FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document No. 1503

S.P. 557 In Senate, May 9, 1985

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by President Pray of Penobscot.

Cosponsored by Representative Diamond of Bangor, Representative Jacques of Waterville and Senator Usher of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FIVE

AN ACT to Amend the Classification System for Maine Waters and Change the Classifications of Certain Waters.

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

Sec. 1. 38 MRSA §360 is enacted to read:

§360. Classification of Maine waters

1. Findings; purpose. The Legislature finds that the proper management of the State's water resources is of great public interest and concern to the State in promoting its general welfare, preventing disease, promoting health, providing habitat for fish and wildlife and as a source of recreation.

The Legislature further finds and declares that the goal of the State is that all its surface waters shall be suitable for fishing and for recreation in and on the water and that certain pristine state waters be preserved.

The Legislature intends by the enactment of this classification system to establish water quality management goals for the State's waters. These goals shall be based on the biological and water quality criteria necessary to support the characteristics and designated uses of each classification. This classification system is intended to protect Maine waters and improve the quality of those waters which do not presently meet their goal.

2. Procedures for reclassification of Maine waters. Following public notice, the board may conduct classification studies and investigations. Information collected during these studies and investigations shall be made available to the public in an expeditious manner. After consultation with other state agencies and, where appropriate, individuals, citizen groups, industries, municipalities and federal and interstate water pollution control agencies, the board may propose changes in water quality classification.

The board shall call public hearings in the affected area, or reasonably adjacent to the affected area, for the purpose of presenting to all interested persons the proposed classification for each particular water body and obtaining public input.

In accordance with this section, the board shall recommend changes in classification to the Legislature.

3. General provisions. Where natural conditions, including but not limited to, marshes, bogs and abnormal concentrations of wildlife cause the dissolved oxygen or other water quality criteria to fall below the minimum standards specified in sections 363, 363-A, 363-B and 364, those naturally affected waters will be considered to be attaining their classification. The department shall submit to the First Regular Session of each Legislature a report on the quality of the State's waters which characterizes existing water quality, identifies waters which are not attaining their classification and states what measures are necessary for the attainment of management goals.

There shall be no discharge of domestic or industrial waste waters to Class AA waters, Class SA waters or to waters with a drainage area of less than 10 square miles. There shall be no new discharge of domestic waste waters to tributaries of Class GPA waters.

Water quality necessary to protect characteristics and designated uses shall be maintained and any discharge or activity requiring a waste discharge license pursuant to section 414-A or a water quality certification pursuant to Section 401 of the United States Clean Water Act shall comply with the minimum standards of the classification. Where the quality of any classified water exceeds the minimum standards necessary to support the characteristics and designated uses of the next highest classification, the higher water quality shall be maintained, unless the board finds that degradation of water quality is necessary for economic or social purposes which provide significant public benefits for the people of the State.

For the purpose of computing whether a discharge will violate the classification of any river or stream, the assimilative capacity of the river or stream shall be computed using the minimum 7-day low flow which occurs once in 10 years. There shall be no discharge of sewage, industrial waste, heat, hazardous matter or other substances to waters of the State which imparts color, taste, turbidity, toxicity, radioactivity or other characteristics which cause those waters to be unsuitable for the characteristics and designated uses ascribed to their class. All surface waters of the State shall be free of settled substances which alter the physical or chemical nature of bottom material and of floating substances, except as naturally occur, which impair the characteristics and designated uses ascribed to their class. There shall be no discharge to any water of the State which violates the provisions of sections 363, 363-A, 363-B and 364, except as provided in section 451, causes the "pH" of fresh waters to fall outside of the 6.0 to 8.5 range, causes the "pH" of estuarine and marine waters to fall outside of the 7.0 to 8.5 range or causes fish to be unsuitable for human consumption.

Sec. 2. 38 MRSA §361-A, sub-§1-A, as enacted by PL 1973, c. 625, §270, is repealed.

Sec. 3. 38 MRSA §361-A, sub-§2, as enacted by PL 1971, c. 470, §1, is amended to read:

2. Fresh surface waters. "Fresh surface waters" means all waters of the State other than ~~tidal~~ estuarine and marine waters and ground water.

Sec. 4. 38 MRSA §361-A, sub-§5, as enacted by PL 1971, c. 470, §1, is amended to read:

5. Estuarine and marine waters. "~~Tidal~~ Estuarine and marine waters" means those portions of the Atlantic Ocean within the jurisdiction of the State, and all other waters of the State subject to the rise and fall of the tide except those waters listed and classified in sections 368 and 369.

Sec. 5. 38 MRSA §363, as amended by PL 1979, c. 529, is repealed and the following enacted in its place:

§363. Standards for classification of fresh waters

The board shall have 4 standards for the classification of fresh surface waters which are not classified as lakes and ponds.

Class AA shall be the highest classification and shall be applied to waters which are outstanding natural resources and should be preserved for reasons of ecological, social, scenic or recreational importance. Class AA waters shall be of such quality that they are suitable for drinking water after disinfection, water contact recreation, fishing, recreational activities, navigation and as a free flowing and natural habitat for fish and other aquatic life.

The aquatic life, dissolved oxygen and bacteria content of these waters shall be as naturally occurs.

There shall be no discharge of domestic or industrial waste waters to Class AA waters.

Class A shall be the 2nd highest classification and these waters shall be of such quality that they are suitable for drinking water after disinfection, water contact recreation, fishing, recreational activities, industrial process and cooling water supply, hydroelectric power generation, navigation and as a natural habitat for fish and other aquatic life.

The dissolved oxygen content of Class A waters shall be not less than 7 parts per million or 75% of saturation, which is higher. The aquatic life and bacteria content of these waters shall be as naturally occurs.

There shall be no discharge of sewage or other pollutants into water of this classification and no deposits of such material on the banks of these waters in any manner that transfer of sewage or other pollutants into the waters is likely, except that existing licensed discharges into waters of this classification will be allowed to continue until practical alternatives exist.

New discharges to these waters will be permitted only if, in addition to satisfying all the requirements of this chapter, the discharged effluent will be equal to or better than the existing water quality of the receiving waters. Prior to issuing a discharge license, the board shall require the applicant to objectively demonstrate to the board's satisfaction that the discharge is necessary and that there are no other reasonable alternatives available.

Class B shall be the 3rd highest classification and these waters shall be of such quality that they are suitable for drinking water supply after treatment, water contact recreation, fishing, recreational activities, industrial process and cooling water supply, hydroelectric power generation, navigation and as an unimpaired habitat for fish and other aquatic life.

The dissolved oxygen content of Class B waters shall be not less than 7 parts per million or 75% of saturation, whichever is higher. Between May 15th and September 30th, the number of Escherichia coli bacteria of human origin in these waters shall not

exceed a geometric mean of 64 per 100 milliliters or a instantaneous level of 427 per 100 milliliters.

Discharges to Class B waters shall not cause adverse impact to aquatic life in that the receiving waters shall be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community.

Class C shall be the 4th highest classification and these waters shall be of such quality that they are suitable for drinking water supply after treatment, water contact recreation, fishing, recreational activities, industrial process and cooling water supply, hydroelectric power generation, navigation and as a habitat for fish and other aquatic life. The dissolved oxygen content of Class C waters shall be not less than 5 parts per million or 60% of saturation, whichever is higher.

Between May 15th and September 30th, the number of Escherichia coli bacteria of human origin in these waters shall not exceed a geometric mean of 142 per 100 milliliters or an instantaneous level of 949 per 100 milliliters.

Discharges to Class C waters may cause some changes to aquatic life, provided that the receiving waters shall be of sufficient quality to support all indigenous species of fish and maintain the structure and function of the aquatic community.

Sec. 6. 38 MRSA §363-A, as amended by PL 1981, c. 153, §§1 and 2, is repealed and the following enacted in its place:

§363-A. Standards for classification of lakes and ponds

The board shall have one standard - Class GPA - for the classification of lakes and ponds, except that impoundments of rivers may be otherwise classified as specified in sections 363, 368 and 369 and that waters contained in excavations approved by the board for waste water treatment purposes shall be unclassified waters. Class GPA waters shall be of such

quality that they are suitable for drinking water after disinfection, water contact recreation, fishing, recreational activities, industrial process and cooling water supply, hydroelectric power generation, navigation and as a natural habitat for fish and other aquatic life.

Class GPA waters shall be described by their trophic state based on measures of the chlorophyll "a" content, Secchi disk transparency, total phosphorus content and other appropriate criteria. Class GPA waters shall have a stable or decreasing trophic state, subject only to natural fluctuations, and shall be free of culturally-induced algal blooms which impair their use and enjoyment. The number of Escherichia coli bacteria of human origin in these waters shall not exceed a geometric mean of 29 per 100 milliliters or an instantaneous level of 194 per 100 milliliters.

There shall be no new discharge of domestic or industrial waste waters into Class GPA waters. Aquatic chemical applications approved by the board shall be exempt from the no discharge provision. Existing licensed discharges into these waters shall be allowed to continue only until practical alternatives exist. Discharges into tributaries of GPA waters shall not, by themselves or in combination with other activities, cause water quality degradation which would impair the characteristics and designated uses of downstream GPA waters or cause an increase in the trophic state of those GPA waters. No materials may be placed on or removed from the shores or banks of a Class GPA water body in such a manner that materials may fall or be washed into the water or that contaminated drainage therefrom may flow or leach into those waters, except as provided in section 391. No change of land use in the watershed of a Class GPA water body may, by itself or in combination with other activities, cause water quality degradation which would impair the characteristics and designated uses of downstream GPA waters or cause an increase in the trophic state of those GPA waters.

Sec. 7. 38 MRSA §364, as amended by PL 1977, c. 373, §§7 to 9, is repealed and the following enacted in its place:

§364. Standards for classification of estuarine and marine waters

The board shall have 3 standards for the classification of estuarine and marine waters.

Class SA shall be the highest classification and shall be applied to waters which are outstanding natural resources and should be preserved for reasons of ecological, social, scenic, economic or recreational importance. Class SA waters shall be of such quality that they are suitable for water contact recreation, fishing, recreational activities, aquaculture propagation and harvesting of shellfish, navigation and as a free-flowing and natural habitat for fish and other estuarine and marine life.

The estuarine and marine life, dissolved oxygen and bacteria content of these waters shall be as naturally occurs.

There shall be no discharge of domestic or industrial waste waters to Class SA waters.

Class SB shall be the 2nd highest classification and these waters shall be of such quality that they are suitable for water contact recreation, fishing, recreational activities, aquaculture propagation and harvesting of shellfish, industrial process and cooling water supply, hydroelectric power generation, navigation and as an unimpaired habitat for fish and other estuarine and marine life.

The dissolved oxygen content of Class SB waters shall be not less than 85% of saturation. Between May 15th and September 30th, the numbers of enterococcus bacteria of human origin in these waters shall not exceed a geometric mean of 8 per 100 milliliters or an instantaneous level of 54 per 100 milliliters.

Discharges to Class SB waters shall not cause adverse impact to estuarine and marine life in that the receiving waters shall be of sufficient quality to support all estuarine and marine life indigenous to the receiving water without detrimental changes in the resident biological community. There shall be no

new discharge to Class SB waters which would cause closure of open shellfish areas by the Department of Marine Resources.

Class SC shall be the 3rd highest classification and these waters shall be of such quality that they are suitable for water contact recreation, fishing, recreational activities, aquaculture propagation of shellfish, industrial process and cooling water supply, hydroelectric power generation, navigation and as a habitat for fish and other estuarine and marine life.

The dissolved oxygen content of Class SC waters shall be not less than 70% of saturation. Between May 15th and September 30th, the numbers of enterococcus bacteria of human origin in these waters shall not exceed a geometric mean of 14 per 100 milliliters or an instantaneous level of 94 per 100 milliliters.

Discharges to Class SC waters may cause some changes to estuarine and marine life provided that the receiving waters are of sufficient quality to support all indigenous species of fish and maintain the structure and function of the estuarine and marine communities.

Sec. 8. 38 MRSA §365, as amended by PL 1977, c. 300, §15, is repealed.

Sec. 9. 38 MRSA §367, as amended by PL 1979, c. 495, §3, is repealed.

Sec. 10. 38 MRSA §368, as amended by PL 1979, c. 495, §§4 to 6, is repealed and the following enacted in its place:

§368. Classification of major river basins

All surface waters lying within the boundaries of the State which are in river basins having a drainage area greater than 100 square miles which are not classified as lakes or ponds and are not otherwise classified in this section are Class B waters.

1. Androscoggin River Basin.

A. Androscoggin River, main stem, including all impoundments.

(1) From the Maine - New Hampshire boundary to a line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay in a northwesterly direction - Class C.

B. Little Androscoggin River Drainage.

(1) Little Androscoggin River, main stem, including all impoundments.

(a) From the outlet of Bryant Pond to a point located 0.25 mile above the bridge at West Paris - Class B.

(b) From a point located 0.25 mile above the bridge at West Paris to its confluence with Andrews Brook - Class C.

(c) From its confluence with Andrews Brook to the Route 26 bridge in South Paris - Class B.

(d) From the Route 26 bridge in South Paris to its confluence with the Androscoggin River - Class C.

(2) Little Androscoggin River, tributaries.

(a) Bird Brook (Norway) - Class C.

(b) Davis Brook (Poland) - Class C.

(c) Outlet of Thompson Lake (Oxford) - Class C.

(d) Pennesseewassee Lake Outlet (Norway) - Class C.

(e) Unnamed Brook (Auburn) which enters the Little Androscoggin River from the north about 1.3 miles east of Minot Village - Class C.

C. Androscoggin River, Upper Drainage; that portion within the State lying above the river's most upstream crossing of the Maine-New Hampshire boundary.

(1) Cupsuptic Stream and its tributaries above its confluence with Cupsuptic Lake - Class A.

(2) Kennebago River and its tributaries above its confluence with Mooselookmeguntic Lake - Class A.

(3) Magalloway River and those tributaries of the Magalloway River which have drainages lying wholly within the State - Class A.

(4) Rapid River, from the outlet of Pond in the River to the Magalloway Plantation - Upton boundary - Class AA.

D. Androscoggin River, minor tributaries.

(1) Austin Brook (Mexico) from Fourth Street to its confluence with the Androscoggin River - Class C.

(2) Bean Brook (Rumford) from the dam at the rendering company to its confluence with the Androscoggin River - Class C.

(3) Chapman Brook (Bethel) and its tributaries above the bridge at the highway leading from Bethel to Gilead on the north side of the Androscoggin River - Class A.

(4) Logan Brook (Auburn) - Class C.

(5) No Name Brook (Lewiston) - Class C.

(6) Penley Brook (Auburn) - Class C.

(7) Sabattus River from Sabattus Pond to limits of Lisbon urban area - Class C.

(8) Spears Stream (Peru) from the sawmill dam to its confluence with the Androscoggin River - Class C.

(9) Swift River, from the point at which the Mexico - Rumford boundary leaves the river at Osgood Avenue to its confluence with the Androscoggin River - Class C.

(10) Webb River (Dixfield) from the White Bridge to its confluence with the Androscoggin River - Class C.

(11) Whitney Brook (Canton) and its tributaries - Class C.

2. Dennys River Basin.

A. Dennys River, main stem.

(1) From the outlet of Meddybemps Lake to the Route 1 Bridge - Class AA.

(2) From the Route 1 bridge to tidewater - Class B.

B. Dennys River, tributaries.

(1) All tributaries entering above the Route 1 bridge - Class A.

3. East Machias River Basin.

A. East Machias River, main stem.

(1) From the outlet of Pocomoonshine Lake to the Route 191 bridge in East Machias - Class AA.

(2) From the Route 191 bridge in East Machias to tidewater - Class C.

B. East Machias River, tributaries.

(1) All tributaries entering above the Route 191 bridge in East Machias - Class A.

4. Kennebec River Basin.

A. Kennebec River, main stem.

(1) From Moosehead Lake (including East and West Outlet) to its confluence with Indian Pond - Class B.

(2) From Harris Dam to a point located 1,000 feet below Harris Dam - Class B.

(3) From a point located 1,000 feet downstream from Harris Dam to its confluence with the Dead River - Class AA.

(4) From its confluence with the Dead River to its confluence with Wyman Lake - Class B.

(5) From Wyman Dam to its confluence with Fall Brook in Solon, including all impoundments - Class B.

(6) From its confluence with Fall Brook in Solon to the head of the island immediately below Great Eddy in Skowhegan, including all impoundments - Class C.

(7) From the head of the island immediately below Great Eddy in Skowhegan to Shawmut Dam, including all impoundments - Class B.

(8) From Shawmut Dam to the Curran Bridge in Augusta, including all impoundments - Class C.

(9) From the Curran Bridge in Augusta to a line drawn across the Tidal Estuary of the Kennebec River due east from Abagadasset Point - Class C.

(10) From a line drawn across the Tidal Estuary of the Kennebec River, due east from Abagadasset Point, and bounded by a line across the southwesterly arm of Merrymeeting Bay formed by an extension of the Brunswick-West Bath town line across the bay in a northwesterly direction to the westerly shore of Merrymeeting Bay and to a line drawn from Chop Point in Woolwich to West Chop Point in Bath - Class B.

B. Carrabassett River Drainage.

(1) Carrabassett River, main stem.

(a) Above its confluence with the West Branch - Class A.

(b) From its confluence with the West Branch to a point located 1.0 mile above the railroad bridge in North Anson - Class B.

(c) From a point located 1.0 mile above the railroad bridge in North Anson to its confluence with the Kennebec River - Class C.

(2) Carrabassett River, tributaries.

(a) All tributaries entering the Carrabassett River above its confluence with the West Branch - Class A.

(b) Gilman Stream (New Portland) from the bridge at New Portland to its confluence with the Carrabassett River - Class C.

(c) Harris Brook (New Portland) below Route 16 in Village of North New Portland to its confluence with Gilman Stream - Class C.

(d) Mill Stream (Anson) from the railroad bridge in North Anson Village to its confluence with the Carrabassett River - Class C.

(e) Stanley Stream (Kingfield) - Class C.

(f) West Branch of the Carrabassett River and its tributaries - Class A.

C. Cobbosseecontee Stream Drainage.

(1) Cobbosseecontee Stream, main stem.

(a) Above the dam located at latitude 44° - 13.3', longitude 69° - 47.2' (approximately) - Class B.

(b) From the dam located at latitude 44° - 13.3', longitude 69° - 47.2' (approximately) to its confluence with the Kennebec River - Class C.

(2) Cobbosseecontee Stream, tributaries.

(a) Unnamed stream (Manchester) entering Cobbosseecontee Lake through golf course from immediately south of Manchester Village - Class C.

(b) Unnamed brook (Readfield) and its tributaries entering northerly cove of Lake Maranacook at Readfield across Route 17 - Class C.

D. Dead River Drainage.

(1) Dead River, main stem.

(a) From the Long Falls Dam to the upstream limit of Big Eddy in T.3, R.4, B.K.P.W.K.R. - Class B.

(b) From the upstream limit of Big Eddy in T.3, R.4, B.K.P.W.K.R. to its confluence with the Kennebec River - Class AA.

(2) Dead River, tributaries.

(a) North Branch of the Dead River and its tributaries above its confluence with Flagstaff Lake - Class A.

E. Messalonskee Stream Drainage.

(1) Messalonskee Stream, main stem.

(a) From the outlet of Messalonskee Lake to its confluence with the Kennebec River - Class C.

(2) Messalonskee stream, tributaries.

(a) Messalonskee Stream entering between the outlet of Messalonskee Lake and its junction with the Kennebec River - Class C.

F. Moose River Drainage.

(1) Moose River, main stem.

(a) Above its confluence with Number One Brook in Beattie Township - Class A.

(b) From its confluence with Number One Brook in Beattie Township to its confluence with Attean Pond - Class AA.

(c) From the outlet of Attean Pond to its confluence with Big Wood Pond - Class A.

(d) From the outlet of Big Wood Pond to its confluence with Long Pond - Class C.

(e) From the outlet of Long Pond to its confluence with Brassua Lake - Class B.

(f) From the outlet of Brassua Lake to its confluence with Moosehead Lake - Class B.

(2) Moose River, tributaries.

(a) All tributaries entering above the outlet of Big Wood Pond - Class A.

G. Sandy River Drainage.

(1) Sandy River, main stem.

(a) From the outlet of Sandy River Ponds to the Route 142 bridge in Phillips - Class A.

(b) From the Route 142 bridge in Phillips to the Route 2 bridge in Farmington - Class B.

(c) From the Route 2 bridge in Farmington to its confluence with the Kennebec River - Class C.

(2) Sandy River, tributaries.

(a) All tributaries entering above the Route 142 bridge in Phillips - Class A.

(b) Bean Brook (Strong) between its confluence with Doctor Brook and its confluence with Valley Brook - Class C.

(c) Lemon Stream (Starks) from dam in Starks Village to its confluence with the Sandy River - Class C.

(d) Meadow Brook (Wilton) from Depot Street to its confluence with Wilson Stream - Class C.

(e) Temple Stream, between the bridge in the Village of Temple and its confluence with Sandy River - Class C.

(f) Unnamed stream (Farmington) in urban area, vicinity of Middle Street - Class C.

(g) Unnamed stream (New Sharon) below former canning factory in New Sharon Village - Class C.

(h) Valley Brook (Strong) between the Route 145 Bridge and its confluence with the Sandy River - Class C.

(i) Wilson Stream, main stem, from outlet of Wilson Pond to the Route 133 crossing - Class C.

(j) Wilson Stream, main stem, from Route 133 crossing to junction with Sandy River - Class C.

H. Sebasticook River Drainage.

(1) Sebasticook River, main stem, including all impoundments.

(a) From the confluence of the East Branch and the West Branch to the most downstream point of the Pittsfield-Burnham boundary - Class C.

(b) From the most downstream point of the Pittsfield-Burnham boundary to a point located 0.5 mile above the highway bridge at Clinton - Class B.

(c) From a point located 0.5 mile above the highway bridge at Clinton to a point located 1.0 mile above the highway bridge at Benton Falls - Class C.

(d) From a point located 1.0 mile above the highway bridge at Benton Falls to the Central Maine Power Company Dam in Winslow - Class B.

(e) From the Central Maine Power Company Dam in Winslow to its confluence with the Kennebec River - Class C.

(2) Sebasticook River, tributaries.

(a) Brackett Brook (Palmyra and Newport) - Class C.

(b) Carlton Stream (Troy) and tributaries - Class C.

(c) China Lake Outlet, from the outlet of China Lake to its confluence with the Sebasticook River - Class C.

(d) Farnham Brook (Pittsfield) below Route 100 - Class C.

(e) Fifteenmile Stream and tributaries below its confluence with Mill Stream in Albion - Class C.

(f) Higgins Brook (Harmony) from the crossing of Route 154 above Harmony to its confluence with the Great Moose Lake - Class C.

(g) Mill Stream from immediately above its crossing of the Albion-Benton Road to its confluence with Fifteenmile Stream - Class C.

(h) Sandy Stream, main stem, from the outlet of Sandy Pond to its confluence with Halfmoon Stream - Class C.

(i) Sandy Stream (Unity) from its junction with Bacon Brook to a point 0.5 mile from the entrance of Mussey Brook - Class C.

(j) Sebasticook River, East Branch main stem, from the outlet of Lake Wassookeag to its confluence with Corundel Lake - Class C.

(k) Sebasticook River, East Branch main stem, from the outlet of Corundel Lake to its confluence with Sebasticook Lake - Class C.

(l) Sebasticook River, East Branch main stem, from the outlet of Sebasticook Lake to its confluence with the West Branch - Class C.

(m) Sebasticook River, West Branch Main Stem, from the outlet of Great Moose Lake to its confluence with the East Branch, including all impoundments - Class C.

(n) Small streams and tributaries, direct or indirect, not otherwise specified or classified, entering the Sebasticook River from the east between Twentyfive Mile Stream and Fifteenmile Stream - Class C.

(0) Small streams and their tributaries not otherwise specified entering the Sebasticook River from the east between the outlet of Fifteenmile Stream and the point of discharge of China Lake Outlet - Class C.

I. Kennebec River, minor tributaries.

(1) All tidal portions of tributaries entering above a line drawn across the tidal estuary due east from Abagadasset Point which are not otherwise classified - Class C.

(2) Austin Stream and its tributaries above the highway bridge on Route 201 in the Town of Bingham - Class A.

(3) Bond Brook and its tributaries below the crossing of Route 11 prior to reconstruction of this route in 1955 - Class C.

(4) Currier Brook (Skowhegan) from Fairview Avenue to its confluence with the Kennebec River - Class C.

(5) Fall Brook (Solon) from the dam upstream of Route 201 in Solon Village to its confluence with the Kennebec River - Class C.

(6) Mill Stream (Norridgewock) below the upstream bridge in the village - Class C.

(7) Twomile Brook (Augusta) from the entrance of the Cushnoc Housing Development sewer to the Kennebec River - Class C.

(8) Unnamed stream (Augusta) and tributaries crossing Bangor Street near the Coca Cola bottling plant - Class C.

(9) Unnamed brook (Bowdoinham) which enters the tidal portion of the West Branch of the Cathance River approximately 0.7 mile above the bridge in Bowdoinham - Class C.

5. Machias River Basin.

A. Machias River, main stem.

(1) From the outlet of Fifth Machias Lake to its confluence with the Whitneyville Mill Pond - Class AA.

(2) From the outlet of the Whitneyville Mill Pond to the site of the low dam opposite the ends of West Street and Hardwood Street in Machias - Class B.

(3) From the site of the low dam opposite the ends of West Street and Hardwood Street in Machias to tidewater - Class C.

B. Machias River, tributaries.

(1) All tributaries entering above the river's confluence with the Whitneyville Mill Pond which are not otherwise classified - Class A.

(2) Mopang Stream, from the outlet of Mopang Second Lake to its confluence with the Machias River - Class AA.

(3) Old Stream, from the outlet of First Lake to its confluence with the Machias River - Class AA.

(4) West Branch of the Machias River, from the outlet of Lower Sabao Lake to its confluence with the Machias River - Class AA.

6. Mousam River Basin.

A. Mousam River, main stem.

(1) From the outlet of Mousam Lake to a point located 0.5 mile above Mill Street in Springvale - Class B.

(2) From a point located 0.5 mile above Mill Street in Springvale to its confluence with Estes Lake - Class C.

(3) From the outlet of Estes Lake to tidewater - Class B.

B. Mousam River, tributaries.

(1) East Branch of Shaker Brook from the Route 4 bridge to the Alfred-Waterboro boundary - Class C.

(2) Hay Brook (Alfred and Sanford) - Class C.

(3) Unnamed Brook, entering the East Branch of Shaker Brook from the west just below Waterboro Village - Class C.

7. Penobscot River Basin.

A. Penobscot River, main stem.

(1) From the confluence of the East Branch and the West Branch to the Veazie Dam, including all impoundments - Class C.

(2) From the Veazie Dam to a line extended in an east-west direction from the outlet of Reed Brook in the Village of Hampden Highlands - Class C.

B. Penobscot River, East Branch Drainage.

(1) East Branch of the Penobscot River, main stem.

(a) Above its confluence with Grand Lake Mattagamon - Class A.

(b) From the dam at the outlet of Grand Lake Mattagamon to a point located 1,000 feet downstream from the dam at the outlet of Grand Lake Mattagamon - Class B.

(c) From a point located 1,000 feet downstream from the dam at the outlet of Grand Lake Mattagamon to its confluence with the West Branch - Class AA.

(2) East Branch of the Penobscot River, tributaries.

(a) All tributaries and segments of the East Branch of the Penobscot River entering above the outlet of Grand Lake Mattagamon which are not otherwise classified - Class A.

(b) All tributaries and segments of the East Branch of the Penobscot River entering below the outlet of Grand Lake Mattagamon which are not otherwise classified - Class B.

(c) All tributaries and segments of the East Branch of the Penobscot River which are within the boundaries of Baxter State Park - Class AA.

(d) Sawtelle Brook, from a point located 1,000 feet downstream from the dam at the outlet of Sawtelle Deadwater to its confluence with the Seboeis River - Class AA.

(e) Seboeis River, from the outlet of Snowshoe Lake to its confluence with the East Branch - Class AA.

(f) Wassataquoik Stream, from the boundary of Baxter State Park to its confluence with the East Branch - Class AA.

(g) Webster Brook, from a point located 1,000 feet downstream from the dam at the outlet of Telos Lake to its confluence with Grand Lake Mattagamon - Class AA.

C. Penobscot River, West Branch Drainage.

(1) West Branch of the Penobscot River, Main Stem.

(a) From the dam at the outlet of Seboomook Lake to a point located 1,000 feet downstream from the dam at the outlet of Seboomook Lake - Class B.

(b) From a point located 1,000 feet downstream from the dam at the outlet of Seboomook Lake to its confluence with Chesuncook Lake - Class AA.

(c) From Ripogenus Dam to the T.3, R.11, W.E.L.S. - T.3, R.10, W.E.L.S. boundary - Class B.

(d) From the T.3, R.11, W.E.L.S. -T.3, R.10, W.E.L.S. boundary to its confluence with Ambajejus Lake - Class AA.

(e) From the outlet of Elbow Lake to the outlet of Ferguson and Quakish Lakes - Class B.

(f) From the outlet of Ferguson and Quakish Lakes to its confluence with the East Branch of the Penobscot River, including all impoundments - Class C.

(2) West Branch of the Penobscot River, tributaries.

(a) All tributaries and segments of the West Branch of the Penobscot River which are within the boundaries of Baxter State Park - Class AA.

(b) All tributaries entering above the dam at the outlet of Seboomook Lake - Class A.

(c) Millinocket Stream, from the railroad bridge near the Millinocket-T.3 Indian Purchase boundary to its confluence with the West Branch of the Penobscot River - Class C.

D. Mattawamkeag River Drainage.

(1) Mattawamkeag River, main stem.

(a) From the confluence of the East Branch and the West Branch to the Kingman-Mattawamkeag boundary - Class B.

(b) From the Kingman-Mattawamkeag boundary to its confluence with the Penobscot River - Class AA.

(2) Mattawamkeag River, tributaries.

(a) Baskahegan Stream, from the narrows in Crooked Brook Flowage approximately one mile above the village of Danforth to its confluence with the Mattawamkeag River - Class C.

(b) Fish Stream, from a point 0.25 mile upstream of the Route 11 bridge in Patten to its confluence with the West Branch of the Mattawamkeag River - Class C.

(c) Mattakeunk Stream (Lee) from the outlet of Mattakeunk Pond to its confluence with Dwinal Pond - Class C.

(d) Webb Brook (Patten) and its tributaries - Class C.

(e) West Branch of the Mattawamkeag River (Island Falls) from a point 100 feet upstream of the railroad bridge at Island Falls to its confluence with Upper Mattawamkeag Lake - Class C.

E. Piscataquis River Drainage.

(1) Piscataquis River, main stem.

(a) From the confluence of the East Branch and the West Branch to the Abbot-Guilford boundary - Class B.

(b) From the Abbott-Guilford boundary to its confluence with the Pleasant River - Class C.

(c) From its confluence with the Pleasant River to the dam at Howland - Class B.

(d) From the dam at Howland to its confluence with the Penobscot River - Class C.

(2) Piscataquis River, tributaries.

(a) Carleton Stream (Sangerville) from its mouth to the crossing of Route 23 - Class C.

(b) Davee Brook below North Street, Dunham Brook below Forest Street and Fox Brook below Grove Street in Dover-Foxcroft - Class C.

(c) East and West Branches of the Piscataquis River and their tributaries above their confluence near Blanchard - Class A.

(d) Phillip Brook, Monson, from Lake Hebron to the junction with Monson Stream - Class C.

(e) Pleasant River, East Branch and its tributaries - Class A.

(f) Pleasant River, main stem, from the end of Maple Street in Brownville Junction to its confluence with the Piscataquis River - Class C.

(g) Pleasant River, West Branch, from the outlet of Fourth West Branch Pond to its confluence with the East Branch - Class AA.

(h) Pleasant River, West Branch tributaries - Class A.

(i) Sebec River, from the dam at Main Street in Milo to its confluence with the Piscataquis River - Class C.

(j) Sebec River and its tributaries above the outlet of Monson Stream - Class A.

F. Penobscot River, minor tributaries.

(1) All minor tributaries entering from the west between Pushaw Stream and the outlet of Reed Brook in Hampden which are not otherwise classified - Class C.

(2) All minor tributaries entering from the east between Blackman Stream and a line extended in an east-west direction from the outlet of Reed Brook in Hampden which are not otherwise classified - Class C.

(3) Alamoosook Lake Tributaries - Class A.

(4) Cambolasee Stream (Lincoln) below the Route 2 bridge - Class C.

(5) Great Works Stream (Bradley) and its tributaries above the Route 178 bridge - Class A.

(6) Kenduskeag Stream (Bangor) and tributaries below the Bullseye Bridge - Class C.

(7) Mattanawcook Stream (Lincoln) below the outlet of Mattanawcook Pond - Class C.

(8) Olamon Stream and its tributaries above the bridge on Horseback Road - Class A.

(9) Passadumkeag River and its tributaries above Grand Falls - Class A.

(10) Sourdabscook Stream and its tributaries above the dam of the Hampden Water District - Class A.

(11) Sunkhaze Stream and its tributaries - Class A.

8. Pleasant River Basin.

A. Pleasant River, main stem.

(1) From the outlet of Pleasant River Lake to a point located 1,000 feet above tidewater - Class AA.

(2) From a point located 1,000 feet above tidewater to tidewater - Class B.

9. Presumpscot River Basin.

A. Presumpscot River, main stem.

(1) From the outlet of Sebago Lake to its confluence with Dundee Pond - Class A.

(2) From the outlet of Dundee Pond to a point located below the Village of South Windham - Class B.

(3) From a point located below the Village of South Windham to tidewater - Class C.

B. Presumpscot River, tributaries.

(1) Little River (Windham) from canning plant on Route 114 to its confluence with the Presumpscot River - Class C.

(2) Stevens Brook (Bridgton) - Class C.

10. Narraguagus River Basin.

A. Narraguagus River, main stem.

(1) From the outlet of Eagle Lake to the Maine Central Railroad Bridge - Class AA.

(2) From the Maine Central Railroad Bridge to tidewater - Class B.

B. Narraguagus River, tributaries.

(1) All tributaries entering above the river's confluence with the West Branch - Class A.

(2) West Branch of the Narraguagus River and its tributaries - Class A.

11. Royal River Basin.

A. Royal River, main stem.

(1) From the outlet of Sabbathday Pond to tidewater - Class B.

B. Royal River, tributaries.

(1) All tributaries of the Royal River which are not otherwise classified - Class C.

(2) Chandler Brook (Pownal) - Class B.

(3) Collyer Brook (Gray) - Class B.

12. Saco River Basin.

A. Saco River, main stem.

(1) From the Maine-New Hampshire boundary to its confluence with the impoundment of the Swan's Falls Dam - Class AA.

(2) From its confluence with the impoundment of the Swan's Falls Dam to a point located 1,000 feet below the Swan's Falls Dam - Class B.

(3) From a point located 1,000 feet below the Swan's Falls Dam to its confluence with the impoundment of the Hiram Dam - Class AA.

(4) From its confluence with the impoundment of the Hiram Dam to a point located 1,000 feet below the Hiram Dam - Class B.

(5) From a point located 1,000 feet below the Hiram Dam to its confluence with the Little Ossippee River - Class AA.

(6) From its confluence with the Little Ossipee River to its confluence with Thatcher Brook - Class B.

(7) From its confluence with Thatcher Brook to tidewater - Class C.

B. Saco River, tributaries.

(1) Brown Brook (Limerick) main stem, from the outlet of Sokokis Lake to its junction with the Little Ossipee River - Class C.

(2) Kimball Brook (Fryeburg) from a point 0.5 mile above the Route 113 crossing to Charles Pond - Class C.

(3) Little River, from crossing of Route 5 approximately 1.0 mile above Cornish Village to its confluence with the Ossipee River - Class C.

(4) Ossipee River from a point located 0.5 mile upstream of the Route 25 bridge at Kezar Falls to its confluences with the Saco River - Class C.

(5) Wards Brook (Fryeburg) - Class C.

13. St. Croix River Basin.

A. St. Croix River, main stem.

(1) From the outlet of Chiputneticook Lakes to the Grand Falls Dam, those waters lying within the State - Class B.

(2) From the Grand Falls Dam to its confluence with Woodland Lake, those waters lying within the State - Class C.

(3) From the Woodland Dam to tidewater, those waters lying within the State, including all impoundments - Class C.

B. St. Croix River, tributaries.

(1) All tributaries which have portions of their drainage area in Maine and portions in New Brunswick, those waters lying within the State - Class B.

(2) All tributaries entering upstream from the dam at Calais, the drainage areas of which are wholly within the State - Class A.

14. St. George River Basin.

A. St. George River, main stem.

(1) From the outlet of Lake St. George to tidewater - Class C.

B. St. George River, tributaries.

(1) All tributaries and segments of the St. George River which are not otherwise classified - Class C.

(2) All tributaries entering above the outlet of Lake St. George - Class B.

(3) Crawford Pond Outlet and Crawford Pond tributaries - Class B.

(4) Fuller Brook and its tributaries - Class B.

(5) North and South Pond tributaries and outlet to the St. George River - Class B.

15. St. John River Basin.

A. St. John River, main stem.

(1) From the confluence of the Northwest Branch and the Southwest Branch to a point located one mile above the foot of Big Rapids in Allagash - Class AA.

(2) From a point located one mile above the foot of Big Rapids in Allagash to the Frenchville-Madawaska boundary, those waters lying within the State, including all impoundments - Class B.

(3) From the Frenchville-Madawaska boundary to where the international boundary leaves the river in Hamlin, those waters lying

within the State, including all impoundments - Class C.

B. Allagash River Drainage.

(1) Allagash River, main stem.

(a) From Churchill Dam to a point located 1,000 feet downstream from Churchill Dam - Class A.

(b) From a point located 1,000 feet downstream from Churchill Dam to its confluence with Gerald Brook in Allagash - Class AA.

(c) From its confluence with Gerald Brook in Allagash to its confluence with the St. John River - Class A.

(2) Allagash River, tributaries.

(a) All tributaries and segments of the Allagash River which are not otherwise classified - Class A.

(b) Allagash Stream, from the outlet of Allagash Pond in T.9, R.15, W.E.L.S. to its confluence with Chamberlain Lake - Class AA.

(c) Chemquasabamticook Stream, from the outlet of Chemquasabamticook Lake to its confluence with Long Lake - Class AA.

(d) Musquacook Stream, from the outlet of Third Musquacook Lake to its confluence with the Allagash River - Class AA.

C. Aroostook River Drainage.

(1) Aroostook River, main stem.

(a) From the confluence of Millinocket Stream and Munsungan Stream to its con-

fluence with the Machias River - Class AA.

(b) From its confluence with the Machias River to the Sheridan Dam - Class B.

(c) From the Sheridan Dam to its confluence with Presque Isle Stream, including all impoundments - Class B.

(d) From its confluence with Presque Isle Stream to a point located 3.0 miles upstream of the intake of the Caribou water supply, including all impoundments - Class C.

(e) From a point located 3.0 miles upstream of the intake of the Caribou water supply to a point located 100 yards downstream of the intake of the Caribou water supply, including all impoundment- ments - Class B.

(f) From a point located 100 yards downstream of the intake of the Caribou water supply to the international boundary, including all impoundments - Class C.

(2) Aroostook River, tributaries.

(a) All tributaries and segments of the Aroostook River entering above the confluence with St. Croix Stream which are not otherwise classified - Class A.

(b) Limestone Stream from the Long Road Bridge to the international boundary - Class C.

(c) Little Machias River and its tributaries - Class A.

(d) Little Madawaska River and its tributaries, including Madawaska Lake tributaries above the Route 161 bridge in Stockholm - Class A.

(e) Machias River, from the outlet of Big Machias Lake to the Garfield Plantation-Ashland boundary - Class AA.

(f) Machias River tributaries entering above the Garfield-Ashland boundary - Class A.

(g) Millinocket Stream, from the outlet of Millinocket Lake to its confluence with Munsungan Stream - Class AA.

(h) Munsungan Stream, from the outlet of Little Munsungan Lake to its confluence with Millinocket Stream - Class AA.

(i) Pattee Brook (Fort Fairfield) and its tributaries above the dam just upstream of the Route 167 bridge - Class A.

(j) Presque Isle Stream and its tributaries above its confluence with, but not including, the North Branch of Presque Isle Stream - Class A.

(k) St. Croix Stream from the outlet of St. Croix Lake to its confluence with Hall Brook in T.9, R.5, W.E.L.S. - Class A.

(l) St. Croix Stream from its confluence with Hall Brook in T.9, R.5, W.E.L.S. to its confluence with the Aroostook River - Class AA.

(m) St. Croix Stream tributaries - Class A.

(n) Salmon Brook, from the dam immediately above Washburn to its confluence with the Aroostook River - Class C.

(o) Squapan Stream and its tributaries above the B&A Railroad bridge - Class A.

(p) Unnamed Stream (Presque Isle) near Vining Station on Washburn Road - Class C.

D. Fish River Drainage.

(1) Fish River, main stem.

(a) From the outlet of Mud Pond to its confluence with St. Froid Lake - Class AA.

(b) From the outlet of St. Froid Lake to the Route 11 Bridge - Class A.

(c) From the Route 11 Bridge to the bridge at Fort Kent Mills - Class B.

(d) From the bridge at Fort Kent Mills to its confluence with the St. John River - Class C.

(2) Fish River, tributaries.

(a) All tributaries entering above the Route 11 Bridge - Class A.

E. Meduxnekeag River Drainage.

(1) Meduxnekeag River, main stem.

(a) From the outlet of Meduxnekeag Lake to the international boundary - Class B.

(2) Meduxnekeag River, tributaries.

(a) North Branch of the Meduxnekeag River and its tributaries above the Monticello - T.C, R.2 boundary - Class A.

F. St. John River, minor tributaries.

(1) All tributaries of the St. Francis River, the drainage areas of which are wholly within the State - Class A.

(2) All tributaries and branches of the St. John River above the outlet of Allagash River, the drainage areas of which are wholly within the State, including that portion of the river above the St. John Pond Dam- Class A.

(3) Baker Branch, from a point located 1.5 miles below Baker Lake to its confluence with the Southwest Branch - Class AA.

(4) Big Black River, from the international boundary to its confluence with the St. John River - Class AA.

(5) Northwest Branch, from the outlet of Beaver Pond in T. 12, R. 17, W.E.L.S. to its confluence with the St. John River - Class AA.

(6) Southwest Branch, from a point located 5 miles downstream of the international boundary to its confluence with the Baker Branch - Class AA.

(7) Martin Brook (Madawaska) downstream of the bridge on the Back Settlement Road - Class C.

(8) Negro Brook (Allagash Plantation) and its tributaries - Class A.

(9) Thibodeau Brook (Grand Isle) from Route 1 to the St. John River - Class C.

(10) Violette Brook (Van Buren) below the railroad to its confluence with Violette Stream - Class C.

(11) Violette Stream (Van Buren) below Champlain Street to its confluence with the St. John River - Class C.

16. Salmon Falls River Basin.

A. Salmon Falls River, main stem.

(1) From the outlet of Great East Lake to tidewater, those waters lying within the State - Class B.

17. Sheepscot River Basin.

A. Sheepscot River, main stem.

(1) From its origin in Montville to tidewater - Class AA.

B. Sheepscot River, tributaries.

(1) West Branch of the Sheepscot River, main stem, from the outlet of Branch Pond to its confluence with the Sheepscot River - Class AA.

18. Union River Basin.

A. Union River, main stem

(1) From the outlet of Graham Lake to the Route 1A bridge in Ellsworth Falls - Class B.

(2) From the Route 1A bridge in Ellsworth Falls to tidewater - class C.

Sec. 11. 38 MRSA §369, as amended by PL 1979, c. 495, §§7 and 8, is repealed and the following enacted in its place:

§369. Classifications of minor drainages

All surface waters lying within the boundaries of the State which are in basins having a drainage area less than 100 square miles which are not classified as lakes or ponds and which are not otherwise classified in this section are Class B waters.

1. Cumberland County. Those waters draining directly or indirectly into tidal waters of Cumberland County, with the exception of the Androscoggin River Basin, the Presumpscot River Basin, the Royal River Basin and tributaries of the Androscoggin River Estuary and Merrymeeting Bay, entering above the Chops.

A. All minor drainages of Cumberland County which are not otherwise classified - Class C.

B. Brunswick.

(1) Unnamed Stream entering tidewater of New Meadows River at Middle Bay - Class A.

C. Cape Elizabeth.

(1) Alewife Brook - Class A.

D. Falmouth.

(1) Mill Creek and its tributaries - Class B.

E. Freeport.

(1) Harvey Brook - Class B.

(2) Frost Gully Brook - Class A.

(3) Merrill Brook and its tributaries entering below the Maine Central Railroad crossing - Class B.

(4) Collins Brook and its tributaries - Class B.

(5) Mill Stream and its tributaries - Class B.

(6) Little River and its tributaries - Class B.

F. Portland.

(1) Stroudwater River from its origin to its confluence with Indian Camp Brook - Class B.

G. Scarboro.

(1) Finnard Brook - Class B.

(2) Stuart Brook - Class B.

H. South Portland.

(1) Red Brook and its tributaries from the Rye Pond outlet dam to its origin - Class B.

I. Yarmouth.

(1) Pratts Brook - Class B.

2. Hancock County. Those waters draining directly or indirectly into tidal waters of Hancock County, with the exception of the Union River Basin.

A. All brooks, streams and segments of those brooks and streams which are within the boundaries of Acadia National Park - Class AA.

B. All minor drainages entering tidewater between the Bucksport-Orrington boundary and a point located due east from Fort Point - Class C.

C. Blue Hill.

(1) Carleton Stream, main stem, between First Pond and Second Pond - Class C.

(2) Carleton Stream, main stem, from the outlet of First Pond to tidewater at Salt Pond - Class C.

(3) Unnamed Stream at edge of Blue Hill Village entering tidewater near "Big Rock" - Class C.

(4) Unnamed Stream flowing from near "Old Cemetery" to the Town Wharf - Class C.

(5) Unnamed Stream about 100 yards east of Mill Brook Stream - Class C.

D. Brooksville.

(1) Shepardson Brook (or Mill Brook), main stem, from Route 176 to its outlet at tidewater - Class C.

E. Bucksport.

(1) All minor drainages which enter tidewater between the head of tide on Marsh Stream and the head of tide on the Orland River which are not otherwise classified - Class C.

(2) Silver Lake Outlet, above the village limits of Bucksport - Class B.

F. Ellsworth.

(1) Unnamed Stream south of Laurel Street in Ellsworth - Class C.

G. Franklin.

(1) Unnamed Stream flowing near railroad station in Franklin Village to Hog Bay - Class C.

H. Gouldsboro.

(1) All coastal streams, direct and indirect segments, discharging to tidewater on the easterly mainland of Gouldsboro - Class C.

I. Lamoine.

(1) Spring Brook below washer at Grindle's gravel pit - Class C.

J. Penobscot.

(1) Winslow Stream, main stem, from tidewater to dam at the sawmill of S.C. Condon - Class C.

K. Sedgewick.

(1) Sargent Brook at Sargentville Village, main stem, from tidewater to a point 300 feet upstream of the highway - Class C.

(2) Three Unnamed Streams entering tidewater immediately north of Sedgewick Village - Class C.

L. Trenton.

(1) Stony Brook from Route 3 crossing to tidewater - Class C.

M. Winter Harbor.

(1) Coastal streams, brooks and segments of those streams and brooks between the Winter Harbor-Gouldsboro boundary and the boundaries of Acadia National Park - Class C.

3. Knox County. Those waters draining directly or indirectly into tidal waters of Knox County, with the exception of the St. George River Basin.

A. Friendship.

(1) Goose River, main stem, from tidewater to the dam at the Herbert Tibbetts' sawmill - Class C.

B. Owls Head.

(1) All coastal streams, direct and indirect segments of those streams, draining to tidewater in the Town of Owls Head - Class C.

C. Rockland.

(1) All coastal streams, direct and indirect segments of those streams, draining to tidewater in the City of Rockland - Class C.

D. Rockport.

(1) All coastal streams, direct and indirect segments of those streams, draining to tidewater in the Town of Rockport, unless otherwise described or classified - Class C.

(2) Goose River and its tributaries - Class B.

(3) Lily Pond Outlet - Class B.

E. St. George.

(1) All coastal streams, direct and indirect segments of those streams, draining to tidewater in the Town of St. George, unless otherwise described or classified - Class C.

F. South Thomaston.

(1) All coastal streams, direct and indirect segments of those streams, draining to tidewater in the Town of South Thomaston - Class C.

G. Thomaston.

(1) Mill River, main stem, from tidewater to a point 0.5 mile above tidewater - Class C.

(2) Oyster River, main stem, from tidewater to a point 200 feet upstream of Packard's Mill - Class C.

H. Warren.

(1) Unnamed Stream to St. George River tidewater near Warren-Cushing boundary between a point 500 feet above the South Warren-North Cushing Road to tidewater - Class C.

4. Lincoln County. Those waters draining directly or indirectly into tidal waters of Lincoln County, with the exception of the Sheepscot River Basin and tributaries of the Kennebec River Estuary and Merrymeeting Bay, entering above the Chops.

A. Bristol.

(1) Pemaquid River, main stem, from dam upstream of Bristol Village to the entrance of Boyd Pond - Class C.

B. Waldoboro.

(1) Goose River, main stem, from tidewater to the dam at Herbert Tibbetts' sawmill - Class C.

C. Westport.

(1) All coastal streams and segments of those streams draining to tidewaters in the Town of Westport - Class C.

5. Penobscot County. Those waters draining directly or indirectly into tidal waters of Penobscot County, with the exception of tributaries of the Penobscot River Estuary entering north of a line extended in an east-west direction from the outlet of Reed Brook in the Village of Hampden Highlands.

A. Minor drainages of Penobscot County which are not otherwise classified - Class C.

B. Reed Brook (Hampden) - Class C.

6. Sagadahoc County. Those waters draining directly or indirectly into tidal waters of Sagadahoc County, with the exception of tributaries of the Androscoggin River Estuary, the Kennebec River Estuary and Merrymeeting Bay, entering above the Chops.

A. All minor drainages of Sagadahoc County which are not otherwise classified - Class C.

7. Waldo County. Those waters draining directly or indirectly into tidal waters of Waldo County.

A. All minor drainages of Waldo County which are not otherwise classified and which enter tidewater between head of tide on the Goose River and head of tide on Marsh Stream in Frankfort - Class C.

B. Belfast.

(1) Goose River, below the upstream crossing of Route 141 - Class C.

C. Searsport.

(1) Mill Brook and its tributaries upstream of a bridge site on an abandoned road about 1.5 miles northerly of Searsport Village - Class B.

(2) Unnamed Stream and its tributaries entering tidewater at the northwest corner of Long Cove - Class B.

8. Washington County. Those waters draining directly or indirectly into tidal waters of Washington County, with the exception of the Dennys River Basin, the East Machias River Basin, the Machias River Basin, the Narraguagus River Basin and the Pleasant River Basin.

A. Calais.

(1) Unnamed Stream entering tidewater portion of St. Croix River between Beech and Union Streets - Class C.

B. Columbia.

(1) Dyke Brook, East Branch, from tidewater to the crossing of the Maine Central Railroad - Class C.

C. Columbia Falls.

(1) Unnamed Stream, from the Maine Central Railroad Bridge near the Pleasant River Canning Company plant to tidewater - Class C.

D. Harrington.

(1) Unnamed Stream passing through the village, from a point immediately upstream of the school sewer to tidewater - Class C.

E. Jonesboro.

(1) Chandler River and its tributaries above the Highway Bridge on Route 1 - Class A.

F. Robbinston.

(1) Unnamed Stream entering northerly end of Brooks Cove - Class C.

(2) Unnamed Stream immediately north of Schoolhouse Lane - Class C.

G. Stuben and T7, S.D.

(1) Whitten Parrin Stream - Class C.

H. Trescott.

(1) Wiggins Brook at South Trescott, main stem, between Route 191 and tidewater - Class C.

I. Whiting.

(1) Orange River and its tributaries above the highway bridge on Route 1 - Class A.

9. York County. Those waters draining directly or indirectly into tidal waters of York County, with the exception of the Saco River Basin, the Salmon Falls River Basin and the Mousam River Basin.

A. All coastal streams above tidewater between Roaring Rock Point (York) and the head of tide on Branch River (Wells), except as otherwise specified or classified - Class C.

B. All coastal streams and their tributaries not otherwise specified between Walker Point (Kennebunkport) and Fletchers Neck in Biddeford - Class C.

C. Biddeford.

(1) Moors Brook and its tributaries - Class C.

(2) West Brook and its tributaries - Class C.

D. Saco.

(1) Goosefare Brook from its origin to head of tide - Class C.

(2) Milliken Brook - Class C.

Sec. 12. 38 MRSA §370, as amended by PL 1979, c. 495, §§9 and 10, is repealed and the following enacted in its place:

§370. Classifications of estuarine and marine waters

All estuarine and marine waters lying within the boundaries of the State and which are not otherwise classified are Class SB waters.

1. Cumberland County.

A. Cape Elizabeth.

(1) Tidal waters lying westerly of a line beginning at Portland Head Light and running northerly to the southernmost point of land on Cushing Island - Class SC.

B. Cumberland.

(1) Tidal waters located within a line beginning at a point located on the Cumberland-Portland boundary at approximately latitude 43°41'-18"N., longitude 70° - 05'-48"W. and running northeasterly to a point located on the Cumberland-Harpswell boundary at approximately latitude 43° - 42'-57"N., longitude 70° - 03'-50" W.; thence running southwesterly along the Cumberland-Harpswell boundary to a point where the Cumberland, Harpswell and Portland boundaries meet; thence running northeasterly along the Cumberland-Portland boundary to point of beginning - Class SA.

C. Falmouth.

(1) Tidal waters located within a line beginning at a point located on the shore at latitude 43° - 42'-03"N. longitude 70° - 15'-22" W. and running southwesterly along the Falmouth-Portland boundary to the shore of Mackworth Island; thence running northerly along the western shore of Mackworth Is-

land and the Mackworth Island Causeway to a point located at latitude 43° - 41'-42" N., longitude 70° - 14'-25" W.; thence running along the shore of the Presumpscot River Estuary to point of beginning - Class SC.

D. Harpswell.

(1) Tidal waters located within a line beginning at a point located on the Cumberland-Harpswell boundary at approximately latitude 43° - 42'-57" N., longitude 70° - 03'-50" W. and running northeasterly to a point located at latitude 43° - 43'-08" N., longitude 70° - 03'-36"W.; thence running southeasterly to a point located at latitude 43° - 42'-02" N., longitude 70° - 00'-00" W.; thence running due south to the Harpswell-Portland boundary; thence running northwesterly along the Harpswell-Portland boundary to a point where the Cumberland, Harpswell and Portland boundaries meet; thence running northwesterly along the Cumberland-Harpswell boundary to point of beginning - Class SA.

E. Portland.

(1) Tidal waters located within a line beginning at a point located on the Cumberland-Portland boundary at approximately latitude 43° - 41'-18" N., longitude 70° - 05'-48" W. and running southeasterly along the Cumberland-Portland boundary to a point where the Cumberland, Harpswell and Portland boundaries meet; thence running southeasterly along the Harpswell-Portland boundary to longitude 70° - 00'-00" W.; thence running due south to a point located at latitude 43° - 38'-21" N., longitude 70° - 00'-00" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 09'-06" W.; thence running northeasterly to point of beginning - Class SA.

(2) Tidal waters lying northwesterly of a line beginning at Portland Head Light and

running northerly to the southernmost point of land on Cushing Island; thence running northerly along the western shore of Cushing Island to the northernmost point of land on Cushing Island; thence running northerly to the southernmost point of land on Peaks Island; thence running northerly along the western shore of Peaks Island to a point located at latitude 43° - 40'-10" N., longitude 70° - 11'-34" W.; thence running northwesterly to the southernmost point of land on Great Diamond Island; thence running northwesterly along the westerly shore of Great Diamond Island to a point located at latitude 43° - 40'-36" W., longitude 70° - 11'- 34" W.; thence running northwesterly for 0.7 mile to a point where the Falmouth-Portland boundary forms a right angle; thence running northwesterly along the Falmouth-Portland boundary to a point located at latitude 43° - 42'-03" N., longitude 70° - 15'-22" W. - Class SC.

F. South Portland.

(1) All tidal waters - Class SC.

G. Yarmouth.

(1) Tidal waters of the Royal River and its tidal tributaries lying westerly of longitude 70° - 09'-00" W. Class SC.

2. Hancock County.

A. Bar Harbor.

(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying northerly of latitude 44° - 16'-36" N., southerly of latitude 44° - 20'-27" N., and westerly of longitude 68° - 09'-28" W. - Class SA.

B. Bucksport.

(1) All tidal waters - Class SC.

C. Cranberry Isles.

(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying within 0.5 mile of the shore of Baker Island - Class SA.

D. Mount Desert.

(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying northerly of latitude 44° - 16'-36" N. and easterly of longitude 68° - 13'-08" W. - Class SA.

(2) Tidal waters of Somes Sound lying northerly of a line beginning at a point located at latitude 44° - 18'-18", longitude 68° - 18'-42" N. and running northeasterly to a point located at latitude 44° - 18'-54" N., longitude 68° - 18'-22" W. and lying southerly of a line beginning at a point located at latitude 44° - 19'-37" N., longitude 68° - 18'-52" W. and running northeasterly to a point located at latitude 44° - 19'-45", longitude 68° - 18'-23" W. - Class SA.

E. Orland.

(1) Tidal waters lying northerly of the southernmost point of land on Verona Island - Class SC.

F. Southwest Harbor.

(1) Tidal waters lying northerly of latitude 44° - 12'-44" N., southerly of latitude 44° - 14'-13" N. and westerly of longitude 68° - 18'-27" W. - Class SA.

(2) Tidal waters of Somes Sound lying northerly of a line beginning at a point located at latitude 44° - 18'-18" N., longitude 68° - 18'-42" W. and running northeasterly to a point located at latitude 44° - 18'-54" N., longitude 68° - 18'-22" W. - Class SA.

G. Tremont.

(1) Tidal waters lying northerly of latitude 44° - 12'-44" N., southerly of latitude 44° - 14'-13" N. and easterly of longitude 68° - 20'-30" W. - Class SA.

H. Verona.

(1) Tidal waters lying northerly of the southernmost point of land on Verona Island - Class SC.

3. Knox County.

A. Isle Au Haut.

(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying northerly of latitude 44° - 00'-00" N., southerly of latitude 44° - 03'-06" N., easterly of longitude 68° - 41'-00" W. and westerly of longitude 68° - 35'-00" W. - Class SA.

B. Owls Head.

(1) Tidal waters lying westerly of a line running between the southernmost point of land on Jameson Point and the northernmost point of land on Battery Point - Class SC.

C. Rockland.

(1) Tidal waters lying westerly of a line running between the southernmost point of land on Jameson Point and the northernmost point of land on Battery Point - Class SC.

4. Penobscot County.

A. Hampden.

(1) Tidal waters lying southerly of a line extended in an east-west direction from the outlet of Reed Brook in the Village of Hampden Highlands - Class SC.

B. Orrington.

(1) Tidal waters lying southerly of a line extended in an east-west direction from the outlet of Reed Brook in the Village of Hampden Highlands - Class SC.

5. Sagadahoc County.

A. Georgetown.

(1) Tidal waters located within a line beginning at a point on the shore located at latitude 43° - 47'-16" N., longitude 69° - 43'-09" W. and running due east to longitude 69° - 42'-00" W.; thence running due south to latitude 43° - 42'-52" N.; thence running due west to longitude 69° - 44'-25" W.; thence running due north to a point on the shore located at latitude 43° - 46'-15" N., longitude 69° - 44'-25" W.; thence running northerly along the shore to point of beginning - Class SA.

6. Waldo County.

A. Frankfort.

(1) All tidal waters - Class SC.

B. Prospect.

(1) All tidal waters - Class SC.

C. Searsport.

(1) Tidal waters located within a line beginning at the southernmost point of land on Kidder Point and running due east to the Searsport-Stockton Springs boundary; thence running southerly along the Searsport-Stockton Springs boundary; to latitude 44° - 25'-25" N.; thence running due west to latitude 44° - 25'-25" N., longitude 68° - 54'-30" W.; thence running due north to the shore of Mack Point at longitude 68° - 54'-30" W.; thence running along the shore

in an easterly direction to point of beginning - Class SC.

D. Stockton Springs.

(1) Tidal waters lying northerly of the southernmost point of land on Verona Island - Class SC.

E. Winterport.

(1) All tidal waters - Class SC.

7. Washington County.

A. Calais.

(1) Tidal waters of the St. Croix River and its tidal tributaries lying westerly of longitude 67° - 09'-48" W. - Class SC.

B. Eastport.

(1) Tidal waters lying southerly of latitude 44° - 54'-50" N., easterly of longitude 67° - 02'-00" W. and northerly of latitude 44° - 53'-15" N. - Class SC.

C. Lubec.

(1) Tidal waters, except those lying within 500 feet of West Quoddy Head Light, located within a line beginning at a point located on the northern shore of West Quoddy Head at latitude 44° - 49'-08" N., longitude 66° - 57'-30" W. and running due north to the international boundary; thence running southeasterly and southwesterly along the international boundary to latitude 44° - 47'-00" N.; thence running due west to longitude 66° - 58'-45" W.; thence running due north to a point located in Carrying Place Cove at latitude 44° - 48'-36", longitude 66° - 58'-45" W.; thence running along the shore of West Quoddy Head to point of beginning - Class SA.

D. Trescott.

(1) Tidal waters located within a line beginning on the shore at latitude 44° - 45'-02" N., longitude 67° - 04'-16" W., and running due east to longitude 67° - 03'00" W.; thence running due south to latitude 44° - 43'-30" N.; thence running due west to longitude 67° - 05'-14" W.; thence running due north to a point located on the shore at latitude 44° - 44'-28" N., longitude 67° - 05'-14" W.; thence running along the shore of Eastern Head to point of beginning - Class SA.

8. York County.

A. Biddeford.

(1) Tidal waters of the Saco River and its tidal tributaries lying westerly of longitude 70° - 22'-54" W. - Class SC.

B. Kennebunk.

(1) Tidal waters of the Kennebunk River and its tidal tributaries lying northerly of latitude 43° - 20'-50" N. - Class SC.

C. Kennebunkport.

(1) Tidal waters of the Kennebunk River and its tidal tributaries lying northerly of latitude 43° - 20'-50" N. - Class SC.

D. Kittery.

(1) Tidal waters of the Piscataqua River and its tidal tributaries lying westerly of longitude 70° - 42'-52" W.; southerly of Maine Route 103 and easterly of Interstate Route 95 - Class SC.

E. Old Orchard Beach.

(1) Tidal waters of Goosefare Brook and its tidal tributaries lying westerly of longitude 70° - 22'-55" W. - Class SC.

F. Saco.

(1) Tidal waters of Goosefare Brook and its tidal tributaries lying westerly of longitude 70° - 22'-55" W. - Class SC.

(2) Tidal waters of the Saco River and its tidal tributaries lying westerly of longitude 70° - 22'-54" W. - Class SC.

Sec. 13. 38 MRSA §371-A, as amended by PL 1983, c. 743, §9, is repealed.

STATEMENT OF FACT

This bill revises the system for classification of the waters of the State and provides interim classifications for the waters of the State. This revision of classification standards is necessary to establish appropriate levels of water quality among classes, base the classes' water quality on scientifically defensible criteria and to provide additional protection for waters of the State.

Section 1 clarifies the purpose of these classifications in that they represent a series of goals for the waters of the State. Section 1 also establishes procedures for reclassification of the waters of the State and establishes general provisions for the administration of the classifications.

Sections 2, 3 and 4 revise definitions relating to protection and improvement of waters of the State.

Section 5 establishes 4 classes of fresh surface waters which are not classified as lakes and ponds. Class AA is the highest classification and shall be applied to waters which are outstanding resources for reasons of ecological, social, scenic or recreational importance. The discharge to Class AA waters of domestic or industrial waste waters is prohibited. Activities which would cause Class AA waters to be other than a free flowing and natural habitat for fish and other aquatic life are prohibited. Class A waters have water quality and discharge provisions which are essentially unchanged from present law.

Class B is anticipated to be the most frequently applied classification for the State's rivers, streams and brooks. Discharges to Class B waters are allowed, provided that they cause no harm to aquatic life and meet bacteriological standards necessary to protect swimmers. Class C is anticipated to be applied to rivers and streams which presently receive major discharges. Discharges to Class C waters are allowed, provided they meet bacteriological standards necessary to protect swimmers and are of sufficient quality that all indigenous species of fish and a diverse community of aquatic life are supported in Class C waters.

Section 6 establishes 1 Class - GPA - for lakes and ponds. To protect and improve lakes and ponds, there are restrictions established for discharges and changes of land use in the watersheds of lakes and ponds.

Section 7 establishes 3 classes of estuarine and marine waters. Class SA is the highest classification and shall be applied to waters which are outstanding resources for reasons of ecological, social, economic, scenic or recreational importance. The discharge to Class SA waters of domestic or industrial waste waters is prohibited. Activities which would cause Class SA waters to be other than a natural and free flowing habitat for fish and other estuarine and marine life are prohibited. Class SB is anticipated to be the most frequently applied classification for the State's estuarine and marine waters. Discharges to Class SB waters are allowed, provided that they cause no harm to estuarine and marine life, meet bacteriological standards necessary to protect swimmers and do not adversely affect the State's shellfish resources. Class SC is anticipated to be applied to estuarine and marine waters which presently receive major discharges or are likely to receive major discharges as a result of the State's economic development policy. Discharges to Class SC waters are allowed, provided they meet bacteriological criteria necessary to protect swimmers and are of sufficient quality to support all indigenous species of fish and a diverse community of estuarine and marine life.

Sections 8 and 9 repeal the present procedures for classification of waters of the State. Section 13 repeals the present 2-class description for classification of great ponds.

Section 10 revises the description of classifications, the Maine Revised Statutes, Title 38, section 368, of major river basins. Section 10 describes the classification of all rivers, streams and brooks which are in drainages with an area greater than 100 square miles. Several of these river basins are presently contained in the Maine Revised Statutes, Title 38, section 369. Unlike the present law, section 10 describes classifications in standardized outline form to aid readability and subsequent revisions. Section 10 also differs from the present law by describing the classification of all segments of the main stems of major river basins as well as the main stems of major tributaries. Since most minor drainages described in section 10 are Class B, the section is headed by an overall classification of Class B for waters which are not otherwise classified. This aspect of the revision results in a shorter, more understandable text and will aid subsequent revision. Section 10 also corrects a few geographical inconsistencies and errors in the present law.

Section 10 changes the classification of certain waters of the State. The following waters are upgraded to Class AA:

1. All rivers, streams, brooks or segments thereof within the boundaries of Baxter State Park; and

2. Outstanding river and stream segments which merit special protection as specified in the Maine Revised Statutes, Title 12, section 403 and which also do not presently receive licensed discharges.

All waters currently classified as B-1 or B-2 are reclassified as "B" except for a few which are upgraded to Class AA. All waters currently classified as "C" remain assigned to that classification. All waters currently classified as "D" are upgraded to Class C.

Section 11 revises the description of classifications of minor drainages. Like those of section 10, these revisions are intended to aid public participation in the procedures for reclassification by describing classifications in a shorter, more understandable form.

Section 11 also changes the classification of certain waters of the State. All streams, brooks or segments thereof within the boundaries of Acadia National Park are upgraded to Class AA. All waters currently classified as "B-1" or "B-2", except for those in Acadia National Park, are reclassified as "B".

Section 12 repeals the present description of classifications of estuarine and marine waters of the State and describes the classification of all estuarine and marine waters of the State. This complete revision is necessary for implementation of the standards for classification established in section 7. Section 12 is headed by an overall classification of SB for estuarine and marine waters which are not otherwise classified. Section 12 classifies certain areas of the estuarine and marine waters of the State as Class SC waters. These SC areas presently receive major discharges or are likely to receive major discharges as a result of the State's economic development policy. Section 12 also classifies certain areas of the estuarine and marine waters as Class SA. Waters classified as Class SA in section 12 comprise much of the estuarine and marine waters adjacent to lands owned by the State Government or Federal Government.

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