

# MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 557, L.D. 1503)  
2 SECOND REGULAR SESSION  
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

6 Legislative Document

No. 2283  
7

8 S.P. 915

In Senate, March 31, 1986  
9

10 Reported by Senator Usher of Cumberland from the Committee on  
11 Energy and Natural Resources and printed under Joint Rule 2. Original bill  
sponsored by President Pray of Penobscot. Cosponsored by Representative  
Diamond of Bangor, Representative Jacques of Waterville and Senator Usher  
of Cumberland.

JOY J. O'BRIEN, Secretary of the Senate  
12

13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-SIX  
17

18 AN ACT to Amend the Classification System for  
19 Maine Waters and Change the  
20 Classifications of Certain Waters  
21

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

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25 PL 1973, c. 625, §270, is repealed.

26 Sec. 2. 38 MRSA §361-A, sub-§2, as enacted by PL  
27 1971, c. 470, §1, is amended to read:

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

31 Sec. 3. 38 MRSA §361-A, sub-§5, as enacted by PL  
32 1971, c. 470, §1, is amended to read:

1           5. Estuarine and marine waters. "Tidal  
2 Estuarine and marine waters" means those portions of  
3 the Atlantic Ocean within the jurisdiction of the  
4 State, and all other waters of the State subject to  
5 the rise and fall of the tide except those sections  
6 listed and classified in sections 368 and 369 467 and  
7 468.

8           Sec. 4. 38 MRSA §363, as amended by PL 1979, c.  
9 529, is repealed.

10           Sec. 5. 38 MRSA §363-A, as amended by PL 1981,  
11 c. 153, §§1 and 2, is repealed.

12           Sec. 6. 38 MRSA §363-B, as enacted by PL 1979,  
13 c. 472, §10, is repealed.

14           Sec. 7. 38 MRSA §364, as amended by PL 1977, c.  
15 373, §§ 7 to 9, is repealed.

16           Sec. 8. 38 MRSA §365, as amended by PL 1977, c.  
17 300, §15, is repealed.

18           Sec. 9. 38 MRSA §367, as amended by PL 1979, c.  
19 495, §3, is repealed.

20           Sec. 10. 38 MRSA §368, as amended by PL 1979, c.  
21 495, §§4 to 6, is repealed.

22           Sec. 11. 38 MRSA §369, as amended by PL 1979, c.  
23 495, §§7 and 8, is repealed.

24           Sec. 12. 38 MRSA §370, as amended by PL 1979, c.  
25 495, §§9 and 10, is repealed.

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

28           Sec. 14. 38 MRSA §371-B, as enacted by PL 1979,  
29 c. 472, §11, is repealed.

30           Sec. 15. 38 MRSA c. 3, sub-c. I, art. 4-A is en-  
31 acted to read:

32           ARTICLE 4-A. WATER CLASSIFICATION PROGRAM

33           §464. Classification of Maine waters

1       The waters of the State shall be classified in  
2 accordance with this article.

3       1. Findings; objectives; purpose. The Legisla-  
4 ture finds that the proper management of the State's  
5 water resources is of great public interest and con-  
6 cern to the State in promoting the general welfare;  
7 in preventing disease; in promoting health; in pro-  
8 viding habitat for fish, shellfish and wildlife; as a  
9 source of recreational opportunity; and as a resource  
10 for commerce and industry.

11 The Legislature declares that it is the State's ob-  
12 jective to restore and maintain the chemical, physi-  
13 cal and biological integrity of the State's waters  
14 and to preserve certain pristine state waters. The  
15 Legislature further declares that in order to achieve  
16 this objective the State's goals are:

17       A. That the discharge of pollutants into the wa-  
18 ters of the State be eliminated where appropri-  
19 ate;

20       B. That no pollutants be discharged into any wa-  
21 ters of the State without first being given the  
22 degree of treatment necessary to allow those wa-  
23 ters to attain their classification; and

24       C. That water quality be sufficient to provide  
25 for the protection and propagation of fish,  
26 shellfish and wildlife and provide for recreation  
27 in and on the water.

28 The Legislature intends by passage of this article to  
29 establish a water quality classification system which  
30 will allow the State to manage its surface waters so  
31 as to protect the quality of those waters and, where  
32 water quality standards are not being achieved, to  
33 enhance water quality. This classification system  
34 shall be based on water quality standards which des-  
35 ignate the uses and related characteristics of those  
36 uses for each class of water and which also establish  
37 water quality criteria necessary to protect those  
38 uses and related characteristics. The Legislature  
39 further intends by passage of this article to assign  
40 to each of the State's surface water bodies the water  
41 quality classification which shall designate the min-

1 imum level of quality which the Legislature intends  
2 for the body of water. This designation is intended  
3 to direct the State's management of that water body  
4 in order to achieve at least that minimum level of  
5 water quality.

6 2. Procedures for reclassification. Reclassifi-  
7 cation of state waters shall be governed by the fol-  
8 lowing provisions.

9 A. Upon petition by any person or on its own  
10 motion, the board, following public notice, may  
11 conduct classification studies and investiga-  
12 tions. Information collected during these  
13 studies and investigations shall be made availa-  
14 ble to the public in an expeditious manner. Af-  
15 ter consultation with other state agencies and,  
16 where appropriate, individuals, citizen groups,  
17 industries, municipalities and federal and inter-  
18 state water pollution control agencies, the board  
19 may propose changes in water reclassification.

20 B. The board shall call public hearings in the  
21 affected area, or reasonably adjacent to the af-  
22 ected area, for the purposes of presenting to  
23 all interested persons the proposed classifica-  
24 tion for each particular water body and obtaining  
25 public input.

26 C. The board may recommend changes in classifi-  
27 cation it deems necessary to the Legislature.

28 D. The Legislature shall have sole authority to  
29 make any changes in the classification of the wa-  
30 ters of the State.

31 3. Reports to the Legislature. The board and  
32 the department shall periodically report to the Leg-  
33 islature as governed by the following provisions.

34 A. The board shall submit to the first regular  
35 session of each Legislature a report on the qual-  
36 ity of the State's waters which describes exist-  
37 ing water quality, identifies waters which are  
38 not attaining their classification and states  
39 what measures are necessary for the attainment of  
40 the standards of their classification.

1           B. The board shall, from time to time, but at  
2           least once every 3 years, hold public hearings  
3           for the purpose of reviewing the water quality  
4           classification system and related standards and,  
5           as appropriate, recommending changes in the stan-  
6           dards to the Legislature.

7           C. The department shall report annually to each  
8           regular session of the Legislature on the status  
9           of licensed discharges.

10           D. The department, in cooperation with the Land  
11           Use Regulation Commission, shall conduct a study  
12           of indirect discharges and the problems posed by  
13           those discharges to the waters of the State. The  
14           study shall incorporate the results of previous  
15           investigations conducted pursuant to the United  
16           State Water Pollution Control Act, Section 208.  
17           The study shall include recommendations for land  
18           use management and other related techniques de-  
19           signed to mitigate the effects of indirect dis-  
20           charges. The study shall commence on July 1,  
21           1987. The study shall be submitted to the joint  
22           standing committee of the Legislature having ju-  
23           risdiction over natural resources on or before  
24           January 1, 1988.

25           4. General provisions. The classification sys-  
26           tem for surface waters established by this article  
27           shall be subject to the following provisions.

28           A. Notwithstanding section 414-A, the board  
29           shall not issue a water discharge license for any  
30           of the following discharges:

31                   (1) Direct discharge of pollutants to wa-  
32                   ters having a drainage area of less than 10  
33                   square miles, except that discharges into  
34                   these waters which were licensed prior to  
35                   January 1, 1986, shall be allowed to contin-  
36                   ue only until practical alternatives exist;

37                   (2) New direct discharge of domestic  
38                   pollutants to tributaries of Class-GPA wa-  
39                   ters;

1           (3) Any discharge into a tributary of GPA  
2 waters which, by itself or in combination  
3 with other activities, causes water quality  
4 degradation which would impair the charac-  
5 teristics and designated uses of downstream  
6 GPA waters or causes an increase in the  
7 trophic state of those GPA waters;

8           (4) Discharge of pollutants to waters of  
9 the State which imparts color, taste,  
10 turbidity, toxicity, radioactivity or other  
11 properties which cause those waters to be  
12 unsuitable for the designated uses and char-  
13 acteristics ascribed to their class; and

14           (5) Discharge of pollutants to any water of  
15 the State which violates sections 465, 465-A  
16 and 465-B, except as provided in section  
17 451; causes the "pH" of fresh waters to fall  
18 outside of the 6.0 to 8.5 range; causes the  
19 "pH" of estuarine and marine waters to fall  
20 outside of the 7.0 to 8.5 range; or causes  
21 fish for human consumption to be injurious  
22 to human health as determined by the United  
23 States Food and Drug Administration under  
24 the procedures established by United States  
25 Code, Title 21, section 342 or as determined  
26 by the Department of Human Services. The  
27 Department of Human Services shall establish  
28 a protocol for determining risk in these  
29 situations. The protocol shall be promul-  
30 gated as a rule in accordance with the Maine  
31 Administrative Procedure Act, Title 5, chap-  
32 ter 375.

33           B. All surface waters of the State shall be free  
34 of settled substances which alter the physical or  
35 chemical nature of bottom material and of float-  
36 ing substances, except as naturally occur, which  
37 impair the characteristics and designated uses  
38 ascribed to their class.

39           C. Where natural conditions, including, but not  
40 limited to, marshes, bogs and abnormal concentra-  
41 tions of wildlife cause the dissolved oxygen or  
42 other water quality criteria to fall below the  
43 minimum standards specified in sections 465,

1 465-A and 465-B, those waters shall not be con-  
2 sidered to be failing to attain their classifica-  
3 tion because of those natural conditions.

4 D. For the purpose of computing whether a dis-  
5 charge will violate the classification of any  
6 river or stream, the assimilative capacity of the  
7 river or stream shall be computed using the mini-  
8 imum 7-day low flow which can be expected to occur  
9 with a frequency of once in 10 years.

10 E. The waters contained in excavations approved  
11 by the board for waste water treatment purposes  
12 shall be unclassified waters.

13 F. The anti-degradation policy of the State  
14 shall be governed by the following provisions.

15 (1) Existing in-stream water uses and the  
16 level of water quality necessary to protect  
17 those existing uses shall be maintained and  
18 protected. As used in this paragraph, "ex-  
19 isting in-stream water uses" means signifi-  
20 cant, well-established uses that have actu-  
21 ally occurred on a water body on or after  
22 November 28, 1975. Factual determinations  
23 of what constitutes an existing in-stream  
24 water use on a particular water body and the  
25 extent of allowable impact on the existing  
26 use shall be made on a case-by-case basis by  
27 the board.

28 (2) Where high quality waters of the State  
29 constitute an outstanding national resource,  
30 that water quality shall be maintained and  
31 protected. For purposes of this paragraph,  
32 the term "high quality waters" means those  
33 water bodies in national and state parks and  
34 wildlife refuges, public reserved lands and  
35 those river segments listed in Title 12,  
36 section 403.

37 (3) The board may only issue a discharge  
38 license pursuant to section 414-A or approve  
39 water quality certification pursuant to the  
40 United States Clean Water Act, Section 401,  
41 Public Law 92-500, as amended, if the stan-



1 dards of classification of the water body  
2 and the requirements of this paragraph will  
3 be met.

4 (4) Where the actual quality of any classi-  
5 fied water exceeds the minimum standards of  
6 the next highest classification, that higher  
7 water quality shall be maintained and pro-  
8 ected. The board shall recommend to the  
9 Legislature that that water be reclassified  
10 in the next higher classification.

11 (5) The board may only issue a discharge  
12 license pursuant to section 414-A or approve  
13 water quality certification pursuant to the  
14 United State Clean Water Act, Section 401,  
15 Public Law 92-500, as amended, which would  
16 result in lowering the existing quality of  
17 any water body after making a finding, fol-  
18 lowing opportunity for public participation,  
19 that the action is necessary to achieve im-  
20 portant economic or social benefits to the  
21 State and when the action is in conformance  
22 with subparagraph 3. That finding must be  
23 made following procedures established by  
24 rule of the board.

25 5. Rulemaking. In accordance with the Maine Ad-  
26 ministrative Procedure Act, the board shall promul-  
27 gate rules necessary to implement the water quality  
28 classification system established by this article.  
29 In promulgating rules, the board shall solicit and  
30 consider, in addition to any other materials, infor-  
31 mation on the economic and environmental impact of  
32 those rules.

33 Rules shall be promulgated by January 1, 1987, and as  
34 necessary thereafter, and shall include, but are not  
35 limited to, sampling and analytical methods,  
36 protocols and procedures for satisfying the water  
37 quality criteria, including evaluation of the impact  
38 of any discharge on the resident biological communi-  
39 ty.

40 Rules adopted pursuant to this subsection shall be-  
41 come effective upon adoption. Rules adopted pursuant  
42 to this subsection shall be submitted to the joint

1 standing committee of the Legislature having juris-  
2 isdiction over natural resources for review during the  
3 next regular session of the Legislature following  
4 adoption. This committee may submit legislation it  
5 deems necessary to clarify legislative intent regard-  
6 ing rules adopted pursuant to this subsection. If  
7 the committee takes no action, the rules shall con-  
8 tinue in effect.

9 6. Implementation of biological water quality  
10 criteria. The implementation of water quality crite-  
11 ria pertaining to the protection of the resident bio-  
12 logical community shall be governed by the provisions  
13 of this subsection.

14 A. At any time during the term of a valid waste  
15 water discharge license which was issued prior to  
16 the effective date of this article, the board may  
17 modify that license in accordance with section  
18 347, subsection 3 if the discharger is not in  
19 compliance with the water quality criteria per-  
20 taining to the protection of the resident biolog-  
21 ical community. When a discharge license is mod-  
22 ified under this subsection, the board shall es-  
23 tablish a reasonable schedule to bring the dis-  
24 charge into compliance with the water quality  
25 criteria pertaining to the protection of the res-  
26 ident biological community.

27 B. When a discharge license is issued after the  
28 effective date of this article and before the ef-  
29 fective date of the rules adopted pursuant to  
30 subsection 5, the board shall establish a reason-  
31 able schedule to bring the discharge into compli-  
32 ance with the water quality criteria pertaining  
33 to the protection of the resident biological com-  
34 munity.

35 C. A discharger seeking a new discharge license  
36 following the effective date of the rules adopted  
37 under subsection 5 shall comply with the water  
38 quality criteria of this article.

39 §465. Standards for classification of fresh surface  
40 waters

1           The board shall have 4 standards for the classi-  
2 fication of fresh surface waters which are not clas-  
3 sified as great ponds.

4           1. Class AA waters. Class AA shall be the high-  
5 est classification and shall be applied to waters  
6 which are outstanding natural resources and which  
7 should be preserved because of their ecological, so-  
8 cial, scenic or recreational importance.

9           A. Class AA waters shall be of such quality that  
10 they are suitable for the designated uses of  
11 drinking water after disinfection, fishing,  
12 recreation in and on the water and navigation and  
13 as habitat for fish and other aquatic life. The  
14 habitat shall be characterized as free flowing  
15 and natural.

16           B. The aquatic life, dissolved oxygen and bacte-  
17 ria content of Class AA waters shall be as natu-  
18 rally occurs.

19           C. There shall be no direct discharge of  
20 pollutants to Class AA waters.

21           2. Class A waters. Class A shall be the 2nd  
22 highest classification.

23           A. Class A waters shall be of such quality that  
24 they are suitable for the designated uses of  
25 drinking water after disinfection; fishing;  
26 recreation in and on the water; industrial pro-  
27 cess and cooling water supply; hydroelectric pow-  
28 er generation, except as prohibited under Title  
29 12, section 403; and navigation; and as habitat  
30 for fish and other aquatic life. The habitat  
31 shall be characterized as natural.

32           B. The dissolved oxygen content of Class A wa-  
33 ters shall be not less than 7 parts per million  
34 or 75% of saturation, whichever is higher. The  
35 aquatic life and bacteria content of Class A wa-  
36 ters shall be as naturally occurs.

37           C. Direct discharges to these waters licensed  
38 after January 1, 1986, shall be permitted only  
39 if, in addition to satisfying all the require-

1           ments of this article, the discharged effluent  
2           will be equal to or better than the existing wa-  
3           ter quality of the receiving waters. Prior to  
4           issuing a discharge license, the board shall re-  
5           quire the applicant to objectively demonstrate to  
6           the board's satisfaction that the discharge is  
7           necessary and that there are no other reasonable  
8           alternatives available. Discharges into waters  
9           of this classification which were licensed prior  
10          to January 1, 1986, shall be allowed to continue  
11          only until practical alternatives exist. There  
12          shall be no deposits of any material on the banks  
13          of these waters in any manner so that transfer of  
14          pollutants into the waters is likely.

15           3. Class B waters. Class B shall be the 3rd  
16          highest classification.

17           A. Class B waters shall be of such quality that  
18           they are suitable for the designated uses of  
19           drinking water supply after treatment; fishing;  
20           recreation in and on the water; industrial pro-  
21           cess and cooling water supply; hydroelectric pow-  
22           er generation, except as prohibited under Title  
23           12, section 403; and navigation; and as habitat  
24           for fish and other aquatic life. The habitat  
25           shall be characterized as unimpaired.

26           B. The dissolved oxygen content of Class B wa-  
27           ters shall be not less than 7 parts per million  
28           or 75% of saturation, whichever is higher, except  
29           that for the period from October 1st to May 14th,  
30           in order to ensure spawning and egg incubation of  
31           indigenous fish species, the 7-day mean dissolved  
32           oxygen concentration shall not be less than 9.5  
33           parts per million and the 1-day minimum dissolved  
34           oxygen concentration shall not be less than 8.0  
35           parts per million in identified fish spawning ar-  
36           ees. Between May 15th and September 30th, the  
37           number of Escherichia coli bacteria of human ori-  
38           gin in these waters may not exceed a geometric  
39           mean of 64 per 100 milliliters or an instanta-  
40           neous level of 427 per 100 milliliters.

41           C. Discharges to Class B waters shall not cause  
42           adverse impact to aquatic life in that the re-  
43           ceiving waters shall be of sufficient quality to

1 support all aquatic species indigenous to the re-  
2 ceiving water without detrimental changes in the  
3 resident biological community.

4 4. Class C waters. Class C shall be the 4th  
5 highest classification.

6 A. Class C waters shall be of such quality that  
7 they are suitable for the designated uses of  
8 drinking water supply after treatment; fishing;  
9 recreation in and on the water; industrial pro-  
10 cess and cooling water supply; hydroelectric pow-  
11 er generation, except as prohibited under Title  
12 12, section 403; and navigation; and as a habitat  
13 for fish and other aquatic life.

14 B. The dissolved oxygen content of Class C water  
15 shall be not less than 5 parts per million or 60%  
16 of saturation, whichever is higher, except that  
17 in identified salmonid spawning areas where water  
18 quality is sufficient to ensure spawning, egg  
19 incubation and survival of early life stages,  
20 that water quality sufficient for these purposes  
21 shall be maintained. Between May 15th and Sep-  
22 tember 30th, the number of Escherichia coli bac-  
23 teria of human origin in these waters may not ex-  
24 ceed a geometric mean of 142 per 100 milliliters  
25 or an instantaneous level of 949 per 100  
26 milliliters. The department shall promulgate  
27 rules governing the procedure for designation of  
28 spawning areas. Those rules shall include provi-  
29 sion for periodic review of designated spawning  
30 areas and consultation with affected persons pri-  
31 or to designation of a stretch of water as a  
32 spawning area.

33 C. Discharges to Class C waters may cause some  
34 changes to aquatic life, provided that the re-  
35 ceiving waters shall be of sufficient quality to  
36 support all species of fish indigenous to the re-  
37 ceiving waters and maintain the structure and  
38 function of the resident biological community.

39 §465-A. Standards for classification of lakes and  
40 ponds

1           The board shall have one standard for the classi-  
2 fication of great ponds and natural lakes and ponds  
3 less than 10 acres in size. Impoundments of rivers  
4 that are defined as great ponds pursuant to section  
5 392 shall be classified as GPA or as specifically  
6 provided in sections 467 and 468.

7           1. Class GPA waters. Class GPA shall be the  
8 sole classification of great ponds and natural ponds  
9 and lakes less than 10 acres in size.

10           A. Class GPA waters shall be of such quality  
11 that they are suitable for the designated uses of  
12 drinking water after disinfection, recreation in  
13 and on the water, fishing, industrial process and  
14 cooling water supply, hydroelectric power genera-  
15 tion and navigation and as habitat for fish and  
16 other aquatic life. The habitat shall be charac-  
17 terized as natural.

18           B. Class GPA waters shall be described by their  
19 trophic state based on measures of the  
20 chlorophyll "a" content, Secchi disk transparen-  
21 cy, total phosphorus content and other appropri-  
22 ate criteria. Class GPA waters shall have a sta-  
23 ble or decreasing trophic state, subject only to  
24 natural fluctuations and shall be free of  
25 culturally induced algal blooms which impair  
26 their use and enjoyment. The number of  
27 Escherichia coli bacteria of human origin in  
28 these waters may not exceed a geometric mean of  
29 29 per 100 milliliters or an instantaneous level  
30 of 194 per 100 milliliters.

31           C. There shall be no new direct discharge of  
32 pollutants into Class GPA waters. Aquatic pesti-  
33 cide treatments or chemical treatments for the  
34 purpose of restoring water quality approved by  
35 the board shall be exempt from the no-discharge  
36 provision. Discharges into these waters which  
37 were licensed prior to January 1, 1986, shall be  
38 allowed to continue only until practical alterna-  
39 tives exist. No materials may be placed on or  
40 removed from the shores or banks of a Class GPA  
41 water body in such a manner that materials may  
42 fall or be washed into the water or that contami-  
43 nated drainage therefrom may flow or leach into

1 those waters, except as permitted pursuant to  
2 section 391. No change of land use in the water-  
3 shed of a Class GPA water body may, by itself or  
4 in combination with other activities, cause water  
5 quality degradation which would impair the char-  
6 acteristics and designated uses of downstream GPA  
7 waters or cause an increase in the trophic state  
8 of those GPA waters.

9 §465-B. Standards for classification of estuarine  
10 and marine waters

11 The board shall have 3 standards for the classi-  
12 fication of estuarine and marine waters.

13 1. Class SA waters. Class SA shall be the high-  
14 est classification and shall be applied to waters  
15 which are outstanding natural resources and which  
16 should be preserved because of their ecological, so-  
17 cial, scenic, economic or recreational importance.

18 A. Class SA waters shall be of such quality that  
19 they are suitable for the designated uses of  
20 recreation in and on the water, fishing,  
21 aquaculture, propagation and harvesting of shell-  
22 fish and navigation and as habitat for fish and  
23 other estuarine and marine life. The habitat  
24 shall be characterized as free-flowing and natu-  
25 ral.

26 B. The estuarine and marine life, dissolved oxy-  
27 gen and bacteria content of Class SA waters shall  
28 be as naturally occurs.

29 C. There shall be no direct discharge of  
30 pollutants to Class SA waters.

31 2. Class SB waters. Class SB waters shall be the  
32 2nd highest classification.

33 A. Class SB waters shall be of such quality that  
34 they are suitable for the designated uses of  
35 recreation in and on the water, fishing,  
36 aquaculture, propagation and harvesting of shell-  
37 fish, industrial process and cooling water sup-  
38 ply, hydroelectric power generation and navigation  
39 and as habitat for fish and other estuarine and

1 marine life. The habitat shall be characterized  
2 as unimpaired.

3 B. The dissolved oxygen content of Class SB wa-  
4 ters shall be not less than 85% of saturation.  
5 Between May 15th and September 30th, the numbers  
6 of enterococcus bacteria of human origin in these  
7 waters may not exceed a geometric mean of 8 per  
8 100 milliliters or an instantaneous level of 54  
9 per 100 milliliters. The numbers of total  
10 coliform bacteria or other specified indicator  
11 organisms in samples representative of the waters  
12 in shellfish harvesting areas may not exceed the  
13 criteria recommended under the National Shellfish  
14 Sanitation Program Manual of Operations, Part I,  
15 Sanitation of Shellfish Growing Areas, United  
16 State Department of Food and Drug Administration.

17 C. Discharges to Class SB waters shall not cause  
18 adverse impact to estuarine and marine life in  
19 that the receiving waters shall be of sufficient  
20 quality to support all estuarine and marine spe-  
21 cies indigenous to the receiving water without  
22 detrimental changes in the resident biological  
23 community. There shall be no new discharge to  
24 Class SB waters which would cause closure of open  
25 shellfish areas by the Department of Marine Re-  
26 sources.

27 3. Class SC waters. Class SC waters shall be  
28 the 3rd highest classification.

29 A. Class SC waters shall be of such quality that  
30 they are suitable for recreation in and on the  
31 water, fishing, aquaculture, propagation and re-  
32 stricted harvesting of shellfish, industrial pro-  
33 cess and cooling water supply, hydroelectric pow-  
34 er generation and navigation and as a habitat for  
35 fish and other estuarine and marine life.

36 B. The dissolved oxygen content of Class SC wa-  
37 ters shall be not less than 70% of saturation.  
38 Between May 15th and September 30th, the numbers  
39 of enterococcus bacteria of human origin in these  
40 waters may not exceed a geometric mean of 14 per  
41 100 milliliters or an instantaneous level of 94  
42 per 100 milliliters. The numbers of total



1 coliform bacteria or other specified indicator  
2 organisms in samples representative of the waters  
3 in restricted shellfish harvesting areas may not  
4 exceed the criteria recommended under the Nation-  
5 al Shellfish Sanitation Program Manual of Opera-  
6 tions, Part I, Sanitation of Shellfish Growing  
7 Areas, United States Food and Drug Administra-  
8 tion.

9 C. Discharges to Class SC waters may cause some  
10 changes to estuarine and marine life provided  
11 that the receiving waters are of sufficient qual-  
12 ity to support all species of fish indigenous to  
13 the receiving waters and maintain the structure  
14 and function of the resident biological communi-  
15 ty.

16 §465-C. Standards of classification of ground water

17 The board shall have 2 standards for the classi-  
18 fication of ground water.

19 1. Class GW-A. Class GW-A shall be the highest  
20 classification and shall be of such quality that it  
21 can be used for public water supplies. These waters  
22 shall be free of radioactive matter or any matter  
23 that imparts color, turbidity, taste or odor which  
24 would impair usage of these waters, other than that  
25 occurring from natural phenomena.

26 2. Class GW-B. Class GW-B, the 2nd highest  
27 classification, shall be suitable for all usages oth-  
28 er than public water supplies.

29 §466. Definitions

30 As used in this article, unless the context oth-  
31 erwise indicates, the following terms have the fol-  
32 lowing meanings.

33 1. Aquatic life. "Aquatic life" means any  
34 plants or animals which live at least part of their  
35 life cycle in fresh water.

36 2. As naturally occurs. "As naturally occurs"  
37 means conditions with essentially the same physical,  
38 chemical and biological characteristics as found in

1 situations with similar habitats free of measurable  
2 effects of human activity.

3 3. Community function. "Community function"  
4 means mechanisms of uptake, storage and transfer of  
5 life-sustaining materials available to a biological  
6 community which determines the efficiency of use and  
7 the amount of export of the materials from the commu-  
8 nity.

9 4. Community structure. "Community structure"  
10 means the organization of a biological community  
11 based on numbers of individuals within different  
12 taxonomic groups and the proportion each taxonomic  
13 group represents of the total community.

14 5. Direct discharge. "Direct discharge" means  
15 any discernible, confined and discrete conveyance,  
16 including, but not limited to, any pipe, ditch, chan-  
17 nel, tunnel, conduit, well, discrete fissure, con-  
18 tainer, rolling stock, concentrated animal feeding  
19 operation or vessel or other floating craft, from  
20 which pollutants are or may be discharged.

21 6. Domestic pollutants. "Domestic pollutants"  
22 means any material, including, without limitation,  
23 sanitary wastes, waste water from household activi-  
24 ties or waste waters with similar chemical character-  
25 istics, which are generated at residential or commer-  
26 cial locations.

27 7. Estuarine and marine life. "Estuarine and  
28 marine life" means any plants or animals which live  
29 at least part of their life cycle in salt water.

30 8. Indigenous. "Indigenous" means supported in  
31 a reach of water or known to have been supported ac-  
32 ording to historical records compiled by State and  
33 Federal agencies or published scientific literature.

34 9. Natural. "Natural" means living in, or as if  
35 in, a state of nature not measurably affected by hu-  
36 man activity.

37 10. Resident biological community. "Resident  
38 biological community" means aquatic life expected to  
39 exist in a habitat which is free from the influence

1 of the discharge of any pollutant. This shall be es-  
2 ablished by accepted biomonitoring techniques.

3 11. Unimpaired. "Unimpaired" means without a  
4 diminished capacity to support aquatic life.

5 12. Without detrimental changes in the resident  
6 biological community. "Without detrimental changes  
7 in the resident biological community" means no sig-  
8 nificant loss of species or excessive dominance by  
9 any species or group of species attributable to human  
10 activity.

11 §467. Classification of major river basins

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

17 1. Androscoggin River Basin.

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

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

24 (2) The Legislature recognizes, however,  
25 that at certain times portions of the waters  
26 in the impoundments created by Gulf Island,  
27 Deer Rips and Lewiston Falls Dams have not  
28 and may continue to not meet the Class C re-  
29 quirements for aquatic life and dissolved  
30 oxygen due to hydrologic conditions related  
31 to the creation of the impoundments, includ-  
32 ing, but not limited to, impaired mixing of  
33 water columns, historical accumulation of  
34 sediment and elevated water temperature.  
35 The Legislature further recognizes that, for  
36 the purposes of this subparagraph, these  
37 impoundments constitute a valuable  
38 indigenous and renewable energy resource for  
39 hydroelectric energy which provide a signif-

1                    icant contribution to the economic develop-  
2                    ment and general welfare of the citizens of  
3                    the State. Accordingly, the value and im-  
4                    portance to the people of the State of hy-  
5                    droelectric energy and the unavoidable con-  
6                    sequences to water quality resulting from  
7                    the existence of these impoundments shall be  
8                    considered when the board determines the im-  
9                    port of a discharge on the designated uses  
10                   of the impoundments identified in this sub-  
11                   paragraph. These impoundments shall be con-  
12                   sidered to meet their classification if the  
13                   department finds that conditions in those  
14                   impoundments are not preventing their desig-  
15                   nated uses from being reasonably attained.  
16                   Nothing in this subparagraph may be con-  
17                   strued to limit the board's authority to  
18                   consider the requirements of section 414-A,  
19                   subsection 1, paragraphs A to E.

20                   B. Little Androscoggin River Drainage.

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

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

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

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

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

36                   (2) Little Androscoggin River, tributaries.

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

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

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

3                   (d) Pennesseewassee Lake Outlet (Nor-  
4                   way) - Class C.

5                   (e) Unnamed Brook (Auburn) which en-  
6                   ters the Little Androscoggin River from  
7                   the north about 1.3 miles east of Minot  
8                   Village - Class C.

9                   C. Androscoggin River, Upper Drainage; that por-  
10                   tion within the State lying above the river's  
11                   most upstream crossing of the Maine-New Hampshire  
12                   boundary.

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

16                   (2) Kennebago River and its tributaries  
17                   above its confluence with Mooselockmeguntic  
18                   Lake - Class A.

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

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

25                   D. Androscoggin River, minor tributaries.

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

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

32                   (3) Chapman Brook (Bethel) and its tribu-  
33                   taries above the bridge at the highway lead-  
34                   ing from Bethel to Gilead on the north side  
35                   of the Androscoggin River - Class A.

- 1                   (4) Logan Brook (Auburn) - Class C.
- 2                   (5) No Name Brook (Lewiston) - Class C.
- 3                   (6) Penley Brook (Auburn) - Class C.
- 4                   (7) Sabattus River from Sabattus Pond to  
5                   limits of Lisbon urban area - Class C.
- 6                   (8) Spears Stream (Peru) from the sawmill  
7                   dam to its confluence with the Androscoggin  
8                   River - Class C.
- 9                   (9) Swift River, from the point at which  
10                   the Mexico - Rumford boundary leaves the  
11                   river at Osgood Avenue to its confluence  
12                   with the Androscoggin River - Class C.
- 13                   (10) Webb River (Dixfield) from the White  
14                   Bridge to its confluence with the  
15                   Androscoggin River - Class C.
- 16                   (11) Whitney Brook (Canton) and its tribu-  
17                   taries - Class C.
- 18                   2. Dennys River Basin.
- 19                   A. Dennys River, main stem.
- 20                   (1) From the outlet of Meddybemps Lake to  
21                   the Route 1 Bridge - Class AA.
- 22                   (2) From the Route 1 bridge to tidewater -  
23                   Class B.
- 24                   B. Dennys River, tributaries.
- 25                   (1) All tributaries entering above the  
26                   Route 1 bridge - Class A.
- 27                   3. East Machias River Basin.
- 28                   A. East Machias River, main stem.
- 29                   (1) From the outlet of Pocomoonshine Lake  
30                   to a point located 0.25 miles above the  
31                   Route 1 bridge - Class AA.

- 1                   (2) From a point located 0.25 miles above  
2                   the Route 1 bridge to tidewater - Class C.
- 3           B. East Machias River, tributaries.
- 4                   (1) All tributaries entering above the  
5                   Route 191 bridge in Jacksonville - Class A.
- 6           4. Kennebec River Basin.
- 7           A. Kennebec River, main stem.
- 8                   (1) From Moosehead Lake (including East and  
9                   West Outlet) to its confluence with Indian  
10                   Pond - Class B.
- 11                   (2) From Harris Dam to a point located  
12                   1,000 feet below Harris Dam - Class B.
- 13                   (3) From a point located 1,000 feet down-  
14                   stream from Harris Dam to its confluence  
15                   with the Dead River - Class B.
- 16                   (4) From its confluence with the Dead River  
17                   to its confluence with Wyman Lake - Class B.
- 18                   (5) From Wyman Dam to its confluence with  
19                   Fall Brook in Solon, including all  
20                   impoundments - Class B.
- 21                   (6) From its confluence with Fall Brook in  
22                   Solon to the head of the island immediately  
23                   below Great Eddy in Skowhegan, including all  
24                   impoundments - Class B.
- 25                   (7) From the head of the island immediately  
26                   below Great Eddy in Skowhegan to Shawmut  
27                   Dam, including all impoundments - Class C.
- 28                   (8) From Shawmut Dam to the Curran Bridge  
29                   in Augusta, including all impoundments -  
30                   Class C.
- 31                   (9) From the Curran Bridge in Augusta to a  
32                   line drawn across the Tidal Estuary of the  
33                   Kennebec River due east from Abagadasset  
34                   Point - Class C.

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

11                   B. Carrabasset River Drainage.

12                   (1) Carrabasset River, main stem.

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

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

19                   (c) From a point located 1.0 mile  
20                   above the railroad bridge in North  
21                   Anson to its confluence with the Kenne-  
22                   bec River - Class C.

23                   (2) Carrabasset River, tributaries.

24                   (a) All tributaries entering the  
25                   Carrabasset River above its confluence  
26                   with the West Branch - Class A.

27                   (b) Gilman Stream (New Portland) from  
28                   the bridge at New Portland to its con-  
29                   fluence with the Carrabasset River -  
30                   Class C.

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

35                   (d) Mill Stream (Anson) from the rail-  
36                   road bridge in North Anson Village to  
37                   its confluence with the Carrabasset  
38                   River - Class C.



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

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

5 C. Cobbosseecontee Stream Drainage.

6 (1) Cobbosseecontee Stream, main stem.

7 (a) Above the dam located at latitude  
8 44° - 13.3', longitude 69° - 47.2' (ap-  
9 proximately) - Class B.

10 (b) From the dam located at latitude  
11 44° - 13.3', longitude 69° - 47.2' (ap-  
12 proximately) to its confluence with the  
13 Kennebec River - Class C.

14 (2) Cobbosseecontee Stream, tributaries.

15 (a) Unnamed stream (Manchester) enter-  
16 ing Cobbosseecontee Lake through golf  
17 course from immediately south of  
18 Manchester Village - Class C.

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

23 D. Dead River Drainage.

24 (1) Dead River, main stem.

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

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

32 (2) Dead River, tributaries.

- 1                                   (a) North Branch of the Dead River and  
2                                   its tributaries above its confluence  
3                                   with Flagstaff Lake - Class A.
- 4                   E. Messalonskee Stream Drainage.
- 5                           (1) Messalonskee Stream, main stem.
- 6                                   (a) From the outlet of Messalonskee  
7                                   Lake to its confluence with the Kenne-  
8                                   bec River - Class C.
- 9                           (2) Messalonskee stream, tributaries.
- 10                                   (a) Messalonskee Stream entering be-  
11                                   tween the outlet of Messalonskee Lake  
12                                   and its junction with the Kennebec Riv-  
13                                   er - Class C.
- 14                   F. Moose River Drainage.
- 15                           (1) Moose River, main stem.
- 16                                   (a) Above its confluence with Number  
17                                   One Brook in Beattie Township - Class  
18                                   A.
- 19                                   (b) From its confluence with Number  
20                                   One Brook in Beattie Township to its  
21                                   confluence with Attean Pond - Class B.
- 22                                   (c) From the outlet of Attean Pond to  
23                                   its confluence with Big Wood Pond -  
24                                   Class A.
- 25                                   (d) From the outlet of Big Wood Pond  
26                                   to its confluence with Long Pond -  
27                                   Class C.
- 28                                   (e) From the outlet of Long Pond to  
29                                   its confluence with Brassua Lake -  
30                                   Class B.
- 31                                   (f) From the outlet of Brassua Lake to  
32                                   its confluence with Moosehead Lake -  
33                                   Class B.

1           (2) Moose River, tributaries.

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

4           G. Sandy River Drainage.

5           (1) Sandy River, main stem.

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

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

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

15           (2) Sandy River, tributaries.

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

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

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

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

27                   (e) Temple Stream, between the bridge  
28                   in the Village of Temple and its con-  
29                   fluence with Sandy River - Class C.

30                   (f) Unnamed stream (Farmington) in ur-  
31                   ban area, vicinity of Middle Street -  
32                   Class C.

- 1                   (g) Unnamed stream (New Sharon) below  
2                   former canning factory in New Sharon  
3                   Village - Class C.
- 4                   (h) Valley Brook (Strong) between the  
5                   Route 145 Bridge and its confluence  
6                   with the Sandy River - Class C.
- 7                   (i) Wilson Stream, main stem, from  
8                   outlet of Wilson Pond to the Route 133  
9                   crossing - Class C.
- 10                  (j) Wilson Stream, main stem, from  
11                  Route 133 crossing to junction with  
12                  Sandy River - Class C.
- 13                  H. Sebasticook River Drainage.
- 14                   (1) Sebasticook River, main stem, including  
15                   all impoundments.
- 16                   (a) From the confluence of the East  
17                   Branch and the West Branch to the most  
18                   downstream point of the  
19                   Pittsfield-Burnham boundary - Class C.
- 20                   (b) From the most downstream point of  
21                   the Pittsfield-Burnham boundary to a  
22                   point located 0.5 mile above the high-  
23                   way bridge at Clinton - Class B.
- 24                   (c) From a point located 0.5 mile  
25                   above the highway bridge at Clinton to  
26                   a point located 1.0 mile above the  
27                   highway bridge at Benton Falls - Class  
28                   C.
- 29                   (d) From a point located 1.0 mile  
30                   above the highway bridge at Benton  
31                   Falls to the Central Maine Power Compa-  
32                   ny Dam in Winslow - Class B.
- 33                   (e) From the Central Maine Power Com-  
34                   pany Dam in Winslow to its confluence  
35                   with the Kennebec River - Class C.
- 36                   (2) Sebasticook River, tributaries.

- 1 (a) Brackett Brook (Palmyra and New-  
2 port) - Class C.
- 3 (b) Carlton Stream (Troy) and tribu-  
4 taries - Class C.
- 5 (c) China Lake Outlet, from the outlet  
6 of China Lake to its confluence with  
7 the Sebesticook River - Class C.
- 8 (d) Farnham Brook (Pittsfield) below  
9 Route 100 - Class C.
- 10 (e) Fifteenmile Stream and tributaries  
11 below its confluence with Mill Stream  
12 in Albion - Class C.
- 13 (f) Higgins Brook (Harmony) from the  
14 crossing of Route 154 above Harmony to  
15 its confluence with the Great Moose  
16 Lake - Class C.
- 17 (g) Mill Stream from immediately above  
18 its crossing of the Albion-Benton Road  
19 to its confluence with Fifteenmile  
20 Stream - Class C.
- 21 (h) Sandy Stream, main stem, from the  
22 outlet of Sandy Pond to its confluence  
23 with Halfmoon Stream - Class C.
- 24 (i) Sandy Stream (Unity) from its  
25 junction with Bacon Brook to a point  
26 0.5 mile from the entrance of Mussey  
27 Brook - Class C.
- 28 (j) Sebesticook River, East Branch  
29 main stem, from the outlet of Lake  
30 Wassookeag to its confluence with  
31 Corundel Lake - Class C.
- 32 (k) Sebesticook River, East Branch  
33 main stem, from the outlet of Corundel  
34 Lake to its confluence with Sebesticook  
35 Lake - Class C.

- 1                   (l) Sebasticook River, East Branch  
2                   main stem, from the outlet of  
3                   Sebasticook Lake to its confluence with  
4                   the West Branch - Class C.
- 5                   (m) Sebasticook River, West Branch  
6                   main stem, from the outlet of Great  
7                   Moose Lake to its confluence with the  
8                   East Branch, including all impoundments  
9                   - Class C.
- 10                   (n) Small streams and tributaries, di-  
11                   rect or indirect, not otherwise speci-  
12                   fied or classified, entering the  
13                   Sebasticook River from the east between  
14                   Twentyfive Mile Stream and Fifteenmile  
15                   Stream - Class C.
- 16                   (o) Small streams and their tribu-  
17                   taries not otherwise specified entering  
18                   the Sebasticook River from the east be-  
19                   tween the outlet of Fifteenmile Stream  
20                   and the point of discharge of China  
21                   Lake Outlet - Class C.
- 22                   I. Kennebec River, minor tributaries.
- 23                   (1) All tidal portions of tributaries en-  
24                   tering above a line drawn across the tidal  
25                   estuary due east from Abagadasset Point  
26                   which are not otherwise classified - Class  
27                   C.
- 28                   (2) Austin Stream and its tributaries above  
29                   the highway bridge on Route 201 in the Town  
30                   of Bingham - Class A.
- 31                   (3) Bond Brook and its tributaries below  
32                   the crossing of Route 11 prior to recon-  
33                   struction of this route in 1955 - Class C.
- 34                   (4) Currier Brook (Skowhegan) from Fairview  
35                   Avenue to its confluence with the Kennebec  
36                   River - Class C.
- 37                   (5) Fall Brook (Solon) from the dam up-  
38                   stream of Route 201 in Solon Village to its

- 1 confluence with the Kennebec River - Class  
2 C.
- 3 (6) Mill Stream (Norridgewock) below the  
4 upstream bridge in the village - Class C.
- 5 (7) Twomile Brook (Augusta) from the en-  
6 trance of the Cushnoc Housing Development  
7 sewer to the Kennebec River - Class C.
- 8 (8) Unnamed stream (Augusta) and tribu-  
9 taries crossing Bangor Street near the Coca  
10 Cola bottling plant - Class C.
- 11 (9) Unnamed brook (Bowdoinham) which enters  
12 the tidal portion of the West Branch of the  
13 Cathance River approximately 0.7 mile above  
14 the bridge in Bowdoinham - Class C.

15 5. Machias River Basin.

16 A. Machias River, main stem.

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

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

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

27 B. Machias River, tributaries.

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

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

- 1                   (3) Old Stream, from the outlet of First  
2                   Lake to its confluence with the Machias Riv-  
3                   er - Class AA.
- 4                   (4) West Branch of the Machias River, from  
5                   the outlet of Lower Sabao Lake to its con-  
6                   fluence with the Machias River - Class AA.
- 7                   6. Mousam River Basin.
- 8                   A. Mousam River, main stem.
- 9                   (1) From the outlet of Mousam Lake to a  
10                   point located 0.5 mile above Mill Street in  
11                   Springvale - Class B.
- 12                   (2) From a point located 0.5 mile above  
13                   Mill Street in Springvale to its confluence  
14                   with Estes Lake - Class C.
- 15                   (3) From the outlet of Estes Lake to  
16                   tidewater - Class B.
- 17                   B. Mousam River, tributaries.
- 18                   (1) East Branch of Shaker Brook from the  
19                   Route 4 bridge to the Alfred-Waterboro  
20                   boundary - Class C.
- 21                   (2) Hay Brook (Alfred and Sanford) - Class  
22                   C.
- 23                   (3) Unnamed Brook, entering the East Branch  
24                   of Shaker Brook from the west just below  
25                   Waterboro Village - Class C.
- 26                   7. Penobscot River Basin.
- 27                   A. Penobscot River, main stem.
- 28                   (1) From the confluence of the East Branch  
29                   and the West Branch to the Veazie Dam, in-  
30                   cluding all impoundments - Class C.
- 31                   (2) From the Veazie Dam to a line extended  
32                   in an east-west direction from the outlet of  
33                   Reed Brook in the Village of Hampden High-  
34                   lands - Class C.



1           (3) The Legislature recognizes, however,  
2           that at certain times portions of the waters  
3           in the impoundments created by Mattaceunk  
4           Dam, also known as Weldon Dam, and Dolby Dam  
5           have not and may continue to not meet the  
6           Class C requirements for aquatic life and  
7           dissolved oxygen due to hydrologic condi-  
8           tions related to the creation of the  
9           impoundments, including, but not limited to,  
10           impaired mixing of water columns, historical  
11           accumulation of sediment and elevated water  
12           temperature. The Legislature further recog-  
13           nizes that, for the purposes of this subpar-  
14           agraph, these impoundments constitute a val-  
15           uable indigenous and renewable energy re-  
16           source for hydroelectric energy which pro-  
17           vide a significant contribution to the eco-  
18           nomical development and general welfare of the  
19           citizens of the State. Accordingly, the  
20           value and importance to the people of the  
21           State of hydroelectric energy and the un-  
22           avoidable consequences to water quality re-  
23           sulting from the existence of these  
24           impoundments shall be considered when the  
25           board determines the impact of a discharge  
26           on the designated uses of the impoundments  
27           identified in this subparagraph. These  
28           impoundments shall be considered to meet  
29           their classification if the department finds  
30           that conditions in those impoundments are  
31           not preventing their designated uses from  
32           being reasonably attained. Nothing in the  
33           subparagraph may be construed to limit the  
34           board's authority to consider the require-  
35           ments of section 414-A, subsection 1, para-  
36           graphs A to E.

37           B. Penobscot River, East Branch Drainage.

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

40           (a) Above its confluence with Grand  
41           Lake Mattagamom - Class A.

42           (b) From the dam at the outlet of  
43           Grand Lake Mattagamom to a point lo-

- 1 cated 1,000 feet downstream from the  
2 dam at the outlet of Grand Lake  
3 Mattagamom - Class B.
- 4 (c) From a point located 1,000 feet  
5 downstream from the dam at the outlet  
6 of Grand Lake Mattagamom to its conflu-  
7 ence with the West Branch - Class B.
- 8 (2) East Branch of the Penobscot River,  
9 tributaries.
- 10 (a) All tributaries and segments of  
11 the East Branch of the Penobscot River  
12 entering above the outlet of Grand Lake  
13 Mattagamom which are not otherwise  
14 classified - Class A.
- 15 (b) All tributaries and segments of  
16 the East Branch of the Penobscot River  
17 entering below the outlet of Grand Lake  
18 Mattagamom which are not otherwise  
19 classified - Class B.
- 20 (c) All tributaries and segments of  
21 the East Branch of the Penobscot River  
22 which are within the boundaries of Bax-  
23 ter State Park - Class AA.
- 24 (d) Sawtelle Brook, from a point lo-  
25 cated 1,000 feet downstream from the  
26 dam at the outlet of Sawtelle Deadwater  
27 to its confluence with the Seboeis Riv-  
28 er - Class B.
- 29 (e) Seboeis River, from the outlet of  
30 Snowshoe Lake to its confluence with  
31 the East Branch - Class B.
- 32 (f) Wassataquoik Stream, from the  
33 boundary of Baxter State Park to its  
34 confluence with the East Branch - Class  
35 B.
- 36 (g) Webster Brook, from a point lo-  
37 cated 1,000 feet downstream from the  
38 dam at the outlet of Telos Lake to its

1 confluence with Grand Lake Mattagamon -  
2 Class B.

3 C. Penobscot River, West Branch Drainage.

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

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

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

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

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

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

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

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

30 (a) All tributaries and segments of  
31 the West Branch of the Penobscot River  
32 which are within the boundaries of Bax-  
33 ter State Park - Class AA.

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

1                                   (c) Millinocket Stream, from the rail-  
2 road bridge near the Millinocket-T.3  
3 Indian Purchase boundary to its conflu-  
4 ence with the West Branch of the  
5 Penobscot River - Class C.

6                   D. Mattawamkeag River Drainage.

7                                   (1) Mattawamkeag River, main stem.

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

12                                  (b) From the Kingman-Mattawamkeag  
13 boundary to its confluence with the  
14 Penobscot River - Class B.

15                                  (2) Mattawamkeag River, tributaries.

16                                  (a) Baskahegan Stream, from the  
17 narrows in Crooked Brook Flowage ap-  
18 proximately one mile above the village  
19 of Danforth to its confluence with the  
20 Mattawamkeag River - Class C.

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

26                                  (c) Mattakeunk Stream (Lee) from the  
27 outlet of Mattakeunk Pond to its con-  
28 fluence with Dwinal Pond - Class C.

29                                  (d) Webb Brook (Patten) and its tribu-  
30 taries - Class C.

31                                  (e) West Branch of the Mattawamkeag  
32 River (Island Falls) from a point 100  
33 feet upstream of the railroad bridge at  
34 Island Falls to its confluence with Up-  
35 per Mattawamkeag Lake - Class C.

36                   E. Piscataquis River Drainage.

- 1                   (1) Piscataquis River, main stem.
- 2                   (a) From the confluence of the East  
3                   Branch and the West Branch to the  
4                   Abbot-Guilford boundary - Class B.
- 5                   (b) From the Abbott-Guilford boundary  
6                   to its confluence with the Pleasant  
7                   River - Class C.
- 8                   (c) From its confluence with the  
9                   Pleasant River to the dam at Howland -  
10                   Class B.
- 11                   (d) From the dam at Howland to its  
12                   confluence with the Penobscot River -  
13                   Class C.
- 14                   (2) Piscataquis River, tributaries.
- 15                   (a) Carleton Stream (Sangerville) from  
16                   its mouth to the crossing of Route 23 -  
17                   Class C.
- 18                   (b) Davee Brook below North Street,  
19                   Dunham Brook below Forest Street and  
20                   Fox Brook below Grove Street in  
21                   Dover-Foxcroft - Class C.
- 22                   (c) East and West Branches of the  
23                   Piscataquis River and their tributaries  
24                   above their confluence near Blanchard -  
25                   Class A.
- 26                   (d) Phillip Brook, Monson, from Lake  
27                   Hebron to the junction with Monson  
28                   Stream - Class C.
- 29                   (e) Pleasant River, East Branch and  
30                   its tributaries - Class A.
- 31                   (f) Pleasant River, main stem, from  
32                   the end of Maple Street in Brownville  
33                   Junction to its confluence with the  
34                   Piscataquis River - Class C.

- 1                                   (g) Pleasant River, West Branch, from  
2                                   the outlet of Fourth West Branch Pond  
3                                   to its confluence with the East Branch  
4                                   - Class AA.
- 5                                   (h) Pleasant River, West Branch tribu-  
6                                   taries - Class A.
- 7                                   (i) Sebec River, from the dam at Main  
8                                   Street in Milo to its confluence with  
9                                   the Piscataquis River - Class C.
- 10                                  (j) Sebec River and its tributaries  
11                                  above the outlet of Monson Stream -  
12                                  Class A.
- 13                    F. Penobscot River, minor tributaries.
- 14                                  (1) All minor tributaries entering from the  
15                                  west between Pushaw Stream and the outlet of  
16                                  Reed Brook in Hampden which are not other-  
17                                  wise classified - Class C.
- 18                                  (2) All minor tributaries entering from the  
19                                  east between Blackman Stream and a line ex-  
20                                  tended in an east-west direction from the  
21                                  outlet of Reed Brook in Hampden which are  
22                                  not otherwise classified - Class C.
- 23                                  (3) Alamoosook Lake Tributaries - Class A.
- 24                                  (4) Cambolasee Stream (Lincoln) below the  
25                                  Route 2 bridge - Class C.
- 26                                  (5) Great Works Stream (Bradley) and its  
27                                  tributaries above the Route 178 bridge -  
28                                  Class A.
- 29                                  (6) Kenduskeag Stream (Bangor) and tribu-  
30                                  taries below the Bullseye Bridge - Class C.
- 31                                  (7) Mattanawcook Stream (Lincoln) below the  
32                                  outlet of Mattanawcook Pond - Class C.
- 33                                  (8) Olamon Stream and its tributaries above  
34                                  the bridge on Horseback Road - Class A.

- 1                   (9) Passadumkeag River and its tributaries  
2                   above Grand Falls - Class A.
- 3                   (10) Sourdabscook Stream and its tribu-  
4                   taries above the dam of the Hampden Water  
5                   District - Class A.
- 6                   (11) Sunkhaze Stream and its tributaries -  
7                   Class A.
- 8           8. Pleasant River Basin.
- 9           A. Pleasant River, main stem.
- 10                   (1) From the outlet of Pleasant River Lake  
11                   to a point located 1,000 feet above  
12                   tidewater - Class B.
- 13                   (2) From a point located 1,000 feet above  
14                   tidewater to tidewater - Class B.
- 15           9. Presumpscot River Basin.
- 16           A. Presumpscot River, main stem.
- 17                   (1) From the outlet of Sebago Lake to its  
18                   confluence with Dundee Pond - Class A.
- 19                   (2) From the outlet of Dundee Pond to a  
20                   point located below the Village of South  
21                   Windham - Class B.
- 22                   (3) From a point located below the Village  
23                   of South Windham to tidewater - Class C.
- 24           B. Presumpscot River, tributaries.
- 25                   (1) Little River (Windham) from canning  
26                   plant on Route 114 to its confluence with  
27                   the Presumpscot River - Class C.
- 28                   (2) Stevens Brook (Bridgton) - Class C.
- 29           10. Narraguagus River Basin.
- 30           A. Narraguagus River, main stem.

- 1                   (1) From the outlet of Eagle Lake to the  
2                   confluence with the West Branch of the  
3                   Narraguagus River in Cherryfield - Class A.
- 4                   (2) From the confluence with the West  
5                   Branch of the Narraguagus River in  
6                   Cherryfield to tidewater - Class B.
- 7                   B. Narraguagus River, tributaries.
- 8                   (1) All tributaries entering above the  
9                   river's confluence with the West Branch -  
10                   Class A.
- 11                   (2) West Branch of the Narraguagus River  
12                   and its tributaries - Class A.
- 13                   11. Royal River Basin.
- 14                   A. Royal River, main stem.
- 15                   (1) From the outlet of Sabbathday Pond to  
16                   tidewater - Class B.
- 17                   B. Royal River, tributaries.
- 18                   (1) All tributaries of the Royal River  
19                   which are not otherwise classified - Class  
20                   C.
- 21                   (2) Chandler Brook (Pownal) - Class B.
- 22                   (3) Collyer Brook (Gray) - Class B.
- 23                   12. Saco River Basin.
- 24                   A. Saco River, main stem.
- 25                   (1) From the Maine-New Hampshire boundary  
26                   to its confluence with the impoundment of  
27                   the Swan's Falls Dam - Class B.
- 28                   (2) From its confluence with the impound-  
29                   ment of the Swan's Falls Dam to a point lo-  
30                   cated 1,000 feet below the Swan's Falls Dam  
31                   - Class B.



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

4 (4) From its confluence with the impound-  
5 ment of the Hiram Dam to a point located  
6 1,000 feet below the Hiram Dam - Class B.

7 (5) From a point located 1,000 feet below  
8 the Hiram Dam to its confluence with the  
9 Little Ossipee River - Class B.

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

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

15 B. Saco River, tributaries.

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

19 (2) Kimball Brook (Eryeburg) from a point  
20 0.5 mile above the Route 113 crossing to  
21 Charles Pond - Class C.

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

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

30 (5) Wards Brook (Eryeburg) - Class C.

31 13. St. Croix River Basin.

32 A. St. Croix River, main stem.

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

- 1                   (2) From the Grand Falls Dam to its conflu-  
2                   ence with Woodland Lake, those waters lying  
3                   within the State - Class C.
- 4                   (3) From the Woodland Dam to tidewater,  
5                   those waters lying within the State, includ-  
6                   ing all impoundments - Class C.
- 7                   B. St. Croix River, tributaries.
- 8                   (1) All tributaries which have portions of  
9                   their drainage area in Maine and portions in  
10                  New Brunswick, those waters lying within the  
11                  State - Class B.
- 12                  (2) All tributaries entering upstream from  
13                  the dam at Calais, the drainage areas of  
14                  which are wholly within the State - Class A.
- 15                  14. St. George River Basin.
- 16                  A. St. George River, main stem.
- 17                  (1) From the outlet of Lake St. George to  
18                  tidewater - Class C.
- 19                  B. St. George River, tributaries.
- 20                  (1) All tributaries and segments of the St.  
21                  George River which are not otherwise classi-  
22                  fied - Class C.
- 23                  (2) All tributaries entering above the out-  
24                  let of Lake St. George - Class B.
- 25                  (3) Crawford Pond Outlet and Crawford Pond  
26                  tributaries - Class B.
- 27                  (4) Fuller Brook and its tributaries -  
28                  Class B.
- 29                  (5) North and South Pond tributaries and  
30                  outlet to the St. George River - Class B.
- 31                  15. St. John River Basin.
- 32                  A. St. John River, main stem.

1 (1) From the confluence of the Northwest  
2 Branch and the Southwest Branch to a point  
3 located one mile above the foot of Big Rap-  
4 ids in Allagash - Class B.

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

10 (3) From the Frenchville-Madawaska boundary  
11 to where the international boundary leaves  
12 the river in Hamlin, those waters lying  
13 within the State, including all impoundments  
14 - Class C.

15 B. Allagash River Drainage.

16 (1) Allagash River, main stem.

17 (a) From Churchill Dam to a point lo-  
18 ated 1,000 feet downstream from  
19 Churchill Dam - Class A.

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

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

27 (2) Allagash River, tributaries.

28 (a) All tributaries and segments of  
29 the Allagash River which are not other-  
30 wise classified - Class A.

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

35 (c) Chemquasabamticook Stream, from  
36 the outlet of Chemquasabamticook Lake

- 1                                   to its confluence with Long Lake -  
2                                   Class AA.
- 3                                   (d) Musquacook Stream, from the outlet  
4                                   of Third Musquacook Lake to its conflu-  
5                                   ence with the Allagash River - Class  
6                                   AA.
- 7                    C. Aroostook River Drainage.
- 8                                   (1) Aroostook River, main stem.
- 9                                   (a) From the confluence of Millinocket  
10                                  Stream and Munsungan Stream to its con-  
11                                  fluence with the Machias River - Class  
12                                  AA.
- 13                                  (b) From its confluence with the  
14                                  Machias River to the Sheridan Dam -  
15                                  Class B.
- 16                                  (c) From the Sheridan Dam to its con-  
17                                  fluence with Presque Isle Stream, in-  
18                                  cluding all impoundments - Class B.
- 19                                  (d) From its confluence with Presque  
20                                  Isle Stream to a point located 3.0  
21                                  miles upstream of the intake of the  
22                                  Caribou water supply, including all  
23                                  impoundments - Class C.
- 24                                  (e) From a point located 3.0 miles up-  
25                                  stream of the intake of the Caribou wa-  
26                                  ter supply to a point located 100 yards  
27                                  downstream of the intake of the Caribou  
28                                  water supply, including all  
29                                  impoundments - Class B.
- 30                                  (f) From a point located 100 yards  
31                                  downstream of the intake of the Caribou  
32                                  water supply to the international  
33                                  boundary, including all impoundments -  
34                                  Class C.
- 35                                  (2) Aroostook River, tributaries.

- 1                   (a) All tributaries and segments of  
2                   the Aroostook River entering above the  
3                   confluence with St. Croix Stream which  
4                   are not otherwise classified - Class A.
- 5                   (b) Limestone Stream from the Long  
6                   Road Bridge to the international bound-  
7                   ary - Class C.
- 8                   (c) Little Machias River and its trib-  
9                   utaries - Class A.
- 10                  (d) Little Madawaska River and its  
11                  tributaries, including Madawaska Lake  
12                  tributaries above the Route 161 bridge  
13                  in Stockholm - Class A.
- 14                  (e) Machias River, from the outlet of  
15                  Big Machias Lake to the Garfield  
16                  Plantation-Ashland boundary - Class AA.
- 17                  (f) Machias River tributaries entering  
18                  above the Garfield-Ashland boundary -  
19                  Class A.
- 20                  (g) Millinocket Stream, from the out-  
21                  let of Millinocket Lake to its conflu-  
22                  ence with Munsungan Stream - Class AA.
- 23                  (h) Munsungan Stream, from the outlet  
24                  of Little Munsungan Lake to its conflu-  
25                  ence with Millinocket Stream - Class  
26                  AA.
- 27                  (i) Pattee Brook (Fort Fairfield) and  
28                  its tributaries above the dam just up-  
29                  stream of the Route 167 bridge - Class  
30                  A.
- 31                  (j) Presque Isle Stream and its tribu-  
32                  taries above its confluence with, but  
33                  not including, the North Branch of  
34                  Presque Isle Stream - Class A.
- 35                  (k) St. Croix Stream from the outlet  
36                  of St. Croix Lake to its confluence  
37                  with Hall Brook in T.9, R.5, W.E.L.S. -  
38                  Class A.

- 1                   (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.
- 2
- 3
- 4
- 5                   (m) St. Croix Stream tributaries - Class A.
- 6
- 7                   (n) Salmon Brook, from the dam immediately above Washburn to its confluence with the Aroostook River - Class C.
- 8
- 9
- 10                  (o) Squapan Stream and its tributaries above the B&A Railroad bridge - Class A.
- 11
- 12
- 13                  (p) Unnamed Stream (Presque Isle) near Vining Station on Washburn Road - Class C.
- 14
- 15

16                  D. Fish River Drainage.

- 17                   (1) Fish River, main stem.
- 18                   (a) From the outlet of Mud Pond to its confluence with St. Froid Lake - Class AA.
- 19
- 20
- 21                   (b) From the outlet of St. Froid Lake to the Route 11 Bridge - Class A.
- 22
- 23                   (c) From the Route 11 Bridge to the bridge at Fort Kent Mills - Class B.
- 24
- 25                   (d) From the bridge at Fort Kent Mills to its confluence with the St. John River - Class C.
- 26
- 27
- 28                   (2) Fish River, tributaries.
- 29                   (a) All tributaries entering above the Route 11 Bridge - Class A.
- 30

31                  E. Meduxnekeag River Drainage.

- 32                   (1) Meduxnekeag River, main stem.

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

4                   (2) Meduxnekeag River, tributaries.

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

9                   F. St. John River, minor tributaries.

10                   (1) All tributaries of the St. Francis Riv-  
11                   er, the drainage areas of which are wholly  
12                   within the State - Class A.

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

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

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

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

29                   (6) Southwest Branch, from a point located  
30                   5 miles downstream of the international  
31                   boundary to its confluence with the Baker  
32                   Branch - Class AA.

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

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

- 1                   (9) Thibodeau Brook (Grand Isle) from Route  
2                   1 to the St. John River - Class C.
- 3                   (10) Violette Brook (Van Buren) below the  
4                   railroad to its confluence with Violette  
5                   Stream - Class C.
- 6                   (11) Violette Stream (Van Buren) below  
7                   Champlain Street to its confluence with the  
8                   St. John River - Class C.
- 9                   16. Salmon Falls River Basin.
- 10                  A. Salmon Falls River, main stem.
- 11                   (1) From the outlet of Great East Lake to  
12                   tidewater, those waters lying within the  
13                   State - Class B.
- 14                  17. Sheepscot River Basin.
- 15                  A. Sheepscot River, main stem.
- 16                   (1) From its origin in Montville to  
17                   tidewater - Class B.
- 18                  B. Sheepscot River, tributaries.
- 19                   (1) West Branch of the Sheepscot River,  
20                   main stem, from the outlet of Branch Pond to  
21                   its confluence with the Sheepscot River -  
22                   Class B.
- 23                  18. Union River Basin.
- 24                  A. Union River, main stem
- 25                   (1) From the outlet of Graham Lake to the  
26                   Route 1A bridge in Ellsworth Falls - Class  
27                   B.
- 28                   (2) From the Route 1A bridge in Ellsworth  
29                   Falls to tidewater - Class C.
- 30                  §468. Classifications of minor drainages



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

6        1. Cumberland County. Those waters draining di-  
7 rectly or indirectly into tidal waters of Cumberland  
8 County, with the exception of the Androscoggin River  
9 Basin, the Presumpscot River Basin, the Royal River  
10 Basin and tributaries of the Androscoggin River  
11 Estuary and Merrymeeting Bay, entering above the  
12 Chops.

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

15        B. Brunswick.

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

18        C. Cape Elizabeth.

19            (1) Alewife Brook - Class A.

20        D. Falmouth.

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

23        E. Freeport.

24            (1) Harvey Brook - Class B.

25            (2) Frost Gully Brook - Class A.

26            (3) Merrill Brook and its tributaries en-  
27 tering below the Maine Central Railroad  
28 crossing - Class B.

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

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

- 1                   (6) Little River and its tributaries -  
2                   Class B.
- 3           F. Portland.
- 4                   (1) Stroudwater River from its origin to  
5                   its confluence with Indian Camp Brook -  
6                   Class B.
- 7           G. Scarboro.
- 8                   (1) Finnard Brook - Class B.
- 9                   (2) Stuart Brook - Class B.
- 10          H. South Portland.
- 11                   (1) Red Brook and its tributaries from the  
12                   Rye Pond outlet dam to its origin - Class B.
- 13          I. Yarmouth.
- 14                   (1) Pratts Brook - Class B.
- 15           2. Hancock County. Those waters draining di-  
16           rectly or indirectly into tidal waters of Hancock  
17           County, with the exception of the Union River Basin.
- 18           A. All brooks, streams and segments of those  
19           brooks and streams which are within the bounda-  
20           ries of Acadia National Park - Class AA.
- 21           B. All minor drainages entering tidewater be-  
22           tween the Bucksport-Orrington boundary and a  
23           point located due east from Fort Point - Class C.
- 24          C. Blue Hill.
- 25                   (1) Carleton Stream, main stem, between  
26                   First Pond and Second Pond - Class C.
- 27                   (2) Carleton Stream, main stem, from the  
28                   outlet of First Pond to tidewater at Salt  
29                   Pond - Class C.
- 30                   (3) Unnamed Stream at edge of Blue Hill  
31                   Village entering tidewater near "Big Rock" -  
32                   Class C.

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

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

5           D. Brooksville.

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

9           E. Bucksport.

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

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

17           F. Ellsworth.

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

20           G. Franklin.

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

24           H. Gouldsboro.

25                   (1) All coastal streams, direct and indi-  
26                   rect segments, discharging to tidewater on  
27                   the easterly mainland of Gouldsboro - Class  
28                   C.

29           I. Lamoine.

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

32           J. Penobscot.

- 1                   (1) Winslow Stream, main stem, from  
2                   tidewater to dam at the sawmill of S.C.  
3                   Condon - Class C.
- 4           K. Sedgewick.
- 5                   (1) Sargent Brook at Sargentville Village,  
6                   main stem, from tidewater to a point 300  
7                   feet upstream of the highway - Class C.
- 8                   (2) Three Unnamed Streams entering  
9                   tidewater immediately north of Sedgewick  
10                  Village - Class C.
- 11          L. Trenton.
- 12                  (1) Stony Brook from Route 3 crossing to  
13                  tidewater - Class C.
- 14          M. Winter Harbor.
- 15                  (1) Coastal streams, brooks and segments of  
16                  those streams and brooks between the Winter  
17                  Harbor-Gouldsboro boundary and the bounda-  
18                  ries of Acadia National Park - Class C.
- 19           3. Knox County. Those waters draining directly  
20           or indirectly into tidal waters of Knox County, with  
21           the exception of the St. George River Basin.
- 22          A. Friendship.
- 23                  (1) Goose River, main stem, from tidewater  
24                  to the dam at the Herbert Tibbetts' sawmill  
25                  - Class C.
- 26          B. Owls Head.
- 27                  (1) All coastal streams, direct and indi-  
28                  rect segments of those streams, draining to  
29                  tidewater in the Town of Owls Head - Class  
30                  C.
- 31          C. Rockland.
- 32                  (1) All coastal streams, direct and indi-  
33                  rect segments of those streams, draining to

1 tidewater in the City of Rockland - Class C.

2 D. Rockport.

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

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

9 (3) Lily Pond Outlet - Class B.

10 E. St. George.

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

15 F. South Thomaston.

16 (1) All coastal streams, direct and indi-  
17 rect segments of those streams, draining to  
18 tidewater in the Town of South Thomaston -  
19 Class C.

20 G. Thomaston.

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

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

27 H. Warren.

28 (1) Unnamed Stream to St. George River  
29 tidewater near Warren-Cushing boundary be-  
30 tween a point 500 feet above the South  
31 Warren-North Cushing Road to tidewater -  
32 Class C.

1       4. Lincoln County. Those waters draining di-  
2 rectly or indirectly into tidal waters of Lincoln  
3 County, with the exception of the Sheepscot River Ba-  
4 sin and tributaries of the Kennebec River Estuary and  
5 Merrymeeting Bay, entering above the Chops.

6       A. Bristol.

7               (1) Pemaquid River, main stem, from dam up-  
8 stream of Bristol Village to the entrance of  
9 Boyd Pond - Class C.

10       B. Waldoboro.

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

14       C. Westport.

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

18       5. Penobscot County. Those waters draining di-  
19 rectly or indirectly into tidal waters of Penobscot  
20 County, with the exception of tributaries of the  
21 Penobscot River Estuary entering north of a line ex-  
22 tended in an east-west direction from the outlet of  
23 Reed Brook in the Village of Hampden Highlands.

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

26       B. Reed Brook (Hampden) - Class C.

27       6. Sagadahoc County. Those waters draining di-  
28 rectly or indirectly into tidal waters of Sagadahoc  
29 County, with the exception of tributaries of the  
30 Androscoggin River Estuary, the Kennebec River  
31 Estuary and Merrymeeting Bay, entering above the  
32 Chops.

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

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

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

6 B. Belfast.

7 (1) Goose River, below the upstream cross-  
8 ing of Route 141 - Class C.

9 C. Searsport.

10 (1) Mill Brook and its tributaries upstream  
11 of a bridge site on an abandoned road about  
12 1.5 miles northerly of Searsport Village -  
13 Class B.

14 (2) Unnamed Stream and its tributaries en-  
15 tering tidewater at the northwest corner of  
16 Long Cove - Class B.

17 8. Washington County. Those waters draining di-  
18 rectly or indirectly into tidal waters of Washington  
19 County, with the exception of the Dennys River Basin,  
20 the East Machias River Basin, the Machias River Ba-  
21 sin, the Narraguagus River Basin and the Pleasant  
22 River Basin.

23 A. Calais.

24 (1) Unnamed Stream entering tidewater por-  
25 tion of St. Croix River between Beech and  
26 Union Streets - Class C.

27 B. Columbia.

28 (1) Dyke Brook, East Branch, from tidewater  
29 to the crossing of the Maine Central Rail-  
30 road - Class C.

31 C. Columbia Falls.

32 (1) Unnamed Stream, from the Maine Central  
33 Railroad Bridge near the Pleasant River Can-  
34 ning Company plant to tidewater - Class C.

- 1           D. Harrington.
- 2                   (1) Unnamed Stream passing through the vil-  
3                   lage, from a point immediately upstream of  
4                   the school sewer to tidewater - Class C.
- 5           E. Jonesboro.
- 6                   (1) Chandler River and its tributaries  
7                   above the Highway Bridge on Route 1 - Class  
8                   A.
- 9           F. Robbinston.
- 10                   (1) Unnamed Stream entering northerly end  
11                   of Brooks Cove - Class C.
- 12                   (2) Unnamed Stream immediately north of  
13                   Schoolhouse Lane - Class C.
- 14           G. Stuben and T.7, S.D.
- 15                   (1) Whitten Parrin Stream - Class C.
- 16           H. Trescott.
- 17                   (1) Wiggins Brook at South Trescott, main  
18                   stem, between Route 191 and tidewater -  
19                   Class C.
- 20           I. Whiting.
- 21                   (1) Orange River and its tributaries above  
22                   the highway bridge on Route 1 - Class A.
- 23           9. York County. Those waters draining directly  
24           or indirectly into tidal waters of York County, with  
25           the exception of the Saco River Basin, the Salmon  
26           Falls River Basin and the Mousam River Basin.
- 27           A. All coastal streams above tidewater between  
28           Roaring Rock Point (York) and the head of tide on  
29           Branch River (Wells), except as otherwise speci-  
30           fied or classified - Class C.
- 31           B. All coastal streams and their tributaries not  
32           otherwise specified between Walker Point



1 (Kennebunkport) and Fletchers Neck in Biddeford -  
2 Class C.

3 C. Biddeford.

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

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

8 D. Saco.

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

11 (2) Milliken Brook - Class C.

12 §469. Classifications of estuarine and marine waters

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

16 1. Cumberland County.

17 A. Cape Elizabeth.

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

22 B. Cumberland.

23 (1) Tidal waters located within a line be-  
24 ginning at a point located on the  
25 Cumberland-Portland boundary at approximate-  
26 ly latitude 43°41'-18"N., longitude 70° -  
27 05'-48"W. and running northeasterly to a  
28 point located on the Cumberland-Harpswell  
29 boundary at approximately latitude 43° -  
30 42'-57"N., longitude 70° - 03'-50" W.;  
31 thence running southwesterly along the  
32 Cumberland-Harpswell boundary to a point  
33 where the Cumberland, Harpswell and Portland  
34 boundaries meet; thence running northeaster-

1 ly along the Cumberland-Portland boundary to  
2 point of beginning - Class SA.

3 C. Falmouth.

4 (1) Tidal waters located within a line be-  
5 ginning at a point located on the shore at  
6 latitude  $43^{\circ} - 42'-03''$ N. longitude  $70^{\circ} -$   
7  $15'-22''$  W. and running southwesterly along  
8 the Falmouth-Portland boundary to the shore  
9 of Mackworth Island; thence running norther-  
10 ly along the western shore of Mackworth Is-  
11 land and the Mackworth Island Causeway to a  
12 point located at latitude  $43^{\circ} - 41'-42''$  N.,  
13 longitude  $70^{\circ} - 14'-25''$  W.; thence running  
14 along the shore of the Presumpscot River  
15 Estuary to point of beginning - Class SC.

16 D. Harpswell.

17 (1) Tidal waters located within a line be-  
18 ginning at a point located on the  
19 Cumberland-Harpswell boundary at approxi-  
20 mately latitude  $43^{\circ} - 42'-57''$  N., longitude  
21  $70^{\circ} - 03'-50''$  W. and running northeasterly  
22 to a point located at latitude  $43^{\circ} - 43'-08''$   
23 N., longitude  $70^{\circ} - 03'-36''$ W.; thence run-  
24 ning southeasterly to a point located at  
25 latitude  $43^{\circ} - 42'-02''$  N., longitude  $70^{\circ} -$   
26  $00'-00''$  W.; thence running due south to the  
27 Harpswell-Portland boundary; thence running  
28 northwesterly along the Harpswell-Portland  
29 boundary to a point where the Cumberland,  
30 Harpswell and Portland boundaries meet;  
31 thence running northwesterly along the  
32 Cumberland-Harpswell boundary to point of  
33 beginning - Class SA.

34 E. Portland.

35 (1) Tidal waters located within a line be-  
36 ginning at a point located on the  
37 Cumberland-Portland boundary at approximate-  
38 ly latitude  $43^{\circ} - 41'-18''$  N., longitude  $70^{\circ}$   
39  $- 05'-48''$  W. and running southeasterly along  
40 the Cumberland-Portland boundary to a point  
41 where the Cumberland, Harpswell and Portland

1 boundaries meet; thence running southeaster-  
2 ly along the Harpswell-Portland boundary to  
3 longitude 70° - 00'-00" W.; thence running  
4 due south to a point located at latitude 43°  
5 - 38'-21" N., longitude 70° - 00'-00" W.;  
6 thence running due west to a point located  
7 at latitude 43° - 38'-21" N., longitude 70°  
8 - 09'-06" W.; thence running northeasterly  
9 to point of beginning - Class SA.

10 (2) Tidal waters lying northwesterly of a  
11 line beginning at Portland Head Light and  
12 running northerly to the southernmost point  
13 of land on Cushing Island; thence running  
14 northerly along the western shore of Cushing  
15 Island to the northernmost point of land on  
16 Cushing Island; thence running northerly to  
17 the southernmost point of land on Peaks Is-  
18 land; thence running northerly along the  
19 western shore of Peaks Island to a point lo-  
20 cated at latitude 43° - 40'-10" N., longi-  
21 tude 70° - 11'-34" W.; thence running north-  
22 westerly to the southernmost point of land  
23 on Great Diamond Island; thence running  
24 northwesterly along the westerly shore of  
25 Great Diamond Island to a point located at  
26 latitude 43° - 40'-36" W., longitude 70° -  
27 11'- 34" W.; thence running northwesterly  
28 for 0.7 mile to a point where the  
29 Falmouth-Portland boundary forms a right an-  
30 gle; thence running northwesterly along the  
31 Falmouth-Portland boundary to a point lo-  
32 cated at latitude 43° - 42'-03" N., longi-  
33 tude 70° - 15'-22" W. - Class SC.

34 F. South Portland.

35 (1) All tidal waters - Class SC.

36 G. Yarmouth.

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

40 2. Hancock County.

1           A. Bar Harbor.

2                   (1) Tidal waters, except those lying within  
3                   500 feet of privately owned shoreline, lying  
4                   northerly of latitude 44° - 16'-36" N.,  
5                   southerly of latitude 44° - 20'-27" N., and  
6                   westerly of longitude 68° - 09'-28" W. -  
7                   Class SA.

8           B. Bucksport.

9                   (1) All tidal waters - Class SC.

10          C. Cranberry Isles.

11                   (1) Tidal waters, except those lying within  
12                   500 feet of privately owned shoreline, lying  
13                   within 0.5 mile of the shore of Baker Island  
14                   - Class SA.

15          D. Mount Desert.

16                   (1) Tidal waters, except those lying within  
17                   500 feet of privately owned shoreline, lying  
18                   northerly of latitude 44° - 16'-36" N. and  
19                   easterly of longitude 68° - 13'-08" W. -  
20                   Class SA.

21                   (2) Tidal waters of Somes Sound lying  
22                   northerly of a line beginning at a point lo-  
23                   cated at latitude 44° - 18'-18", longitude  
24                   68° - 18'-42" N. and running northeasterly  
25                   to a point located at latitude 44° - 18'-54"  
26                   N., longitude 68° - 18'-22" W. and lying  
27                   southerly of a line beginning at a point lo-  
28                   cated at latitude 44° - 19'-37" N., longi-  
29                   tude 68° - 18'-52" W. and running northeast-  
30                   erly to a point located at latitude 44° -  
31                   19'-45", longitude 68° - 18'-23" W. - Class  
32                   SA.

33          E. Orland.

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

1            F. Southwest Harbor.

2            (1) Tidal waters lying northerly of lati-  
3            tude 44° - 12'-44" N., southerly of latitude  
4            44° - 14'-13" N. and westerly of longitude  
5            68° - 18'-27" W. - Class SA.

6            (2) Tidal waters of Somes Sound lying  
7            northerly of a line beginning at a point lo-  
8            cated at latitude 44° - 18'-18" N., longi-  
9            tude 68° - 18'-42" W. and running northeast-  
10           erly to a point located at latitude 44° -  
11           18'-54" N., longitude 68° - 18'-22" W. -  
12           Class SA.

13           G. Tremont.

14           (1) Tidal waters lying northerly of lati-  
15           tude 44° - 12'-44" N., southerly of latitude  
16           44° - 14'-13" N. and easterly of longitude  
17           68° - 20'-30" W. - Class SA.

18           H. Verona.

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

22           3. Knox County.

23           A. Isle Au Haut.

24           (1) Tidal waters, except those lying within  
25           500 feet of privately owned shoreline, lying  
26           northerly of latitude 44° - 00'-00" N.,  
27           southerly of latitude 44° - 03'-06" N.,  
28           easterly of longitude 68° - 41'-00" W. and  
29           westerly of longitude 68° - 35'-00" W. -  
30           Class SA.

31           B. Owls Head.

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

- 1            C. Rockland.
- 2                    (1) Tidal waters lying westerly of a line  
3                    running between the southernmost point of  
4                    land on Jameson Point and the northernmost  
5                    point of land on Battery Point - Class SC.
- 6            4. Penobscot County.
- 7            A. Hampden.
- 8                    (1) Tidal waters lying southerly of a line  
9                    extended in an east-west direction from the  
10                   outlet of Reed Brook in the Village of  
11                   Hampden Highlands - Class SC.
- 12           B. Orrington.
- 13                   (1) Tidal waters lying southerly of a line  
14                   extended in an east-west direction from the  
15                   outlet of Reed Brook in the Village of  
16                   Hampden Highlands - Class SC.
- 17           5. Sagadahoc County.
- 18           A. Georgetown.
- 19                   (1) Tidal waters located within a line be-  
20                   ginning at a point on the shore located at  
21                   latitude 43° - 47'-16" N., longitude 69° -  
22                   43'-09" W. and running due east to longitude  
23                   69° - 42'-00" W.; thence running due south  
24                   to latitude 43° - 42'-52" N.; thence running  
25                   due west to longitude 69° - 44'-25" W.;  
26                   thence running due north to a point on the  
27                   shore located at latitude 43° - 46'-15" N.,  
28                   longitude 69° - 44'-25" W.; thence running  
29                   northerly along the shore to point of begin-  
30                   ning - Class SA.
- 31           6. Waldo County.
- 32           A. Frankfort.
- 33                   (1) All tidal waters - Class SC.
- 34           B. Prospect.

1                   (1) All tidal waters - Class SC.

2           C. Searsport.

3                   (1) Tidal waters located within a line be-  
4                   ginning at the southernmost point of land on  
5                   Kidder Point and running due east to the  
6                   Searsport-Stockton Springs boundary; thence  
7                   running southerly along the  
8                   Searsport-Stockton Springs boundary; to lat-  
9                   itude 44° - 25'-25" N.; thence running due  
10                   west to latitude 44° - 25'-25" N., longitude  
11                   68° - 54'-30" W.; thence running due north  
12                   to the shore of Mack Point at longitude 68°  
13                   - 54'-30" W.; thence running along the shore  
14                   in an easterly direction to point of begin-  
15                   ning - Class SC.

16           D. Stockton Springs.

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

20           E. Winterport.

21                   (1) All tidal waters - Class SC.

22           7. Washington County.

23           A. Calais.

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

27           B. Eastport.

28                   (1) Tidal waters lying southerly of lati-  
29                   tude 44° - 54'-50" N., easterly of longitude  
30                   67° - 02'-00" W. and northerly of latitude  
31                   44° - 53'-15" N. - Class SC.

32           C. Lubec.

33                   (1) Tidal waters, except those lying within  
34                   500 feet of West Quoddy Head Light, located

1 within a line beginning at a point located  
2 on the northern shore of West Quoddy Head at  
3 latitude  $44^{\circ} - 49' - 08''$  N., longitude  $66^{\circ} -$   
4  $57' - 30''$  W. and running due north to the in-  
5 ternational boundary; thence running south-  
6 easterly and southwesterly along the inter-  
7 national boundary to latitude  $44^{\circ} - 47' - 00''$   
8 N.; thence running due west to longitude  $66^{\circ}$   
9  $- 58' - 45''$  W.; thence running due north to a  
10 point located in Carrying Place Cove at lat-  
11 itude  $44^{\circ} - 48' - 36''$ , longitude  $66^{\circ} - 58' - 45''$   
12 W.; thence running along the shore of West  
13 Quoddy Head to point of beginning - Class  
14 SA.

15 D. Trescott.

16 (1) Tidal waters located within a line be-  
17 ginning on the shore at latitude  $44^{\circ} -$   
18  $45' - 02''$  N., longitude  $67^{\circ} - 04' - 16''$  W., and  
19 running due east to longitude  $67^{\circ} - 03' 00''$   
20 W.; thence running due south to latitude  $44^{\circ}$   
21  $- 43' - 30''$  N.; thence running due west to  
22 longitude  $67^{\circ} - 05' - 14''$  W.; thence running  
23 due north to a point located on the shore at  
24 latitude  $44^{\circ} - 44' - 28''$  N., longitude  $67^{\circ} -$   
25  $05' - 14''$  W.; thence running along the shore  
26 of Eastern Head to point of beginning -  
27 Class SA.

28 8. York County.

29 A. Biddeford.

30 (1) Tidal waters of the Saco River and its  
31 tidal tributaries lying westerly of longi-  
32 tude  $70^{\circ} - 22' - 54''$  W. - Class SC.

33 B. Kennebunk.

34 (1) Tidal waters of the Kennebunk River and  
35 its tidal tributaries lying northerly of  
36 latitude  $43^{\circ} - 20' - 50''$  N. - Class SC.

37 C. Kennebunkport.



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

4           D. Kittery.

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

10          E. Old Orchard Beach.

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

14          F. Saco.

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

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

21          §470. Classification of ground water

22          All ground water shall be classified as not less  
23          than Class GW-A, except as otherwise provided in this  
24          section. The board may recommend to the Legislature  
25          the reclassification of any ground water, after care-  
26          ful consideration, public hearings and in consulta-  
27          tion with other state agencies and the municipalities  
28          and industries involved, and where the board finds  
29          that it is in the best interests of the public that  
30          the waters be so classified.

31          Sec. 16. 38 MRSA §637 is enacted to read:

32          §637. Review of rules

33          Rules adopted by the board pursuant to this  
34          subarticle shall be immediately submitted to the  
35          joint standing committee of the Legislature having

1 jurisdiction over natural resources for review and  
2 may not become effective until 91 days after the ad-  
3 jourment of the next regular session of the Legisla-  
4 ture which adjourns after their submission. This  
5 committee may report out legislation it deems neces-  
6 sary to clarify legislative intent regarding rules  
7 adopted pursuant to this subarticle.

8 STATEMENT OF FACT

9 Section 1 of the new draft repeals an obsolete  
10 definition of the term "coastal stream." Sections 2  
11 and 3 are technical corrections of definitions taken  
12 directly from the original bill with adjustments of  
13 the appropriate cross references. Sections 4 to 14  
14 repeal portions of existing water quality law that  
15 will be replaced by this new draft. Section 15 of  
16 the new draft enacts a new article 4-A, in the Maine  
17 Revised Statutes, Title 38, chapter 3, subchapter I.  
18 This article contains the main body of the new water  
19 quality classification system. Its individual sec-  
20 tions are described in the following paragraphs. The  
21 study report of the Joint Standing Committee on Ener-  
22 gy and Natural Resources provides additional material  
23 describing the intent of the new language.

24 Title 38, section 464 provides the general goals  
25 and objectives of the water classification system,  
26 along with a set of general regulatory and adminis-  
27 trative provisions. Procedures for reclassification,  
28 departmental reports to the Legislature, general pro-  
29 visions governing discharges and rule-making require-  
30 ments are all included in this section.

31 Title 38, section 465 describes the requirements  
32 of each of the 4 classifications for fresh surface  
33 water, not including great ponds. The classes are  
34 AA, A, B and C. Class AA is the highest classifica-  
35 tion and is applied to waters which are outstanding  
36 resources for reasons of ecological, social, scenic  
37 or recreational importance. The discharge to Class  
38 AA waters of domestic or industrial waste waters is  
39 prohibited. Activities which would cause Class AA  
40 waters to be other than a free flowing and natural  
41 habitat for fish and other aquatic life are prohib-

1 ited. Class A waters have water quality and dis-  
2 charge provisions which are essentially unchanged  
3 from present law. Class B is the most frequently ap-  
4 plied classification for the State's rivers, streams  
5 and brooks. Discharges to Class B waters are al-  
6 lowed, provided that they cause no substantial harm  
7 to aquatic life and meet bacteriological standards  
8 necessary to protect swimmers. Class C is applied to  
9 rivers and streams which presently receive major dis-  
10 charges. Discharges to Class C waters are allowed,  
11 provided they meet bacteriological standards neces-  
12 sary to protect swimmers and are of sufficient quali-  
13 ty that all indigenous species of fish and a diverse  
14 community of aquatic life are supported.

15 Title 38, section 465-A establishes one class,  
16 GPA, for lakes and ponds. To protect and improve  
17 lakes and ponds, there are restrictions established  
18 for discharges and changes of land use in the water-  
19 sheds of lakes and ponds.

20 Title 38, section 465-B establishes 3 classes of  
21 estuarine and marine waters. Class SA is the highest  
22 classification and is applied to waters which are  
23 outstanding resources for reasons of ecological, so-  
24 cial, economic, scenic or recreational importance.  
25 The discharge to Class SA waters of domestic or in-  
26 dustrial waste waters is prohibited. Activities  
27 which would cause Class SA waters to be other than a  
28 natural and free flowing habitat for fish and other  
29 estuarine and marine life are prohibited. Class SB  
30 is the most frequently applied classification for the  
31 State's estuarine and marine waters. Discharges to  
32 Class SB waters are allowed, provided that they cause  
33 no substantial harm to estuarine and marine life,  
34 meet bacteriological standards necessary to protect  
35 swimmers and do not adversely affect the State's  
36 shellfish resources. Class SC is applied to  
37 estuarine and marine waters which presently receive  
38 major discharges or which may receive such discharges  
39 as a result of the State's economic development poli-  
40 cy. Discharges to Class SC waters are allowed, pro-  
41 vided they meet bacteriological criteria necessary to  
42 protect swimmers and are of sufficient quality to  
43 support all indigenous species of fish and a diverse  
44 community of estuarine and marine life.

1 Title 38, section 465-C is taken verbatim from  
2 existing law, Title 38, section 363-B.

3 Title 38, section 466 provides definitions for 12  
4 terms which are used in the new water quality classi-  
5 fication system.

6 Title 38, section 467 revises the description of  
7 classifications of major river basins, currently lo-  
8 cated in Title 38, section 368. It describes the  
9 classification of all rivers, streams and brooks  
10 which are in drainages with an area greater than 100  
11 square miles. Several of these river basins are  
12 presently contained in Title 38, section 369. Unlike  
13 the present law, Title 38, section 467 describes  
14 classifications in standardized outline form to aid  
15 readability and subsequent revision. Title 38, sec-  
16 tion 467 also differs from the present law by de-  
17 scribing the classification of all segments of the  
18 main stems of major river basins as well as the main  
19 stems of major tributaries. Since most minor drain-  
20 ages described in that section are Class B, the sec-  
21 tion is headed by an overall classification of Class  
22 B for waters which are not otherwise classified.  
23 This aspect of the revision results in a shorter,  
24 more understandable text and will aid subsequent re-  
25 vision. The section also corrects a few geographical  
26 inconsistencies and errors in the present law.

27 Title 38, section 467 changes the classification  
28 of certain waters of the State. The following waters  
29 are upgraded to Class AA:

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

33 2. Outstanding river and stream segments which  
34 merit special protection as specified in the Maine  
35 Revised Statutes, Title 12, section 403, which are  
36 currently Class A in the water classification system  
37 and which also do not presently receive licensed dis-  
38 charges.

39 All waters currently classified as B-1 or B-2 are  
40 reclassified as "B" except for a few which are  
41 upgraded to Class AA and a stretch of the lower Ken-

1 nebec which is classified as "C," reflecting its ex-  
2 isting quality and the major discharges it receives.  
3 All waters currently classified as "C" remain as-  
4 signed to that classification except for a short  
5 stretch of the Kennebec above the Shawmut Dam. This  
6 stretch is classified as "B." All waters currently  
7 classified as "D" are upgraded to Class C.

8 Title 38, section 468 revises the description of  
9 classifications of minor drainages. Like those of  
10 Title 38, section 467, these revisions are intended  
11 to aid public participation in the procedures for re-  
12 classification by describing classifications in a  
13 shorter, more understandable form.

14 Title 38, section 468 also changes the classifi-  
15 cation of certain waters of the State. All streams,  
16 brooks or segments thereof within the boundaries of  
17 Acadia National Park are upgraded to Class AA. All  
18 waters currently classified as "B-1" or "B-2," except  
19 for those in Acadia National Park, are reclassified  
20 as "B."

21 Title 38, section 469 revises the classification  
22 of all estuarine and marine waters of the State.  
23 This complete revision is necessary for implementa-  
24 tion of the standards for classification established  
25 in Title 38, section 465-B. Title 38, section 469 is  
26 headed by an overall classification of "SB" for  
27 estuarine and marine waters which are not otherwise  
28 classified. This section classifies certain areas of  
29 the estuarine and marine waters of the State as Class  
30 SC waters. These Class SC areas presently receive  
31 major discharges or are likely to receive major dis-  
32 charges as a result of the State's economic develop-  
33 ment policy. The section also classifies certain ar-  
34 eas of the estuarine and marine waters as Class SA.  
35 Waters classified as Class SA comprise much of the  
36 estuarine and marine waters adjacent to lands owned  
37 by the State Government or Federal Government.

1 Title 38, section 470 is taken verbatim from ex-  
2 isting law, Title 38, section 371-B.

3 Section 16 of the new draft includes a provision  
4 requiring legislative review of hydroelectric licens-  
5 ing rules prior to their adoption.

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