

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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No. 1030

H.P. 747

House of Representatives, April 4, 1989

Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.

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

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative DEXTER of Kingfield.

Cosponsored by Representative GOULD of Greenville, Representative LORD of Waterboro and Representative RIDLEY of Shapleigh.

STATE OF MAINE

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

An Act to Reclassify Surface Waters of the State.



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

3 **Sec. 1. 38 MRSA §467, sub-§1, as enacted by PL 1985, c. 698,**
5 **§15, is repealed and the following enacted in its place:**

7 **1. Androscoggin River Basin.**

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

11 (1) From the Maine-New Hampshire boundary to its
13 confluence with the Ellis River - Class B.

15 (2) From its confluence with the Ellis River to a line
17 formed by the extension of the Bath-Brunswick boundary
across Merrymeeting Bay in a northwesterly direction -
Class C.

19 (3) The Legislature recognizes, however, that at
21 certain times portions of the waters in the
23 impoundments created by Gulf Island, Deer Rips and
25 Lewiston Falls dams have not and may not continue to
27 meet the Class C requirements for aquatic life and
dissolved oxygen due to hydrologic conditions related
to the creation of the impoundments, including, but not
limited to, impaired mixing of water columns,
historical accumulation of sediment and elevated water
temperature. The Legislature further recognizes that,
29 for the purposes of this subparagraph, these
31 impoundments constitute a valuable, indigenous and
33 renewable energy resource for hydroelectric energy
which provides a significant contribution to the
economic development and general welfare of the
citizens of the State.

35 Accordingly, the value and importance to the people of
37 the State of hydroelectric energy and the unavoidable
39 consequences to water quality resulting from the
41 existence of these impoundments shall be considered
43 when the board determines the impact of a discharge on
the designated uses of the impoundments identified in
this subparagraph. These impoundments shall be
considered to meet their classification if the
department finds that conditions in those impoundments
are not preventing their designated uses from being
reasonably attained. Nothing in this subparagraph may
47 be construed to limit the board's authority to consider
49 the requirements of section 414-A, subsection 1,
paragraphs A to E.

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B. Little Androscoggin River Drainage.

(1) Little Androscoggin River, main stem.

(a) From the outlet of Bryant Pond to the Maine Central Railroad bridge in South Paris - Class B.

(b) From the Maine Central Railroad bridge in South Paris to its confluence with the Androscoggin River - Class C.

(2) Little Androscoggin River, tributaries - Class B unless otherwise specified.

(a) Outlet of Thompson Lake in Oxford - Class C.

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

(1) Cupsuptic River and its tributaries - Class AA.

(2) Kennebago River and its tributaries except for the impoundment of the dam at Kennebago Falls - Class AA.

(3) Rapid River, from a point located 1,000 feet downstream of Middle Dam to its confluence with Umbagog Lake - Class AA.

D. Androscoggin River, minor tributaries - Class B unless otherwise specified.

(1) All tributaries of the Androscoggin River that enter between the Maine-New Hampshire boundary in Gilead and its confluence with the Ellis River and that are not otherwise classified - Class A.

(2) Bear River - Class AA.

(3) Sabattus River - Class C.

(4) Webb River - Class A.

Sec. 2. 38 MRSA, §467, sub-§4, as amended by PL 1987, c. 192, §17, is repealed and the following enacted in its place:

4. Kennebec River Basin.

A. Kennebec River, main stem.

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(1) From Moosehead Lake, including east and west outlets, to a point 1,000 feet below the lake - Class A.

(2) From a point 1,000 feet below Moosehead Lake to its confluence with Indian Pond - Class AA.

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

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

(5) From its confluence with the Dead River to the Route 201A bridge in Anson-Madison except for Wyman Lake - Class A.

(6) From the Route 201A bridge in Anson-Madison to the Fairfield-Skowhegan boundary, including all impoundments - Class B.

(7) From the Fairfield-Skowhegan boundary to the Father John J. Curran Bridge in Augusta, including all impoundments - Class C.

(8) From the Father John J. Curran Bridge in Augusta to a line across the southwesterly arm of Merrymeeting Bay formed by an extension of the Brunswick-West Bath town line across the bay in a northwesterly direction to the westerly shore of Merrymeeting Bay and to a line drawn from Chop Point in Woolwich to West Chop Point in Bath - Class C. Further, the Legislature finds that the free flowing habitat of this river segment provides irreplaceable social and economic benefits and that this use shall be maintained.

B. Carrabassett River Drainage.

(1) Carrabassett River, main stem.

(a) Above a point located 1.0 mile above the railroad bridge in North Anson - Class A.

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

(2) Carrabassett River, tributaries - Class A unless otherwise specified.

1 (a) All tributaries entering the Carrabassett
3 River below the Wire Bridge in New Portland -
 Class B.

5 C. Cobbosseecontee Stream Drainage.

- 7 (1) Cobbosseecontee Stream, main stem - Class B.
9 (2) Cobbosseecontee Stream, tributaries - Class B.

11 D. Dead River Drainage.

- 13 (1) Dead River, main stem.
15 (a) From the Long Falls Dam to a point 5,100 feet
17 below the dam - Class A.
19 (b) From a point 5,100 feet below Long Falls Dam
21 to its confluence with the Kennebec River - Class
23 AA.
25 (2) Dead River, tributaries - Class A unless otherwise
27 specified.
29 (a) Black Brook below Dead River Hatchery - Class
31 B.
33 (b) Stratton Brook, Eustis, from the upper Route
35 16/27 bridge to its confluence with Flagstaff Lake
37 - Class B.

39 E. Messalonskee Stream Drainage.

- 41 (1) Messalonskee Stream, main stem.
43 (a) From the outlet of Messalonskee Lake to its
45 confluence with the Kennebec River - Class C.
47 (2) Messalonskee Stream, tributaries - Class B.

49 F. Moose River Drainage.

- 51 (1) Moose River, main stem.
53 (a) Above its confluence with Number One Brook in
55 Beattie Township - Class A.
57 (b) From its confluence with Number One Brook in
59 Beattie Township to its confluence with Attean
61 Pond - Class AA.

1 (c) From the outlet of Attean Pond to the Route
2 201 bridge in Jackman - Class A.

3 (d) From the Route 201 bridge in Jackman to its
4 confluence with Long Pond - Class B.

5 (e) From the outlet of Long Pond to its
6 confluence with Moosehead Lake - Class A.

7 (2) Moose River, tributaries - Class A.

8 G. Sandy River Drainage.

9 (1) Sandy River, main stem.

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

12 (b) From the Route 142 bridge in Phillips to its
13 confluence with the Kennebec River - Class B.

14 (2) Sandy River, tributaries - Class B unless
15 otherwise specified.

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

18 (b) Wilson Stream, main stem, below the outlet of
19 Wilson Pond - Class C.

20 H. Sebasticook River Drainage.

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

23 (a) From the confluence of the East Branch and
24 the West Branch to its confluence with the
25 Kennebec River - Class C.

26 (2) Sebasticook River, tributaries - Class B unless
27 otherwise specified.

28 (a) Sebasticook River, East Branch main stem,
29 from the outlet of Lake Wassookeag to its
30 confluence with Corundel Lake - Class B.

31 (b) Sebasticook River, East Branch main stem,
32 from the outlet of Corundel Lake to its confluence
33 with the West Branch - Class C.

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

I. Kennebec River, minor tributaries - Class B unless otherwise specified.

(1) All minor tributaries entering above Wyman Dam that are not otherwise classified - Class A.

(2) All tidal portions of tributaries entering between Edwards Dam and the Chops - Class C.

(3) Cold Stream, West Forks Plantation - Class AA.

(4) Moxie Stream, Moxie Gore, below a point located 1,000 feet downstream of the Moxie Pond dam - Class AA.

STATEMENT OF FACT

This bill reclassifies certain waters in the Androscoggin and Kennebec basins as required by the Maine Revised Statutes, Title 38, section 464, subsections 2 and 3. The Department of Environmental Protection has collected water quality information on these waters since 1982 for the purpose of reclassification and in November 1987, the Board of Environmental Protection conducted public hearings concerning the 2 basins in order to set appropriate goals for these waters. This bill reflects the Board of Environmental Protection's recommendations to the Legislature for reclassification.