

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2021

H.P. 1409

House of Representatives, January 7, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CLARK of Millinocket.

Cosponsored by Representative GOULD of Greenville, Representative ANDERSON of
Woodland and Senator LUDWIG of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

An Act to Clarify the Water Quality Definitions for Impoundments.



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

2
38 MRSA §466, sub-§§2, 9, 11 and 12, as enacted by PL 1985, c.
4 698, §15, are amended to read:

6 2. **As naturally occurs.** "As naturally occurs" means,
7 except for impoundments, conditions with essentially the same
8 physical, chemical and biological characteristics as found in
9 situations with similar habitats free of measurable effects of
10 human activity.

12 9. **Natural.** "Natural" means, except for impoundments,
13 living in, or as if in, a state of nature not measurably affected
14 by human activity.

16 11. **Unimpaired.** "Unimpaired" means, except for
17 impoundments, without a diminished capacity to support aquatic
18 life.

20 12. **Without detrimental changes in the resident biological**
21 **community.** "Without detrimental changes in the resident
22 biological community" means, except for impoundments, no
23 significant loss of species or excessive dominance by any species
24 or group of species attributable to human activity.

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STATEMENT OF FACT

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30 The present water classification scheme for lakes, ponds and
31 rivers has been interpreted in some instances as requiring
32 human-constructed impoundments to have fish and aquatic life
33 habitat or other characteristics that would be found in natural
34 bodies of water not affected by human activity. This bill
35 clarifies that habitat and related aquatic life requirements for
36 impoundments do not have to meet standards designed for natural
bodies of water.