

MAINE STATE LEGISLATURE

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L.D. 998

STATE OF MAINE
SENATE
109TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. S-273)

COMMITTEE AMENDMENT "A" to S.P. 337, L.D. 998, Bill, "AN ACT to Reclassify Certain Surface Waters and Revise Water Quality Standards."

Amend the bill in section 2 by striking out all of the first underlined sentence and inserting in its place the following:

'There shall be no direct or indirect discharge of sewage, pollutants or other substances harmful to water quality or aquatic life into waters of this classification except as provided in section 371-A and 413.'

Further amend the bill by inserting after section 2 the following:

2nd ¶
'Sec. 3. 38 MRSA §367/, as ~~repealed~~ and replaced by PL 1971, c. 622, §135, is amended to read:

The commission may, after careful consideration, public hearings and in consultation with other state agencies and, where appropriate, federal and interstate water pollution control agencies, and the municipalities and industries involved, ~~classify or raise the~~ recommend to the Legislature the classification or change in classification of any fresh surface or tidal waters, or portions thereof, ~~and such classification or new classification shall there--~~ ~~after be the classification applicable to such fresh surface or~~ ~~tidal waters, or portions thereof, until 90 days after the date of~~

~~adjournment-of-the-next-regular or-special-session-of-the-
Legislature-unless-such-next-regular-or-special-session-shall
adept-by-legislative-enactment-such-new-classification.~~

Further amend the bill by striking out all of section 6 and inserting in its place the following:

'Sec. 6. 38 MRSA §369, sub-§6, Cumberland County, Freeport,
is repealed and the following enacted in its place:

6. Freeport.

A. Harvey Brook and tributaries - Class B-1.

B. Frost Gully Brook and tributaries - Class A.

C. Merrill Brook and tributaries above Maine Central Railroad
crossing - Class B-2.

D. Merrill Brook and tributaries below Maine Central
Railroad crossing to confluence - Class B-1.

E. Collins Brook and tributaries - Class B-2.

F. Mill Stream and tributaries - Class B-1.

G. Kelsey Brook and tributaries - Class C.

H. Little River and tributaries - Class B-2.

Further amend the bill in section 8 subsection 5 paragraph A by striking out the figure "2" and inserting the figure '1'

Further amend the bill in section 9 by striking out all of paragraph C and inserting in its place the following:

'C. Tidal waters of Castine bordering the Penobscot River
Estuary between the Penobscot-Castine boundary and a point of

~~land at approximately N-44²-27¹, -W-68²-47¹ on Dice Head due south~~
of the lighthouse - Class SB-1.

Further amend the bill by striking out all of sections 11 and 12

Further amend the bill by renumbering the sections to read consecutively

Statement of Fact

This amendment makes a number of technical changes in the original bill. First, the word "pollutant" is substituted for the term "wastes" in section 2. This is a term that is currently defined in the water laws and has a more exact meaning than "wastes."

Next, a section is added amending Title 38, section 367. Currently the Board of Environmental Protection has the authority to change the classification of surface waters, and this new classification is valid until 90 days after the next legislative session. The amendment changes this so that the board only has the authority to recommend changes to the Legislature.

A number of streams in the Freeport area are reclassified in section 6 of the original bill. The amendment adds tributaries to these classification changes.

In section 8 a correction is made to the classification of all waters in Freeport not specifically mentioned in the statutes. This should be SB-1 rather than SB-2, as in the original bill. This

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section is also amended to more clearly delimit tide waters in the Castine area.

The amendment deletes sections 11 and 12 of the original bill. This deletes the provisions for the downgrading Fairbanks and Fitzgerald Ponds, and upgrading Little Cobbosseeconte Pond. These changes were not supported by testimony the department received in public hearings.

Reported by the Committee on Energy and Natural Resources.

Reproduced and distributed pursuant to Senate Rule 11-A.

May 31, 1979

(Filing No. S-273)