

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1622, L.D. 2244, Bill, "An Act to Reclassify Surface Waters of the State"

Amend the bill by inserting before section 1 the following:

'Sec. 1. 38 MRSA §464, sub-§4, ¶F, as amended by PL 1989, c. 309, §2, is further amended by amending sub-¶(3) to read:

(3) The board may only issue a discharge license pursuant to section 414-A or approve water quality certification pursuant to the United States Clean Water Act, Section 401, Public Law 92-500, as amended, if the standards of classification of the water body and the requirements of this paragraph ~~will-be~~ are met. The board may issue a discharge license or approve water quality certification for a project affecting a water body in which the standards of classification are not met if the project does not cause or contribute to the failure of the water body to meet the standards of classification.

Further amend the bill by inserting after section 1 the following:

'Sec. 2. 38 MRSA §467, sub-§1, ¶D, as repealed and replaced by PL 1989, c. 228, §1, is amended to read:

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.

2 (3) Sabattus River --Class-B from Sabattus Lake to
limits of the Lisbon urban area - Class C.

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Further amend the bill by inserting after section 3 the
8 following:

10 'Sec. 4. 38 MRSa §467, sub-§6-A is enacted to read:

12 6-A. Narraguagus River Basin.

14 A. Narraguagus River, main stem.

16 (1) From the outlet of Eagle Lake to the confluence
with the West Branch of the Narraguagus River in
18 Cherryfield - Class AA.

20 (2) From the confluence with the West Branch of the
Narraguagus River in Cherryfield to tidewater - Class B.

22

24 B. Narraguagus River, tributaries - Class A unless
otherwise specified.

26 (1) All tributaries entering below the river's
confluence with the West Branch - Class B.

28

30 (2) West Branch of the Narraguagus River - Class AA.'

32

Further amend the bill by striking out all of section 4 and
inserting in its place the following:

34 'Sec. 4. 38 MRSa §467, sub-§7, as amended by PL 1987, c. 192,
§18, is repealed and the following enacted in its place:

36

38 7. Penobscot River Basin.

40

A. Penobscot River, main stem.

42

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

44

(2) From the confluence of the Mattawamkeag River to
the confluence of Cambolasse Stream - Class B.

46

(3) From the confluence of Cambolasse Stream to the
confluence of the Piscataquis River, including all
impoundments - Class C.

50

2 (4) From the confluence of the Piscataquis River,
3 including the Stillwater Branch, to the Veazie dam,
4 including all impoundments - Class B.

6 (5) From the Veazie dam, but not including the Veazie
7 dam, to the Maine Central Railroad bridge in
8 Bangor-Brewer - Class B. Further, the Legislature
9 finds that the free-flowing habitat of this river
10 segment provides irreplaceable social and economic
11 benefits and that this use must be maintained.

12 (6) From the Maine Central Railroad bridge in Bangor
13 to a line extended in an east-west direction from the
14 confluence of Reeds Brook in Hampden - Class C.
15 Further, the Legislature finds that the free-flowing
16 habitat of this river segment provides irreplaceable
17 social and economic benefits and that this use must be
18 maintained.

20 B. Penobscot River, East Branch Drainage.

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

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

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

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

36 (2) East Branch of the Penobscot River, tributaries -
37 Class A unless otherwise specified.

38 (a) All tributaries, any portion of which is
39 located within the boundaries of Baxter State Park
40 - Class AA.

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

46 (c) Seboeis River, from the outlet of Snowshoe
47 Lake to its confluence with the East Branch -
48 Class AA.
49
50

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

5 (e) Webster Brook, from a point located 1,000
6 feet downstream from the dam at the outlet of
7 Telos Lake to its confluence with Webster Lake -
8 Class AA.

10 C. Penobscot River, West Branch Drainage.

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

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

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

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

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

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

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

36 (2) West Branch of the Penobscot River, tributaries -
37 Class A unless otherwise specified.

40 (a) Those segments of any tributary that are
41 within the boundaries of Baxter State Park - Class
42 AA.

44 (b) Those tributaries above the confluence with
45 the Debsconeag Deadwater, any portion of which is
46 located within the boundaries of Baxter State Park
47 - Class AA.

48 (c) Millinocket Stream, from the railroad bridge
49 near the Millinocket-T.3 Indian Purchase boundary
50 to its confluence with the West Branch Canal -
51 Class B.

2 (d) Millinocket Stream from the confluence of the
4 West Branch Canal to its confluence with the West
 Branch of the Penobscot River - Class C.

6 D. Mattawamkeag River Drainage.

8 (1) Mattawamkeag River, main stem.

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

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

18 (2) Mattawamkeag River, tributaries - Class B.

20 E. Piscataquis River Drainage.

22 (1) Piscataquis River, main stem.

24 (a) From the confluence of the East Branch and
26 the West Branch to the Route 15 bridge in Guilford
 - Class A.

28 (b) From the Route 15 bridge in Guilford to the
30 Maine Central Railroad bridge in Dover-Foxcroft -
 Class C.

32 (c) From the Maine Central Railroad bridge in
34 Dover-Foxcroft to its confluence with the
 Penobscot River - Class B.

36 (2) Piscataquis River, tributaries - Class B unless
 otherwise specified.

38 (a) Except as otherwise provided, East and West
40 Branches of the Piscataquis River and their
42 tributaries above their confluence near Blanchard
 - Class A.

44 (b) East Branch of the Piscataquis River from
46 1,000 feet below Shirley Pond to its confluence
 with the West Branch - Class AA.

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

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

- 2 (e) Pleasant River, West Branch tributaries -
3 Class A.
- 4
- 5 (f) Sebec River and its tributaries above Route 6
6 in Milo - Class A.
- 7
- 8 (g) West Branch of the Piscataquis River from
9 1,000 feet below West Shirley Bog to its
10 confluence with the East Branch - Class AA.
- 11
- 12 F. Penobscot River, minor tributaries - Class B unless
13 otherwise specified.
- 14
- 15 (1) Cambolasse Stream (Lincoln) below the Route 2
16 bridge - Class C.
- 17
- 18 (2) Great Works Stream (Bradley) and its tributaries
19 above the Route 178 bridge - Class A.
- 20
- 21 (3) Kenduskeag Stream (Bangor) below the Bullseye
22 Bridge - Class C.
- 23
- 24 (4) Mattanawcook Stream (Lincoln) below the outlet of
25 Mattanawcook Pond - Class C.
- 26
- 27 (5) Olamon Stream and its tributaries above the bridge
28 on Horseback Road - Class A.
- 29
- 30 (6) Passadumkeag River and its tributaries - Class A.
- 31
- 32 (7) Sourdabscook Stream and its tributaries above the
33 dam of the Hampden Water District - Class A.
- 34
- 35 (8) Sunkhaze Stream and its tributaries - Class AA.'

36 Further amend the bill by striking out all of section 8.

37

38 Further amend the bill in section 10 in paragraph A in
39 subparagraph (6) in 2nd line (page 9, line 7 in L.D.) by striking
40 out the following: "Thatcher Brook" and inserting in its place
41 the following: '~~Thatcher-Brook~~ Swan Pond'

42

43 Further amend the bill in section 10 in paragraph A in
44 subparagraph (7) in first line (page 9, line 9 in L.D.) by
45 striking out the following: "Thatcher Brook" and inserting in
46 its place the following: '~~Thatcher-Brook~~ Swan Pond'

47

48 Further amend the bill in section 14 in subsection 15 in
49 paragraph D in subparagraph (1) in division (c) in the last line
50 (page 13, line 3 in L.D.) by striking out the following: "Class
51 A" and inserting in its place the following: 'Class B'

2 Further amend the bill by renumbering the sections to read
consecutively.

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STATEMENT OF FACT

8 The amendment revises the general licensing provisions by
allowing the licensing of projects on waters that do not meet
10 water quality standards as long as the project does not cause or
contribute to the failure of the water body to meet its
12 classification standard. This amendment makes a variety of
technical corrections to the original bill. The amendment revises
14 certain classifications proposed in the original bill.

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the
House
3/6/90 (Filing No. H-870)