

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 998

S. P. 337

In Senate, March 7, 1979

Referred to the Committee on Energy and Natural Resources. Sent down for concurrence and ordered printed.

Presented by Senator Clark of Cumberland.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Reclassify Certain Surface Waters and Revise Water Quality Standards.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 38 MRSA § 363-A, 2nd ¶, first sentence, as enacted by PL 1977, c. 373, § 6, is amended to read:

Class GP-A shall be the highest classification and shall be of such quality that it can be used for recreational purposes, including bathing, **fish and wildlife habitat** and for public water supplies after disinfection.

Sec. 2. 38 MRSA § 363-A, 4th ¶, as enacted by PL 1977, c. 373, § 6, is repealed and the following enacted in its place:

There shall be no direct or indirect discharge of sewage, wastes or other substances harmful to water quality or aquatic life into waters of this classification except as provided in sections 371-A and 413. No materials shall be placed on the shores or banks thereof in such a manner that the same may fall or be washed into the waters or in such a manner that the drainage therefrom may flow or leach into those waters.

Sec. 3. 38 MRSA § 368, sub-§ 12, Penobscot River Basin, Piscataquis River Drainage System, as amended by PL 1967, c. 304, § 14, is further amended to read:

12. Piscataquis River, main stem, from Abbott-Guilford town line to the ~~railroad bridge approximately 1 mile east of Merrill Brook Confluence junction with Pleasant River~~-Class C.

Sec. 4. 38 MRSA § 368, sub-§ 13, Penobscot River Basin, Piscataquis River Drainage System, is repealed.

Sec. 5. 38 MRSA § 368, sub-§ 19, Penobscot River Basin, Piscataquis River Drainage System, as amended by PL 1971, c. 138, § 1, is repealed.

Sec. 6. 38 MRSA § 369, sub-§ 6, Cumberland County, Freeport, is amended to read:

6. Freeport.

A. Harvey Brook — Class B-1.

B. Frost Gully Brook — Class A.

C. Merrill Brook ~~above Maine Central Railroad crossing~~ — Class B-2.

D. Merrill Brook ~~below Maine Central Railroad crossing to confluence~~ — Class B-1.

E. Collins Brook — Class B-2.

F. Mill Stream — Class B-1.

G. Kelsey Brook — Class C.

H. Little River — Class B-2.

Sec. 7. 38 MRSA § 369, sub-§ 10, paragraph B, Cumberland County, Yarmouth, is amended to read:

B. Royal River, main stem, from its origin to the ~~Gray-New Gloucester town line intersection~~ head of tidewater (dam) above Main Street, Yarmouth — Class B-2.

Sec. 8. 38 MRSA § 370, sub-§ 5, Cumberland County, Freeport, is amended to read:

5. Freeport.

A. All waters in the Town of Freeport ~~unless otherwise specified~~ — Class SB-2.

B. Harraseeket Harbor upstream from an imaginary easterly line drawn from Stockbridge Point to Moore Point, including Harraseeket River to the confluence with Frost Gully Brook below the Mast Landing Road — Class SB-2.

Sec. 9. 38 MRSA § 370, sub-§ 5, paragraph C, Hancock County, Castine, as enacted by PL 1965, c. 179, § 4, is amended to read:

C. Tidal waters of Castine bordering the Penobscot River Estuary between the Penobscot-Castine boundary and a point of land at approximately N 44° 27' 24', W 68° 47' — Class SB-1.

Sec. 10. 38 MRSA § 371-A, sub-§ 4, ¶¶ B and F, as enacted by PL 1977, c. 373, § 31, are repealed.

Sec. 11. 38 MRSA § 371-A, sub-§ 4, ¶¶ F-1 and F-2, are enacted to read:

F-1. Fairbanks Pond, Manchester and Sidney Townships, Kennebec County;

F-2. Fitzgerald Pond, Big Squaw Township, Piscataquis County;

Sec. 12. 38 MRSA § 371-A, sub-§ 4, ¶ G, as enacted by PL 1977, c. 373, § 31, is repealed.

Sec. 13. 38 MRSA § 371-A, sub-§ 4, ¶ H-1 is enacted to read:

H-1. Monson Pond, Fort Fairfield and Easton Townships, Aroostook County;

Sec. 14. 38 MRSA § 371-A, sub-§ 4, ¶ L, as enacted by PL 1977, c. 373, § 31, is repealed.

Sec. 15. 38 MRSA § 371-A, sub-§ 4, ¶ P, as enacted by PL 1977, c. 373, § 31, is amended to read:

P. Spaulding Pond, Lebanon Township, York County; and

Sec. 16. 38 MRSA § 371-A, sub-§ 4, ¶ P-1 is enacted to read:

P-1. Togus Pond, Augusta Township, Kennebec County; and

STATEMENT OF FACT

Sections 1 and 2. Language is added to the GP-A standard that makes it clear that this classification is intended to protect fish and wildlife as well as the other listed clean water uses. In addition, the language relating to placing material on the shoreline is rewritten in order that it is clearly understood that the material should be kept out of the water.

Sections 3, 4 and 5 eliminate overlapping statutory language. There is no change in any of the water quality classifications of the Piscataquis River.

Sections 6, 7 and 8 upgrade water quality classifications in order to reflect the actual water quality in the streams.

Section 9 makes a correction in the boundary description for certain tidal waters in Castine. No classification change is made.

Section 10. Four great ponds are upgraded from Class GP-B to GP-A and 4 are downgraded from GP-A to GP-B. These changes reflect the actual water quality of the 8 great ponds.