

## NOTICE OF EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources  
STATUTORY AUTHORITY: 12 M.R.S.A. §§6172, 6192, 6193 & 6194  
**Struck text is being removed, and underlined text is being added**

### BASIS STATEMENT

The Commissioner of the Maine Department of Marine Resources amends the emergency DMR Chapter 96.19 Closed Area No. 1001, Maine Coast, promulgated on July 25, 1996. This amendment clarifies that this closure is for the marine biotoxin tetramine, adds additional species to the exception for this closure, and clarifies that all of the exception species may still be subject to a separate red tide closure for carnivorous snails. As authorized by 12 M.R.S.A. §§6172, 6192, 6193 & 6194 the Commissioner of Marine Resources adopts emergency amendments to Chapter 96.19.

**RULE TITLE AND SUBJECT:** DMR Chapter 96.19 Closed Area No. 1001, Maine Coast, promulgated on July 25, 1996, is amended as follows:

**TITLE & TEXT OF RULE:** DMR Chapter 96.19 Closed Area No. 1001, Maine coast

Effective immediately, because of the natural presence of the marine biotoxin tetramine in the digestive glands, it shall be unlawful to dig, take or possess any species of whelk or carnivorous snails from all Maine shores, flats, and waters, including offshore waters of the exclusive economic zone (EEZ/200 mile limit), from the New Hampshire border to the Canadian border.

EXCEPTION: The common Northern Whelk, also known as the Waved Whelk (*Buccinum undatum*); the Stimpson's Whelk (*Colus stimpsoni*); AND the common Moon Snail (*Euspira heros*) do not carry this biotoxin in their digestive systems, and therefore may be harvested in all Maine waters, **unless otherwise prohibited in a particular area by a paralytic shellfish poisoning ("red tide") closure for carnivorous snails.**

~~1. Effective immediately, because contamination (by a marine biotoxin, tetramine), it shall be unlawful to harvest or possess any species of whelk (Muricidae and Buccinidae), commonly called Conchs or Conchles, from Maine flats and territorial waters located between the New Hampshire boundary and the Canadian boundary out to the jurisdiction of the United States.  
a. Exception: The common Northern Whelk (also known as the waved whelk) *Buccinum undatum* can be harvested in all of the above described waters.  
a. Exception: The common Northern Whelk (also known as the waved whelk) *Buccinum undatum* can be harvested in all of the above described waters.~~

EFFECTIVE DATE: December 10, 2008

EFFECTIVE TIME: 8:54 AM

AGENCY CONTACT PERSON: Amy M. Fitzpatrick, Department of Marine Resources,  
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[http://www.maine.gov/dmr/rm/public\\_health/closures/closedarea.htm](http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm)  
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These species do not contain Tetramine, and may be harvested...

**However, these may NOT be harvested when there is a PSP ("red tide") closure in an area for carnivorous snails**

Northern Whelk / Waved Whelk  
(*Buccinum undatum*)



Stimpson's Whelk  
(*Colus stimpsoni*)



Moon Snail  
(*Euspira heros*)



These species, and other whelks, may contain Tetramine, and harvest in Maine is **NOT allowed at any time**



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