern tip of Great Spruce Island to the day board at East Black Rock 'RW Bn', and then True South to the three mile limit, including Roque Island harbor however not to include the Thoroughfare between Roque Island and Great Spruce Island.

(3) Addison

Eastern boundary: South and West of a line starting at the most eastern end of Tibbett Island going due North to the closest point of land on Moose Neck and southeast to the most northern tip of eastern Plummer Island then the most western tip of Toms Island then True South to the three-mile limit.

Western boundary: East and South of a line starting at Strout Point in the town of Milbridge to the most northern tip of Foster Island in the town of Milbridge then the most southeastern tip of Fosters Island to the most northern tip of Dyers Island; continuing from southern tip of Dyers Island to the most northwestern tip of Flint Island and the most southwestern tip of Flint Island then running True South to the three mile limit.

(4) Frenchman's Bay

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

Western boundary: East and North of a line starting at the most eastern end of Otter Point, Mount Desert Island continuing SE (135°) to the three-mile limit at Latitude 44° 16.080' N, Longitude 68° 07.919' W.

(5) Swan's Island

Eastern boundary: South and West of a line starting at Bass Harbor Head then in a southeast direction to the most easterly Point of Great Gott Island continuing on True South to the three-mile limit.

Western boundary: East and South of a line from the southernmost 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 westernmost point of Farrel Island, then True South to the three-mile limit.

Western boundary: South of a line starting at the southernmost 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 southernmost point of Lane Island, Vinalhaven, True South to the three mile limit.

(7) Upper Penobscot Bay

Eastern boundary: Northwest of a line from Deer Isle bridge and the most southwestern point of Little Deer Isle to the most northern point of Pickering Island, then to the most eastern tip of Dark Harbor, Islesboro; continuing on from Grindel Point, Islesboro due West to the Sea Urchin Zone line at Latitude 44° 16.913' N, Longitude 68° 58.508' W.

Western boundary: East of the Sea Urchin Zone Line.

(8) Outer Islands (Machias Seal Island and North Rock). Territorial waters surrounding Machias Seal Island and North Rock.

- B. Second Rotation. All directions are relative to True North (not Magnetic unless specified as such).

Transiting exception. Any vessel possessing scallops onboard may transit these closed areas, only if the vessel has all fishing gear (dredges, drags) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch.

(1) The Cutler Shore

Eastern boundary: South and West of a line starting at the most western tip of Jim's

Head in the town of Trescott and South to the three-mile limit.

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

(2) Chandler Bay/Head Harbor Island

Eastern boundary: North and West a line starting at the most northeastern point of Great Head, Roque Island then northeast to the most southern end of Shoppee Point, Roque Bluffs and from the eastern tip of Great Spruce Island to the day board at East Black Rock 'RW Bn', and then True South to the three-mile limit, including the Thoroughfare between Roque Island and Great Spruce Island.

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

(3) Narraguagus/Pigeon Hill Bay

Eastern boundary: South and West of a line starting at Strout Point in the town of Milbridge to the most northern tip of Foster Island in the town of Milbridge then the most southeastern tip of Fosters Island to the most northern tip of Dyers Island; continuing from southern tip of Dyers Island to the most northwestern tip of Flint Island and the most southwestern tip of Flint Island then running True South to the three mile limit.

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

(4) Cranberry Isle Area

Eastern boundary: South and West of a line starting at the most eastern end of Otter Point, Mount Desert Island continuing SE (135°) to the three-mile limit at Latitude 44° 16.080' N, Longitude 68° 07.919' W.

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

(5) Lower Blue Hill Bay/Jericho Bay

Eastern boundary: North and West of a line from the southernmost tip of Lopaus Point to the northernmost point of Black Island; continuing from the westernmost tip of Black Island to the northernmost 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 easternmost 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 westernmost 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 southernmost point of Stinson Point, Deer Isle, West to Mullen Head, North Haven AND North of a line starting at Pulpit Rock, North Haven due West to the Sea Urchin Zone line at Latitude 44° 09.551' N, Longitude 69° 01.510' W.

(8) Outer Islands (Machias Seal Island and North Rock). Territorial waters surrounding Machias Seal Island and North Rock.

C. Third Rotation. All directions are relative to True North (not Magnetic unless specified as such).

Transiting exception. Any vessel possessing scallops onboard, may transit these closed areas, only if the vessel has all fishing gear (dredges, drags) securely stowed. Securely stowed shall mean the main wire shall not be shackled or connected to the dredges or drags, and the towing swivel will be at block or on the winch.

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

(2) Wohoa/Western Bay

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

Western boundary: North and East of a line starting at the most eastern end of Tibbett Island going due North to the closest point of land on Moose Neck and southeast to the most northern tip of eastern Plummer Island then the most western tip of Toms Island; then True South to the three mile limit.

(3) Gouldsboro/Dyer Bay

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

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

(4) Upper Blue Hill Bay/Union River. North of a line from Eastern most point of Harriman Point due East to the southern tip of Hardwood Island, then South to the northern tip of Moose Island, then from the southern tip of Moose Island East to Reed Point, Mount Desert Island.

(5) Lower Jericho Bay

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

Eastern boundary: North and West of a line from northern most tip of Swans Island Head; continuing South from West Point, Swans Island to Long Point, Marshall Island; then West of a line from the southernmost 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 Whitmore 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) Eggemoggin Reach/Southeast Harbor

Eastern boundary: North and West of a line from the most southeastern point of Stinson Neck, Deer Isle then running to Naskeag Point, Brooklin AND North of a line

starting at the most southwestern tip of Stinson Neck, Deer Island running to Coles Point on Whitmore Neck, Deer Island; this includes all of Southeast Harbor.

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

(7) Lower Penobscot Bay & Outer Islands

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

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

(8) Outer Islands (Machias Seal Island and North Rock). Territorial waters surrounding Machias Seal Island and North Rock.

11.13 Trigger Mechanism

The Commissioner may close any portion of Maine's territorial waters to harvesting through emergency rulemaking if the Department has information that indicates there is a likelihood that between 30 percent and 40 percent of the harvestable biomass has been removed. Such closures are established for conservation purposes, to protect the resource from unusual damage or imminent depletion.

11.14 Commercial Scallop License Limited Entry System

1.—Limited Entry Procedure:

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

B.—~~Eligible individuals wishing to enter either lottery must submit a lottery application that must be received by the Department by the date specified by the Department, for licenses to be issued in the following calendar year.~~

C.—An individual is eligible to enter either the scallop dragging license lottery or the scallop handfishing or handfishing with tender license lottery, but not both, if they meet the following criteria:

- a.—Is a Maine resident and 18 years of age or older;
- b.—Held in any previous calendar year or currently holds any commercial license issued under 12 M.R.S. Part 9, or has in the past or currently is crewing onboard an active commercial scallop vessel;
- c.—Has not been convicted or adjudicated of a marine resources offense that resulted in a license suspension within the last 7 years; and,
- d.—Does not currently possess a license issued under 12 M.R.S. §6701 or §6702.

D.—The number of draws (chances) allotted to each eligible applicant shall be calculated by the Department.

- a.—Each eligible applicant shall be awarded a minimum of one draw.
- b.—Each eligible applicant shall be awarded one additional draw for every consecutive year they enter each lottery.

E.—Before the lotteries are held the Department shall calculate the number of licenses to be awarded for that calendar year, if any.

F.—The Department shall choose individuals to whom licenses will be awarded through a random selection process. The drawing will continue until all available licenses have been awarded.

G.—The Department will verify an applicant's eligibility for the lottery and any additional chances claimed at the time the individual is drawn. If it is determined that the individual misrepresented or falsified any information on their lottery application that drawing shall be void and the Department will draw another individual.

H.—Once a list of winners has been determined, drawing will continue to establish an ordered list of alternates the same length as the list of winners.

2.—Fixed Ratios

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

~~shall be zero and the one or two non-renewed license shall be carried over to the next year for consideration in that year's calculation. If the number is zero, the number of licenses awarded shall be zero.~~

~~B.—Handfishing Exit/Entry Ratio. One person will be awarded license eligibility for every one person who held a commercial scallop dive license in the year prior to the previous calendar year but who did not renew that license in the previous calendar year. If the number is zero, the number of licenses awarded shall be zero.~~

~~3.—Issuing the Awarded Licenses~~

~~A.—Lottery winners will be informed in writing and mailed a license application form by the Department by registered mail. In addition, lottery winners and alternates will be announced on the Department website.~~

~~B.—Lottery winners must submit their license application, correctly completed with the correct fees and documentation to the Department within 30 days of receipt of notice, or the winner will lose their license eligibility.~~

~~C.—Any license awarded through misrepresentation or misstatement on the license lottery application shall be void.~~

~~D.—If the winner has not complied with the requirements within 30 days, the next alternate on the list of alternates will be sent a license application and have 30 days to comply in the same manner.~~

~~4.—Exit/Entry Ratio Review~~

~~A.—At a minimum of every two years, the Department shall consult the Scallop Advisory Council concerning potential adjustments to the lottery system.~~

1. Limited entry procedure for scallop handfishing licenses. The Department shall hold an annual lottery for commercial scallop handfishing licenses issued under 12 MRS §6701, provided that the number of licenses to be awarded as determined by the exit ratio is greater than zero. Eligible individuals wishing to enter the handfishing scallop license lottery must submit a lottery application that must be received by the Department by the date specified by the Department.

A. An individual is eligible to enter the scallop handfishing license lottery if they meet the following criteria:

(1) Is a Maine resident and 18 years of age or older;

(2) 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;

- (3) Has not been convicted or adjudicated of a marine resources offense that resulted in a license suspension within the last 7 years; and,
- (4) Does not currently possess a license issued under 12 M.R.S. §6701 or §6702.
- (5) Has not entered the scallop drag license lottery in the same calendar year.
- B. The number of draws (chances) allotted to each eligible applicant shall be calculated by the Department.
 - (1) Each eligible applicant shall be awarded a minimum of one draw.
 - (2) Each eligible applicant shall be awarded one additional draw for every consecutive year they entered the lottery.
- C. Before the lotteries are held the Department shall calculate the number of licenses to be awarded for that calendar year, if any. One person will be awarded license eligibility for every one person who held a commercial scallop handfishing license in the year prior to the previous calendar year but who did not renew that license in the previous calendar year. If the number is zero, the number of licenses awarded shall be zero.
- D. 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.
- E. 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.
- F. 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 offer the license to the next alternate.
- G. Scallop handfishing lottery winners will be informed in writing and mailed a license application form by the Department by mail. In addition, scallop handfishing lottery winners will be announced on the Department website.
- H. Lottery winners must submit their license application, correctly completed with the correct fees and documentation of eligibility listed in 11.14(1)(A) to the Department within 30 days of receipt of notice, or the winner will lose their license eligibility.
- I. If the scallop handfishing lottery winner has not provided a completed license application and evidence of eligibility within 30 days, the next alternate on the list of alternates will be sent a license application and have 30 days to comply in the same manner.
- 2. **Limited entry procedure for scallop drag license.** The Department shall hold an annual lottery for scallop drag licenses issued under 12 MRS §6702, provided that the number of

licenses to be awarded as determined by the exit ratio is greater than zero. Eligible individuals wishing to enter the scallop drag license lottery must submit a lottery application that must be received by the Department by the date specified by the Department.

A. Eligibility for a Scallop Drag License: An individual is eligible to enter the scallop drag license lottery if they meet the following criteria:

- (1) Is a Maine resident and 18 years of age or older;
- (2) 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;
- (3) Has not been convicted or adjudicated of a marine resources offense that resulted in a license suspension within the last 7 years;
- (4) Does not currently possess a license issued under 12 M.R.S. §6701 or §6702; and
- (5) Has not entered the scallop handfishing license lottery in the same calendar year.

B. Lottery Application: On the application for the scallop drag license lottery, the applicant must provide the following information:

- (1) Confirmation that the holder of a scallop drag license issued under §6702 or §6302-A has agreed to sponsor the applicant for the Scallop Drag Apprenticeship Program and the name of that scallop drag license holder.

C. Lottery Chances: The number of draws (chances) allotted to each eligible applicant shall be calculated by the Department.

- (1) Each eligible applicant shall be awarded a minimum of one draw.
- (2) Each eligible applicant shall be awarded one additional draw for every consecutive year they entered the lottery.

D. Before the lottery is held, the Department shall calculate the number of licenses to be awarded for that calendar year, if any. Two individuals will be awarded license eligibility for every three individuals who held a commercial scallop drag license in the year prior to the previous calendar year but who did not renew that license in the previous calendar year. If the number of persons who did not renew is greater than, but not evenly divisible by three, it shall be rounded down to the nearest number evenly divisible by three. If the number is rounded down, the non-renewed licenses in excess of that number evenly divisible by three shall be carried over to the next calendar year for consideration in that year's calculation. If the number is either one or two, the number of licenses awarded shall be zero and the one or two non-renewed license shall be carried over to the next year for consideration in that year's calculation. If the number is zero, the number of licenses awarded shall be zero.

- E. 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.
 - F. 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.
 - 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 offer the license to the next alternate.
 - H. Scallop drag license lottery winners will be informed in writing and mailed a Scallop Drag Apprentice license application form by the Department by mail. In addition, scallop drag license lottery winners will be announced on the Department website. Only individuals selected through the scallop drag lottery are eligible to purchase a Scallop Drag Apprentice license.
3. **Scallop drag apprenticeship requirements.** Scallop drag license lottery winners must complete the Scallop Drag Apprenticeship Program to be eligible to purchase a Scallop Drag License issued under 12 MRS §6702.
- A. Lottery winners must submit their Scallop Drag Apprentice license application, correctly completed with the correct fees and documentation to the Department within 30 days after receipt of notice.
 - B. If the scallop drag license lottery winner does not comply with the requirements of the preceding paragraph within 30 days after receipt of notice, the winner loses their license eligibility. The next alternate on the list of alternates will become eligible, will be sent a license application, and will be subject to the requirements of the preceding paragraph.
 - C. An individual participating in the Scallop Drag Apprentice Program must complete following requirements:
 - (1) Confirmation of completion of a United States Coast Guard approved Fishing Vessel Drill Conductor Course.
 - (2) An approved scallop fishery operations course that includes topics on, but not limited to, scallop fishery management, drag construction and maintenance, and deck rigging and stability. Course may not exceed 10 hours of total instruction time.
 - (3) A minimum of 15 scallop fishery day trips with their sponsor. Each fishing day must be recorded in a Department provided logbook and signed by the sponsor and the local Marine Patrol Officer.

Exception. An individual with a scallop apprentice license that can provide proof of either previously holding a scallop drag license issued under 12 M.R.S §6702 or

possession of a Federal Limited Access General Category Scallop permit, and demonstrate landings under that license or permit, may apply to have 10 days of the required 15 days waived in consideration of their prior fishing experience.

- D. A Scallop Drag Apprentice license holder has two complete scallop seasons, as defined in section 11.11, to meet the requirements of the Scallop Drag Apprenticeship Program. If the individual fails to complete the requirements in 11.14(2)(C) and submit documentation of a completed operations course and signed at-sea trip logbook on forms provided by the Department by April 30th after the second full scallop season, their Scallop Drag Apprentice license will be revoked, they lose their eligibility to proceed, and the next alternate in the lottery will be given the opportunity to complete the Scallop Drag Apprentice Program and obtain a scallop drag license.

Exception. If the Scallop Drag Apprentice license holder has a circumstance that prevents them from completing the Apprentice Requirements within the time required by this paragraph, they may request the Commissioner to extend that time by up to one additional complete scallop season. The Commissioner may grant the request at his discretion.

4. **Scallop drag apprentice completion.** Individuals holding a Scallop Drag Apprentice license that have completed the requirements of the Scallop Drag Apprenticeship Program and submitted the required documentation as specified in 11.14(3)(D) will be informed in writing and mailed an application for a scallop drag license after review by the Department. Individuals must submit their scallop drag license application, correctly completed with the correct fees to the Department within 30 days of receipt of notice, or the winner will lose their license eligibility.

5. **Scallop drag sponsor eligibility**

- A. In order to be eligible to sponsor an apprentice in the Scallop Drag Apprentice Program, an individual must currently hold a license under 12 MRS §6702 or a scallop drag license issued under §6302-A and must have held that license for a minimum of 5 years and have not been convicted or adjudicated of a marine resources offense that resulted in a license suspension within the last 7 years.
- B. A scallop drag license holder may agree to sponsor only one apprentice at a time and must have identified the individual they will sponsor prior to the selection of that individual in the lottery.

6. **Scallop drag sponsor requirements**

- A. Following the lottery, the scallop drag license holder who will be sponsoring a Scallop Drag Apprentice must purchase the sponsor endorsement on their scallop drag license prior to the apprentice logging any time in the Scallop Drag Apprentice program.
- B. The sponsor must attend the scallop fishery operations course required for the apprentice. If the sponsor has a conflict that prevents them from attending the course, they may review course materials as provided by the Department.

The sponsor must confirm the accuracy of the logbook of the apprentice and must sign the completed logbook prior to submission to the Department.

7. **Scallop drag sponsor replacement.** In the event that a Scallop Drag Sponsor is no longer able to serve as a sponsor, the impacted Scallop Drag Apprentice license holder may contact the Department to request designation of a replacement Sponsor.
8. **Misrepresentation or misstatement.** Any license awarded through misrepresentation or misstatement on the license lottery application or documentation of apprenticeship program completion shall be void.

A person may appeal a license denial under this section by requesting an appeal hearing in writing within 10 days of the notice of license being voided. The commissioner shall hold a hearing on the appeal if a hearing is requested within the 10 day period. If a hearing is requested, it must be held within 30 days of the request unless a longer period is mutually agreed to in writing, and it must be conducted in the Augusta area.

A hearing held under this subsection is informal. At the hearing, the appellant may present any evidence that might justify issuing a license to the person, and the commissioner may request any additional information the commissioner considers necessary to make a decision on the appeal.

9. **Entry system review.** At a minimum of once every two years, the Department shall consult the Scallop Advisory Council concerning potential adjustments to the systems for issuance of scallop handfishing and scallop drag licenses, including the entry to exit ratios and requirements for sponsors and apprentices.

**Appendix A:
Open Harvest Dates for Zone 1 Drag**

This calendar diagram depicts the open harvest days for Zone 1 Drag, refer to section 11.11(1).

FINAL CALENDAR
2025-2026 SCALLOP SEASON ZONE 1 DRAG
60 days; 11 LAA days

Zone 1 Limited Access Area	Open	Closed
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DECEMBER 2025 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 2026 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 2026 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 2026 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				

**Appendix B:
Open Harvest Dates for Zone 1 Dive**

This calendar diagram depicts the open harvest days for Zone 1 Dive, refer to section 11.11(2).

FINAL CALENDAR
2025-2026 SCALLOP SEASON ZONE 1 DIVE
60 days; 11 LAA days



Zone 1 Limited Access Area



Open



Closed

NOVEMBER 2025 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 2025 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 2026 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 2026 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 2026 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 2026 21 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		

**Appendix C:
Open Harvest Dates for Zone 2 Drag**

This calendar diagram depicts the open harvest days for Zone 2 Drag, refer to section 11.11(3).

FINAL CALENDAR
2025-2026 SCALLOP SEASON ZONE 2 DRAG
70 days

Open
 Closed

DECEMBER 2025 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 2026 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 2026 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 2026 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				

**Appendix D:
Open Harvest Dates for Zone 2 Dive**

This calendar diagram depicts the open harvest days for Zone 2 Dive, refer to section 11.11(4).

FINAL CALENDAR
2025-2026 SCALLOP SEASON ZONE 2 DIVE
70 days

Open
 Closed

NOVEMBER 2025 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						

DECEMBER 2025 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			

JANUARY 2026 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 2026 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 2026 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 2026 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		

**Appendix E:
Open Harvest Dates for Zone 3 Drag**

This calendar diagram depicts the open harvest days for Zone 3 Drag, refer to section 11.

FINAL CALENDAR
2025-2026 SCALLOP SEASON ZONE 3 DRAG
50 days; 15 LAA days

Zone 3 Limited Access Area	Open	Closed
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DECEMBER 2025 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 2026 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 2026 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 2026 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				

**Appendix F:
Open Harvest Dates for Zone 3 Dive**

This calendar diagram depicts the open harvest days for Zone 3 Dive, refer to section 11.11(7).

FINAL CALENDAR
2025-2026 SCALLOP SEASON ZONE 3 DIVE
50 days; 15 LAA days



Zone 3 Limited Access Area



Open



Closed

DECEMBER 2025 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			

JANUARY 2026 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

FEBRUARY 2026 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 2026 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				

Basis Statement

The Department of Marine Resources was tasked by the Marine Resources Committee to include a scallop drag apprentice program within the scallop regulation. The Scallop Advisory Council worked on the development of an apprentice program for several years and made a recommendation to the Department for an update to the existing limited entry program. The intent of the Scallop Apprentice Program is to improve the ability of new license holders to safely and effectively participate in the fishery with minimal burden on existing resources and participants.

This rulemaking is a result of that work and amends the limited entry system for scallop licenses. Scallop dive licenses will be issued through a license lottery held annually, as is currently the case. Scallop drag licenses will be issued through a license lottery annually, but eligible individuals, as outlined in 11.14(2)(A), interested in submitting a lottery application must identify a willing sponsor who holds a current scallop drag license which they have held for a minimum of 5 years.

Individuals selected through the lottery must participate in the Scallop Apprentice Program and are required to complete, within two complete scallop season, an USCG-approved Fishing Vessel Drill Conductor Course, an approved scallop fishery operation course, and a minimum of 15 scallop fishery days with their sponsor. A full list of requirements of the Program are outlined in 11.14(3). The sponsor must purchase a sponsor endorsement on their scallop drag license, attend the scallop fishery course with their apprentice, and confirm the accuracy of the apprentice's logbook. Upon completion of all Program requirements and documentation the apprentice is eligible to purchase a Scallop Drag License.

Based on a comment received, the Department changed the requirement to complete the Drill Conductors Safety Training Course from something that must be done prior to entering the lottery to a requirement that must be met during the Apprenticeship Program.

Summary of Comments

Notice of the proposed rulemaking appeared on May 20, 2026, posted to DMR's website, printed in the five major daily newspapers as published by the Secretary of State. Electronic messages were sent to individuals who subscribe to DMR's rulemaking notices and sent to industry members who provided their email address to DMR. A hybrid public hearing was held on June 10, 2026, at 5:30 p.m. in-person at DMR's Augusta office and offered remotely via Microsoft Teams. The comment period closed on June 22, 2026.

Comments Provided at the June 10, 2026 Public Hearing

Christian LaMontagne, Long Island

Okay, thank you. Well, I'd like to say to the council and to the folks at DMR that have been working on this, I really appreciate the hard work that has gone into this. I've reviewed the documents as they come. And I know that it's been a lot of work to try to get this right. And it's been a long time coming. I know that people in the state have been probably less than thrilled with the current lottery system, which is why we're working towards you know, building some sort of apprentice program.

Of course, just for the sake of being honest, I benefited from the current lottery system. I won my license, I think, five years ago. I probably, I think I bought 5 licenses. So, and I'm not the sort of person [inaudible, poor connection] participated in the apprentice program to begin with. I'm one of the people that just buy the license or buy the lottery ticket because it's something that you do every October. And I was fortunate enough to win it. And because of that, I am a commercial fisherman. I wasn't really considering going into lobstering, but because I won the scallop license, I took the plunge and bought my boat and started rigging up for lobster and scallops. So that's just where I come from.

I've talked to a lot of people about this because I think it hasn't been discussed as much as I was hoping in my harbor and, well, frankly, throughout the state, because it is a pretty substantial change to the way things have been done. And I've heard a lot of people, I know I can't comment for other people, but like Craig Stewart, I was just chatting with an hour ago, said that he'd be extremely disappointed if this didn't go through. He thought that this was an excellent way to get new people into fisheries. Steve Train [inaudible, poor connection] ... mean that we should have had this before any of us got licenses. Like this is just really the smart way to do it. But I've also talked to a lot of people who think that this is an unnecessary amount of hoops to jump through to make the process more difficult and will allow it to be more of a boys club where you have to be chummy with a certain captain in order to make it through the program. And to be honest, that's not super different than our current lobster fishery entry. But it is something that should be noted.

The way I feel about it is I do have my concerns. As I said, I think that there's a lot of it that's right. And then I do worry that it will be, it's exclusionary to some people in the state. It would be exclusionary to myself five years ago. And maybe that's the intention of the council and maybe that's a good thing. I think there's a lot of people in the state that are frustrated that the people who are really determined to go scallop fishing aren't able to, that there isn't a clear path towards it. And I think that's a very valid concern. And figuring out a way to address it is really important.

Something that seems, I'll just say this. A concern that I have is if this gets approved, and October comes around, October of this fall of 2026, and people get the notification that the lottery is open. They go to apply or buy a ticket that they're going to be left with only a few weeks to find a sponsor who is willing to sponsor them and find the time to take the course if they haven't done so already. Which it seems like a pretty disappointing thing for people this fall to find out the hard way that they're not going to be able to take a course because there's none offered between now and when the lottery closes. And it might feel like a grab by those who were in the know, who knew that this was coming. And it could lead to a situation where there's a very small pool of entrance this [inaudible, poor connection]. ... extremely higher odds than normal of getting your license. Well, I shouldn't say your license, getting your apprentice license opportunity, which I think is another [inaudible, poor connection] ... be disappointed by is if they, I think, when people have to do a whole course and do all this stuff just to get my license. It seems silly that, you know, me Christian, I was able to just get right into it completely [inaudible, poor connection] ... who maybe who has been scalloping in the federal season for 20 years or, you know, has held licenses in the past, has to do a course, even if you have, or at 10, 15, 10 days on the water, I guess, with the exemption.

I'm getting a little long winded, so I'm going to get back to the home point is that I think there are some concerns. I would like to see the council consider changing the drill instructor safety course requirement to a requirement of the apprentice program rather than a requirement to buy a ticket. That at least wouldn't, that would lead to a situation where people might be surprised that they have to find a sponsor, but they would still potentially be able to do that before the lottery closes rather than trying to figure out and take a course, which I know is not something I don't think is frequently offered in October. So that's something that I would challenge the council to consider. I don't know if it's too late in the process, but that's a concern that I have.

But yeah, I think generally speaking, I support the intent of the apprentice program. But I will say that we are currently undergoing a scallop fishing reduction in the state of Maine. We have a 3-2 exit ratio. And as it stands currently, since I think whenever the lottery started, it was 2017 or 2018, around then. Since then, when people win the scallop drag lottery, and I have no way to, and I'm sure the DMR can look into the statistics, but, or the data, not 100% of people who win the lottery go scalloping the first year. And I'm sure there's a lot of people who win the license that might not even have ever utilized it yet, or are holding latent licenses. What I do think is a certainty is if this apprentice program goes into action as is proposed, the effort amongst those who win the license or the lottery and obtain the license is going to be exceptionally higher than currently. That is to say, a lot of people don't [inaudible, poor connection] ... even if they get it. And everyone who goes through all this effort to take the course, to get a sponsor, to purchase the endorsement, to have the sponsor take the course, you know, review the materials, to go in and take the knowledge course themselves, they're going to be incredibly motivated to hit the ground running and hit it hard.

Again, that's not a bad thing. I think that people are itching to get into the fishery and it is the right as, at least in my opinion, as a resident of the state of Maine to be able to access the public resource. But it is something that I think the Scallop Advisory Council should be aware of is that we might see effort increase as a result of this. Not a bad thing, just

something that I think we should be aware of and maybe we play with the exit ratio if we see effort increasing too much, or we're looking at a whole other sort of thing with the scallop fisher right now. And, you know, where at least where I fish the, I don't know, the resource seems to be in hard shape. So it hurts me a little bit to be, in theory, adding more pressure to it.

But I've talked way too long, so I appreciate everyone listening. But yeah, anyway, thanks again to the council for their hard work on this. And I'm hoping we can iron out some of the things that I find concerning. But if not, I think there's a lot of people who support it. I think there's a lot of people who don't support it, but that's just how it goes. So, thank you.

Written Comments Received via Email

The comments below are organized by the date they were received.

May 21, 2026 from Robert Ladd, Brooksville

During the 70s and 80s, I actually held a sternman's license as a child, before leaving for the Army. I always planned to serve 4 years and return to Maine, become a lobsterman, and return to family and friends, in the great state of Maine.

Following 9-11, deployment frequency and requirements increased, and I became mission essential, and found myself in a period where key military specialties were not permitted to leave the service, or to voluntarily retire. When I was able to retire and return home, I found a mentorship program was now in place, and if you weren't a current crewmember on a boat, or a family member, you weren't going to get into the business. Nepotism remains in effect, and a "lotttery" system is pointless as the lobster fishing community has already decided who will enter the business, and where. Many teens are permitted to enter the lobster industry with a student license, and many of those applicants, under pressure from family members, get licenses they never end up using, but a soldier that started in the industry as a child before serving his country, can no longer apply.

Now, Maine is considering doing the same to the scallop industry. I have been submitting for years for a scallop license, both diving and dragging, but have never been selected. This rule making hasn't even been decided yet, and I've contacted all the commercial scallop fishermen I know, and they already have decided who they'll mentor if the requirement is approved. I have been a non-commercial license holder for many years, as my brother has also, but if we, in our 50s, wanted to get a commercial license, even though we have boats, drags, experience, etc, we will now have to participate in a mentorship program on somebody else's boat.

I am vehemently opposed to this idea. If the state wants to further micromanage commercial scallop licenses, perhaps they should start with suspending licenses with no landings for the previous two years. Perhaps they could include a loophole where non-commercial scallop fishermen with landings, could continue to apply to commercial lottery drawings.

I am a decorated military pilot that returned home to Maine to find the few industries in the state are now out of reach. This is a huge disappointment.

Robert Ladd
Robertjladd1@gmail.com
207 505 9093
491 Bagaduce Rd
Brooksville, ME 04617

May 21, 2026 from Joe McDonald, Jonesport

As a commercial fisherman having participated and held many different licenses, find this proposal ridiculous. It is already difficult enough for new entrants to be a part any fishery that placing more hurdles defeats the purpose of letting new entrants into a fishery. No amount of legislation will make the job any safer and these requirements are only beneficial to those already established in the fishery. They ultimately will determine who gets a license and who doesn't.

That fundamentally undermines the lottery process.

Joe McDonald
Jonesport, ME

June 10, 2026 from Erik Waterman

The scallop apprentice idea was shot down before the lottery started. As a state , federal and research vessel I don't think the fishery can handle any more pressure. I brought up the idea of an apprentice program years back. We need scientists to go with fishermen and see what is going on. Warming water, evasive growth on scallop bottom. Feel free to reach out if you have any questions.

Thank you. Erik Waterman F/V Sea Star

June 22, 2026 from Jaimee Watts, South Thomaston

Good morning!

This email is about the apprenticeship program if a scallop license is obtained through the lottery. I agree that if the person selected in the lottery DID NOT already have a scallop license in the past then they should go through an apprenticeship program. I DISAGREE with the apprenticeship program if the person selected has already had a state of Maine scallop license in the past.

Thank you!

Jaimee

Jaimee Watts
Watts Accounting & Tax
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DMR's Response

The existing license lottery to enter the scallop drag and dive fisheries was established in 2018 and has been operating annually through the 2025 calendar year. Since the establishment of the scallop license lottery, the Department has heard concerns that individuals selected through the drag license lottery may not be adequately prepared to participate in the scallop fishery in an informed and safe manner. Because the law authorizes the Department to develop a scallop apprentice program, the Joint Standing Committee on Marine Resources has also discussed the potential value of a scallop apprentice program for drag licenses, and has urged the Department to proceed with its development. Working with the Scallop Advisory Council (SAC), the Department has developed a Scallop Apprentice Program for drag licenses that can be administered within existing resources and which should greatly improve the ability of new license holders to safely and effectively participate in the fishery. The Program is also intended to be a manageable amount of fishing time and instruction for participants, such that they are not unnecessarily delayed in their ability to obtain a drag license and begin fishing.

Nonetheless, the Department and the SAC recognize that the Program is unlikely to be perfect in its first iteration. Based on what is learned from its implementation, it can be improved upon through future rulemakings and the Department intends to continue to engage the industry in soliciting input for future changes.

Concerns related to lottery applicants having to meet the requirements of an apprentice program.

Several commenters (Ladd, McDonald) questioned the establishment of an apprentice program. The need to identify a sponsor in order to enter the lottery was opposed because it would exclude individuals who did not have a connection to an existing license holder who would prioritize them as an apprentice over others. LaMontagne noted that he had obtained a license through the drag lottery and gone on to establish himself as a scallop fisherman, but would have been unlikely to be able to accomplish that under the Program as proposed.

The Department agrees that existing license holders are likely to prioritize sponsoring those individuals who have been working within the fishery as crew. Under the current exit to entry ratio, there have generally been only 8-12 drag licenses available annually, while there have been over 1000 lottery applicants. The need to identify a sponsor will limit the number of applicants to the lottery, improving the chances for individuals with an existing connection to the fishery. This provision was strongly supported by the SAC and understanding the concerns expressed, the Department has decided to proceed as proposed. This is an aspect of the rule that could be revisited in the future.

Concerns related to effort and existing exit/entry ratio

One commenter (Waterman) expressed that the scallop fishery cannot withstand additional effort from new license holders. As a reminder, new drag licenses are issued subject to an exit to entry ratio, where 3 license holders must not renew their license before 2 new licenses may be issued. The SAC discussed the current exit/entry ratio during the development of the Apprentice Program but did not make any recommendation to change it during the transition to the Apprentice Program. With the 3 out: 2 in ratio, the number of total scallop drag licenses issued per year continues to decrease even while new licenses are issued through the lottery.

The Department recognizes industry has concerns on the status of the scallop resource in state waters. It has been below its peak years for several seasons but the 2026 spring scallop survey observed positive signs of recruitment. If an increase in effort is documented, then the SAC and the

Department can discuss changes to the exit ratio. Both the Department and the SAC agreed that reviewing the implementation of the Apprentice Program frequently could provide insight into improvements while also avoiding negative impacts on the scallop fishery and the scallop resource.

Concerns regarding the time from adoption of the rule to the application period.

One commenter (LaMontagne) expressed a concern that if this rule is finalized in August, and the lottery opens in the fall, prospective applicants may not have time to qualify to enter the lottery, including completing the drill conductor safety training course and identifying a sponsor.

Individuals who are following this process would be aware of the need to identify a sponsor and we have heard that many discussions are underway by prospective apprentices to identify a willing sponsor. The Department agrees that the requirement to complete the Drill Conductors Safety Training Course prior to entering the lottery could potentially eliminate otherwise qualified candidates and for that reason has moved the Drill Conductors Safety Training Course to a requirement that must be met during the Apprenticeship Program instead of prior to entering the lottery.

Comment on excluding previous scallop license holders from Apprentice Program requirements

One commenter (Watts) stated that he disagreed that an individual who previously held a state scallop license should have to complete an apprenticeship program.

The SAC and the Department discussed whether individuals with previous state scallop or current federal scallop experience should be exempted from meeting these requirements. The rule provides an exemption for an individual who formerly held a scallop license or who holds a current federal permit, and can demonstrate landings, from a portion of the at-sea time. However, the primary objective of the Apprentice Program is to improve safety on the water. Someone who previously held a state license may have held that license decades ago, and the Apprenticeship Program could provide a valuable refresher before they begin fishing again. The proposed course is a minimal time commitment and the Department and the SAC hope it will provide benefit to all participants, regardless of their prior experience.

STATE OF MAINE
DEPARTMENT OF THE SECRETARY OF STATE

Rulemaking Fact Sheet

(see 5 M.R.S. § 8057-A(1))

Agency: Department of Marine Resources

Name, Address, Telephone Number, and Email Address of Agency Contact Person:

Aurora Burgess

Department of Marine Resources, 21 State House Station, Augusta, ME 04333-0021

207-592-0295

DMR.rulemaking@maine.gov

Chapter Number and Rule Title: Chapter 11: Scallops [Apprentice Program]

Type of Rule: Routine Technical

Statutory Authority: 12 M.R.S. §6702

Public Hearing(s): Wednesday, June 10, 2026, 5:30 p.m., Department of Marine Resources' Augusta Office and remotely via Microsoft Teams

Comment Deadline(s): Monday, June 22, 2026

Principal Reason(s) or Purpose for Proposing this Rule [see 5 M.R.S. § 8057-A(1)(A)]:

Department of Marine Resources was tasked by the Marine Resources Committee to include a scallop drag apprentice program within the scallop regulation. The Scallop Advisory Council worked on the development of an apprentice program for several years and has made a recommendation to the Department for an update to the existing limited entry program.

Is Material Incorporated by Reference into the Rule [see 5 M.R.S. § 8056(2-A)]? No

Analysis and Expected Operation of the Rule [see 5 M.R.S. § 8057-A(1)(B) & (D)]:

This rulemaking amends the limited entry system for scallop licenses. Scallop dive licenses will be issued through a license lottery held annually, as is currently the case. Scallop drag licenses will be issued through a license lottery annually, but individuals selected through the lottery will need to complete a Scallop Drag Apprenticeship Program before they are eligible to purchase their scallop drag license.

Brief Summary of Relevant Information Considered During Development of the Rule (including up to 3 primary sources relied upon)[see 5 M.R.S. §§ 8057-A(1)(E) & 8063-B]:

Recommendations from the Scallop Advisory Council, and other scallop industry members.

Estimated Fiscal Impact of the Rule [see 5 M.R.S. § 8057-A(1)(C)]:

Enforcement of these proposed amendments 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 5 M.R.S. § 8057-A(2)(A)]:

N/A

Individuals, Major Interest Groups and Types of Businesses Affected and How They Will Be Affected [see 5 M.R.S. § 8057-A(2)(B)]:

N/A

Benefits of the Rule [see 5 M.R.S. § 8057-A(2)(C)]:

N/A

Note: If necessary, additional pages may be used.