

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2244

H.P. 1622

House of Representatives, January 26, 1990

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.

A handwritten signature in black ink that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative LORD of Waterboro.

Cosponsored by Representative GOULD of Greenville, Representative DEXTER of Kingfield and Representative JACQUES of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Reclassify Surface Waters of the State.



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

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4 **Sec. 1. 38 MRSA §467, first ¶,** as enacted by PL 1985, c. 698,
§15, is amended to read:

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

12 **Sec. 2. 38 MRSA §467, sub-§§2, 3 and 5,** as enacted by PL 1985,
c. 698, §15, are amended to read:

14 **2. Dennys River Basin.**

16 A. Dennys River, main stem.

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

22 (2) From the Route 1 bridge to tidewater - Class B.
24 Further, the Legislature finds that the free-flowing
26 habitat of this river segment provides irreplaceable
social and economic benefits and that this use must be
maintained.

28 B. Dennys River, tributaries - Class A unless otherwise
specified.

30 (1) All tributaries entering above below the Route 1
32 bridge - Class A B.

34 **3. East Machias River Basin.**

36 A. East Machias River, main stem.

38 (1) From the outlet of Pocomoonshine Lake to a point
40 located 0.25 miles above the Route 1 bridge - Class AA.

42 (2) From a point located 0.25 miles above the Route 1
44 bridge to tidewater - Class C B. Further, the
Legislature finds that the free-flowing habitat of this
46 river segment provides irreplaceable social and
economic benefits and that this use must be maintained.

48 B. East Machias River, tributaries - Class A unless
otherwise specified.

50 (1) All tributaries entering above below the Route 191
52 bridge in Jacksonville - Class A B.

2
3 **5. Machias River Basin.**

4 **A. Machias River, main stem.**

5 (1) From the outlet of Fifth Machias Lake to its
6 ~~confluence with the~~ a point 100 feet upstream of the
7 Route 1A bridge in Whitneyville Mill-Pond - Class AA.

8 (2) ~~From the outlet of the~~ a point 100 feet upstream
9 of the Route 1A bridge in Whitneyville Mill-Pond to the
10 site of the low dam opposite the ends of West Street
11 and Hardwood Street in Machias to tidewater - Class B.
12 Further, the Legislature finds that the free-flowing
13 habitat of this river segment provides irreplaceable
14 social and economic benefits and that this use must be
15 maintained.

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

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20
21 **B. Machias River, tributaries - Class A unless otherwise**
22 **specified.**

23 (1) All tributaries entering ~~above the~~ river's
24 confluence with the below Route 1A in Whitneyville Mill
25 Pond which are not otherwise classified - Class A B.

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

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

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

34 (5) New Stream, in Northfield and Wesley - Class AA.

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36 **Sec. 3. 38 MRSA §467, sub-§6, ¶B, as enacted by PL 1985, c.**
37 **698, §15, is amended to read:**

38 **B. Mousam River, tributaries - Class B.**

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

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

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

5 **Sec. 4. 38 MRSA §467, sub-§7, as amended by PL 1987, c. 192,**
6 **§18, is repealed and the following enacted in its place:**

7 **7. Penobscot River Basin.**

8 **A. Penobscot River, main stem.**

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

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

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

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

20 (5) From the Veazie dam, but not including the Veazie
21 dam, to the Maine Central Railroad bridge in
22 Bangor-Brewer - Class B. Further, the Legislature
23 finds that the free-flowing habitat of this river
24 segment provides irreplaceable social and economic
25 benefits and that this use must be maintained.

26 (6) From the Maine Central Railroad bridge in Bangor
27 to a line extended in an east-west direction from the
28 confluence of Reeds Brook in Hampden - Class C.
29 Further, the Legislature finds that the free-flowing
30 habitat of this river segment provides irreplaceable
31 social and economic benefits and that this use must be
32 maintained.

33 **B. Penobscot River, East Branch Drainage.**

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

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

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

- 2 (c) From a point located 1,000 feet downstream
4 from the dam at the outlet of Grand Lake
 Mattagamon to its confluence with the West Branch
 - Class AA.
- 6 (2) East Branch of the Penobscot River, tributaries -
 Class A unless otherwise specified.
- 8 (a) All tributaries, any portion of which is
10 located within the boundaries of Baxter State Park
 - Class AA.
- 12 (b) Sawtelle Brook, from a point located 1,000
14 feet downstream from the dam at the outlet of
16 Sawtelle Deadwater to its confluence with the
 Seboeis River - Class AA.
- 18 (c) Seboeis River, from the outlet of Snowshoe
20 Lake to its confluence with the East Branch -
 Class AA.
- 22 (d) Wassataquoik Stream, from the boundary of
24 Baxter State Park to its confluence with the East
 Branch - Class AA.
- 26 (e) Webster Brook, from a point located 1,000
28 feet downstream from the dam at the outlet of
 Telos Lake to its confluence with Webster Lake -
 Class AA.

30 C. Penobscot River, West Branch Drainage.

- 32 (1) West Branch of the Penobscot River, main stem.
- 34 (a) From the dam at the outlet of Seboomook Lake
36 to a point located 1,000 feet downstream from the
 dam - Class A.
- 38 (b) From a point located 1,000 feet downstream
40 from the dam at the outlet of Seboomook Lake to
 its confluence with Chesuncook Lake - Class AA.
- 42 (c) From Ripogenus Dam to a point located 250
44 feet below McKay Station - Class A.
- 46 (d) From a point located 250 feet below McKay
48 Station to its confluence with Debsconeag
 Deadwater - Class AA.
- 50 (e) From its confluence with Debsconeag Deadwater
52 to the outlets of Ferguson and Quakish Lakes -
 Class A.

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

6
8 (2) West Branch of the Penobscot River, tributaries -
 Class A unless otherwise specified.

10 (a) Those segments of any tributary which are
12 within the boundaries of Baxter State Park - Class
 AA.

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

18 (c) Millinocket Stream, from the railroad bridge
20 near the Millinocket-T.3 Indian Purchase boundary
22 to its confluence with the West Branch Canal -
 Class B.

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

28 D. Mattawamkeag River Drainage.

30 (1) Mattawamkeag River, main stem.

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

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

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

40 E. Piscataquis River Drainage.

42 (1) Piscataquis River, main stem.

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

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

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

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

8 (a) Except as otherwise provided, East and West
9 Branches of the Piscataquis River and their
10 tributaries above their confluence near Blanchard
11 - Class A.

12 (b) East Branch of the Piscataquis River from
13 1,000 feet below Shirley Pond to its confluence
14 with the West Branch - Class AA.

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

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

20 (e) Pleasant River, West Branch tributaries -
21 Class A.

22 (f) Sebec River and its tributaries above Route 6
23 in Milo - Class A.

24 (g) West Branch of the Piscataquis River from
25 1,000 feet below West Shirley Bog to its
26 confluence with the East Branch - Class AA.

27 F. Penobscot River, minor tributaries - Class B unless
28 otherwise specified.

29 (1) Alamoosook Lake tributaries - Class A.

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

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

34 (4) Kenduskeag Stream (Bangor) below the Bullseye
35 Bridge - Class C.

36 (5) Mattanawcook Stream (Lincoln) below the outlet of
37 Mattanawcook Pond - Class C.

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

40 (7) Passadumkeag River and its tributaries - Class A.

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

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(9) Sunkhaze Stream and its tributaries - Class AA.

G. The Legislature recognizes that certain hydropower projects presently exist on river segments classified in this subsection. In adopting the classifications for these segments, the Legislature does not intend to impose any requirements beyond those imposed by the classification prior to adoption of this subsection nor does the Legislature intend to adversely affect the operation of these projects and finds that continued operation of these projects, including necessary repair, replacement and maintenance, meets the classification assigned to the respective river segment pursuant to this subsection.

Sec. 5. 38 MRSA §467, sub-§8, as enacted by PL 1985, c. 698, §15, is amended to read:

B. Pleasant River Basin.

A. Pleasant River, main stem.

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

(2) From a point located 1,000 feet above tidewater the Maine Central Railroad bridge to tidewater - Class B. Further, the Legislature finds that the free-flowing habitat of this river segment provides irreplaceable social and economic benefits and that this use must be maintained.

B. Pleasant River, tributaries - Class A unless otherwise specified.

(1) All tributaries entering below the Maine Central Railroad bridge - Class B.

(2) Bog Stream (Deblois) - Class B.

(3) Beaver Meadow Brook (Deblois) - Class B.

Sec. 6. 38 MRSA §467, sub-§9, ¶A, as enacted by PL 1985, c. 698, §15, is amended to read:

A. Presumpscot River, main stem.

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

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

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

2 **Sec. 7. 38 MRSA §467, sub-§9, ¶B**, as enacted by PL 1985, c.
698, §15, is repealed and the following enacted in its place:

4 B. Presumpscot River, tributaries - Class A unless
6 otherwise specified.

8 (1) All tributaries entering below the outlet of
 Sebago Lake - Class B.

10 (2) Crooked River and its tributaries, excluding
12 existing impoundments and excluding that area of the
 river previously impounded at Scribners Mill - Class AA.

14 (3) Stevens Brook (Bridgton) - Class B.

16 **Sec. 8. 38 MRSA §467, sub-§10, ¶B**, as enacted by PL 1985, c.
18 698, §15, is amended to read:

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

22 (1) All tributaries entering ~~above~~ below the river's
24 confluence with the West Branch - Class A B.

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

28 **Sec. 9. 38 MRSA §467, sub-§11, ¶B**, as enacted by PL 1985, c.
30 698, §15, is repealed and the following enacted in its place:

32 B. Royal River, tributaries - Class B.

34 **Sec. 10. 38 MRSA §467, sub-§12, ¶A**, as enacted by PL 1985, c.
36 698, §15, is amended to read:

38 A. Saco River, main stem.

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

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

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

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

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

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

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

12 **Sec. 11. 38 MRSA §467, sub-§12, ¶B,** as enacted by PL 1985, c.
14 698, §15, is repealed and the following enacted in its place:

16 B. Saco River, tributaries, those waters lying within the
18 State - Class B unless otherwise specified.

20 (1) All tributaries entering above the confluence of
22 the Ossipee River lying within the State and not
24 otherwise classified - Class A.

26 (2) Wards Brook (Fryeburg) - Class C.

28 **Sec. 12. 38 MRSA §467, sub-§13,** as amended by PL 1987, c. 192,
30 §20, is repealed and the following enacted in its place:

32 **13. St. Croix River Basin.**

34 A. St. Croix River, main stem.

36 (1) Except as otherwise provided, from the outlet of
38 Chiputneticook Lakes to its confluence with the
40 Woodland Lake impoundment, those waters lying within
42 the State - Class A.

44 (2) Those waters of the Grand Falls Flowage between
46 Route 1 (Princeton and Indian Township) and Black Cat
48 Island - Class B.

50 (3) Woodland Lake impoundment - Class C.

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

B. St. Croix River, tributaries, those waters lying within
the State - Class B unless otherwise specified.

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

2 **Sec. 13. 38 MRSA §467, sub-§14**, as enacted by PL 1985, c. 698,
§15, is repealed and the following enacted in its place:

4 **14. St. George River Basin.**

6 **A. St. George River, main stem.**

8 (1) From the outlet of Little Pond to the confluence
10 with Stevens Pond, from the outlet of Stevens Pond to
12 the confluence with Trues Pond, and from the outlet of
 Trues Pond to the confluence with Sennebec Pond - Class
 AA.

14 (2) From the outlet of Sennebec Pond to Route 90,
16 excluding segments that are great ponds - Class A.

18 (3) From Route 90 to tidewater - Class B.

20 **B. St. George River, tributaries - Class A unless otherwise**
 specified.

22 (1) Quiggle Brook (Warren, Union, Hope) - Class B.

24 (2) All tributaries entering downstream of Route 90 in
26 Warren - Class B.

28 **Sec. 14. 38 MRSA §467, sub-§15**, as amended by PL 1987, c. 192,
§§21 and 22, is repealed and the following enacted in its place:

30 **15. St. John River Basin.**

32 **A. St. John River, main stem.**

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

38 (2) From a point located one mile above the foot of
40 Big Rapids in Allagash to the international bridge in
42 Fort Kent, those waters lying within the State,
 including all impoundments - Class A.

44 (3) From the international bridge in Fort Kent to the
46 international bridge in Madawaska, those waters lying
 within the State, including all impoundments - Class B.

48 (4) From the international bridge in Madawaska to
50 where the international boundary leaves the river in
 Hamlin, those waters lying within the State, including
 all impoundments - Class C.

2 B. Allagash River Drainage.

4 (1) Allagash River, main stem.

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

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

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

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

14 (a) Allagash Stream, from the outlet of Allagash Lake to its confluence with Chamberlain Lake - Class AA.

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

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

20 C. Aroostook River Drainage.

22 (1) Aroostook River, main stem.

24 (a) From the confluence of Millinocket Stream and Munsungan Stream to its confluence with the Machias River - Class AA.

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

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

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

32 (e) From a point located 3.0 miles upstream of the intake of the Caribou water supply to a point

2 located 100 yards downstream of the intake of the
3 Caribou water supply, including all impoundments -
4 Class B.

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

9 (2) Aroostook River, tributaries, those waters lying
10 within the State - Class A unless otherwise specified.

11 (a) All tributaries of the Aroostook River
12 entering below the confluence of the Machias River
13 that are not otherwise classified - Class B.

14 (b) Little Machias River and its tributaries -
15 Class A.

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

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

22 (e) Millinocket Stream, from the outlet of
23 Millinocket Lake to its confluence with Munsungan
24 Stream - Class AA.

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

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

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

34 D. Fish River Drainage.

35 (1) Fish River, main stem.

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

38 (b) From the outlet of St. Froid Lake to its
39 confluence with Eagle Lake - Class A.

2 (c) From the outlet of Eagle Lake to its
3 confluence with Soldier Pond - Class A.

4 (d) From the outlet of Soldier Pond to its
5 confluence with the St. John River - Class B.

6 (2) Fish River, tributaries - Class B unless otherwise
7 specified.

8 (a) All tributaries entering above the Route 11
9 bridge - Class A.

10 E. Meduxnekeag River Drainage.

11 (1) Meduxnekeag River, main stem.

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

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

16 (a) North Branch of the Meduxnekeag River and its
17 tributaries above the Monticello - T.C, R.2,
18 W.E.L.S. boundary - Class A.

19 F. St. John River, minor tributaries, those waters lying
20 within the State - Class A unless otherwise specified.

21 (1) Except as otherwise classified, all minor
22 tributaries of the St. John River entering below the
23 international bridge in Fort Kent, those waters lying
24 within the State - Class B.

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

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

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

33 (5) Prestile Stream from its source to Route 1A in
34 Mars Hill - Class A.

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

2 **Sec. 15. 38 MRSA §467, sub-§16, ¶B** is enacted to read:

4 B. Salmon Falls River, tributaries, those waters lying
6 within the State - Class B.

8 **Sec. 16. 38 MRSA §467, sub-§17**, as enacted by PL 1985, c. 698,
§15, is amended to read:

10 **17. Sheepscot River Basin.**

12 A. Sheepscot River, main stem.

14 (1) From its origin in Montville to tidewater Route 17
16 - Class B. Further, the Legislature finds that the
18 free-flowing habitat of this river segment provides
 irreplaceable social and economic benefits and that
 this use must be maintained.

20 (2) From Route 17 to tidewater - Class AA.

22 B. Sheepscot River, tributaries - Class B unless otherwise
24 specified.

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

30 **Sec. 17. 38 MRSA §467, sub-§18**, as enacted by PL 1985, c. 698,
§15, is repealed and the following enacted in its place:

32 **18. Union River Basin.**

34 A. Union River, main stem.

36 (1) From the outlet of Graham Lake to tidewater -
38 Class B.

40 B. Union River, tributaries - Class A unless otherwise
 specified.

42 (1) Tributaries entering below the outlet of Graham
44 Lake - Class B.

46 (2) Outlet of Green Lake (Ellsworth) - Class B.

48 **Sec. 18. 38 MRSA §468, first ¶**, as enacted by PL 1985, c. 698,
§15, is amended to read:

50 All surface waters lying within the boundaries of the State
52 which that are in basins having a drainage area less than 100
 square miles which that are not classified as lakes or ponds and

2 which are ~~not otherwise~~ classified in this section are ~~Class B~~
waters.

4 **Sec. 19. 38 MRSA §468, sub-§§1 to 9**, as enacted by PL 1985, c.
698, §15, are repealed and the following enacted in their place:

6 1. Cumberland County. Those waters draining directly or
8 indirectly into tidal waters of Cumberland County, with the
10 exception of the Androscoggin River Basin, the Presumpscot River
12 Basin, the Royal River Basin and tributaries of the Androscoggin
River Estuary and Merrymeeting Bay, entering above the Chops -
Class B unless otherwise specified.

14 A. Freeport.

16 (1) Frost Gully Brook - Class A.

18 B. Portland.

20 (1) All minor drainages unless otherwise specified -
22 Class C.

24 (2) Stroudwater River from its origin to tidewater -
Class B.

26 C. Scarborough.

28 (1) All minor drainages - Class C unless otherwise
30 specified.

32 (2) Finnard Brook - Class B.

34 (3) Stuart Brook - Class B.

36 D. South Portland.

38 (1) All minor drainages - Class C.

40 2. Hancock County. Those waters draining directly or
42 indirectly into tidal waters of Hancock County, with the
exception of the Union River Basin - Class B unless otherwise
specified.

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

48 B. Blue Hill.

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

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

6 C. Orland.

8 (1) Alamoosook Lake, tributaries - Class A.

10 3. Knox County. Those waters draining directly or
12 indirectly into tidal waters of Knox County, with the exception
14 of the St. George River Basin - Class B unless otherwise
16 specified.

18 4. Lincoln County. Those waters draining directly or
20 indirectly into tidal waters of Lincoln County entering above the
22 Chops, with the exception of the Sheepscot River Basin and
24 tributaries of the Kennebec River Estuary and Merrymeeting Bay -
26 Class B unless otherwise specified.

28 5. Penobscot County. Those waters draining directly or
30 indirectly into tidal waters of Penobscot County, with the
32 exception of tributaries of the Penobscot River Estuary entering
34 north of a line extended in an east-west direction from the
36 outlet of Reeds Brook in the village of Hampden Highlands - Class
38 B unless otherwise specified.

40 6. Sagadahoc County. Those waters draining directly or
42 indirectly into tidal waters of Sagadahoc County entering above
44 the Chops, with the exception of tributaries of the Androscoggin
46 River Estuary, the Kennebec River Estuary and Merrymeeting Bay -
48 Class B unless otherwise specified.

50 7. Waldo County. Those waters draining directly or
 indirectly into tidal waters of Waldo County - Class B unless
 otherwise specified.

A. Ducktrap River from the outlet of Tilden Pond to
 tidewater - Class AA.

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

A. Jonesboro.

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

2 B. Whiting.

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

6 9. York County. Those waters draining directly or
indirectly into tidal waters of York County, with the exception
8 of the Saco River Basin, the Salmon Falls River Basin and the
Mousam River Basin - Class B unless otherwise specified.

10 A. Kennebunk.

12 (1) Branch Brook - Class A.

14 B. Sanford.

16 (1) Branch Brook - Class A.

18 (2) Merriland River - Class A.

20 C. Wells.

22 (1) Branch Brook - Class A.

24 (2) Merriland River - Class A.

26 **Sec. 20. 38 MRSA §469, sub-§1, ¶A, as enacted by PL 1985, c.**
28 **698, §15, is amended to read:**

30 A. Cape Elizabeth.

32 (1) Tidal waters of the Spurwink River system lying
westerly north of a line beginning at Portland Head
34 Light and running northerly to the southernmost point
of land on Cushing Island at latitude 43°-33'-44" N. -
36 Class SG SA.

38 **Sec. 21. 38 MRSA §469, sub-§1, ¶E-1 is enacted to read:**

40 E-1. Scarborough.

42 (1) Tidal waters of the Scarborough River system lying
north of a line running easterly from a point where the
44 old Boston and Maine Railroad line intersects the marsh
at latitude 43°-33'-06" N, longitude 70°-20'-58" W to a
46 point of land north of Black Rock at latitude
43°-33'-06" N, longitude 70°-19'-25" W, excluding those
48 tidal waters of Phillips Brook lying upstream of a
point 500 feet south of U.S. Route 1 - Class SA.

50

2 (2) Tidal waters of the Spurwink River system lying
3 north of a line extending from Higgins Beach at
4 latitude 43°-33'-44" N. to the town line - Class SA.

6 **Sec. 22. 38 MRSA §469, sub-§1, ¶G,** as enacted by PL 1985, c.
7 698, §15, is repealed.

8 **Sec. 23. 38 MRSA §469, sub-§2, ¶I** is enacted to read:

10 I. Winter Harbor.

12 (1) Tidal waters lying south of a line running west
13 from the northernmost tip of Frazer Point to longitude
14 68°-05'-00" W. and east of longitude 68°-05'-00" W. -
15 Class SA.

16 **Sec. 24. 38 MRSA §469, sub-§3-A** is enacted to read:

18 3-A. Lincoln County.

20 A. Boothbay.

22 (1) Tidal waters lying south of the northernmost point
23 of Damariscove Island and west of longitude 69°-36'-00"
24 W. - Class SA.

26 **Sec. 25. 38 MRSA §469, sub-§5, ¶B** is enacted to read:

28 B. Phippsburg.

30 (1) Tidal waters east of longitude 69°-50'-05" W. and
31 west of longitude 69°-47'-00" W. - Class SA.

32 **Sec. 26. 38 MRSA §469, sub-§6, ¶C,** as enacted by PL 1985, c.
33 698, §15, is amended to read:

34 C. Searsport.

36 (1) Tidal waters located within a line beginning at
37 the southernmost point of land on Kidder Point and
38 running due--east--to--the--Searsport--Steekton--Springs
39 boundary;---thence---running southerly along the
40 Searsport--Steekton--Springs--boundary western shore of
41 Sears Island to the southernmost point of Sears Island;
42 thence running due south to latitude 44°-25'-25" N.;
43 thence running due west to latitude 44°-25'-25" N.,
44 longitude 68°-54'-30" W.; thence running due north to
45 the shore of Mack Point at longitude 68°-54'-30" W.;
46 thence running along the shore in an easterly direction
47 to point of beginning - Class SC.

2 Sec. 27. 38 MRSA §469, sub-§7, as enacted by PL 1985, c. 698,
§15, is repealed and the following enacted in its place:

4 7. Washington County.

6 A. Beals.

8 (1) Tidal waters lying east of the line extending from
10 the westernmost point of Three Falls Point to the
12 easternmost point of Crumple Island; thence south along
14 longitude 67°-36'-47" W. - Class SA.

16 (2) Tidal waters lying south of a line extending from
18 the easternmost point of the southern shore of the Mud
20 Hole; thence extending along latitude 44°-29'-00" N. to
22 the town line - Class SA.

24 B. Calais.

26 (1) Tidal waters of the St. Croix River and its tidal
28 tributaries lying westerly of longitude 67°-14'-28" W.
30 - Class SC.

32 C. Cutler.

34 (1) All tidal waters except those waters in Machias
36 Bay and Little Machias Bay north of a line running from
38 the town line due east to the southernmost point of
40 Cross Island; thence running northeast to the
42 southeasternmost point of Cape Wash Island; thence
44 running northeast to the westernmost point of Deer
46 Island; thence running due north to the mainland; and
48 those waters lying northeast of a line running from the
50 easternmost point of Western Head to the easternmost
52 point of Eastern Knubble - Class SA.

54 D. Eastport.

56 (1) Tidal waters lying southerly of latitude
58 44°-54'-50" N., easterly of longitude 67°-02'-00" W.
60 and northerly of latitude 44°-53'-15" N. - Class SC.

62 E. Edmunds.

64 (1) All tidal waters - Class SA.

66 F. Lubec.

68 (1) Tidal waters, except those lying within 500 feet
70 of West Quoddy Head Light, south of a line beginning at
72 a point located on the northern shore of West Quoddy
74 Head at latitude 44°-49'-22" N., longitude 66°-59'-17"

2 W. and running northeast to the international boundary
3 at latitude 44°-49'-45" N., longitude 66°-57'-57" W. -
4 Class SA.

6 (2) Tidal waters west of a line running from the
7 eastermost point of Youngs Point to the eastermost
8 point of Leighton Neck in Pembroke - Class SA.

10 G. Milbridge.

12 (1) Tidal waters south of a line running from the town
13 line along latitude 44°-27'-39" N. to the northernmost
14 point of Currant Island; thence running southeasterly
15 to a point 1,000 feet from mean high tide on the east
16 shore of Bois Bubert Island; thence along a line
17 running 1,000 feet from mean high tide along Bois
18 Bubert Island to the southernmost point of the island;
19 thence running due south - Class SA.

20 H. Pembroke.

22 (1) Tidal waters west of a line running from the
23 eastermost point of Leighton Neck to the eastermost
24 point of Youngs Point in Lubec - Class SA.

26 I. Steuben.

28 (1) Tidal waters southeast of a line beginning at
29 Yellow Birch Head at latitude 44°-25'-05" N.; thence
30 running to longitude 67°-55'-00" W.; thence running due
31 south along longitude 67°-55'-00" W. - Class SA.

32 (2) Tidal waters southwest of a line beginning at a
33 point located south of Carrying Place Cove at latitude
34 44°-26'-18" N., longitude 67°-53'-14" W.; thence
35 running along latitude 44°-26'-18" N. east to the town
36 line - Class SA.

38 J. Trescott.

40 (1) All tidal waters - Class SA.

42 K. Whiting.

44 (1) Tidal waters of the Orange River - Class SA.

46 **Sec. 28. 38 MRSA §469, sub-§8,** as amended by PL 1987, c. 192,
48 §23, is repealed and the following enacted in its place:

2 G. York.

4 (1) Tidal waters lying southwest of a line from Seal
6 Head Point east along latitude 43°-07'-15" N. - Class
8 SA.

10 **STATEMENT OF FACT**

12 This bill completes the reclassification of the State's
14 waters begun in 1986 with the passage of the new water
16 reclassification program. This bill considers assignment of
18 classifications for all waters except those in the Kennebec and
20 Androscoggin basins which were reclassified in the First Regular
22 Session of the 114th Legislature. The proposed classifications
are based on actual water quality data, water quality model
projections after completion of treatment facilities and public
comments received at a series of statewide public hearings which
provided information on present and potential use. These
proposals are recommended by the Board of Environmental
Protection in accordance with the Maine Revised Statutes, Title
38, section 464, subsection 2 and subsection 4, paragraph F.