

MAINE STATE LEGISLATURE

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RDE

L.D. 618

DATE: 4/13/95

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NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 452, L.D. 618, Bill, "An Act to Change the Definitions of "River," "Stream" and "Brook" in the Environmental Laws"

Amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 38 MRSA §480-B, sub-§9, as enacted by PL 1987, c. 809, §2, is repealed and the following enacted in its place:

9. River, stream or brook. "River, stream or brook" means a channel between defined banks and associated flood plain wetlands. A channel is created by the action of surface water and has 2 or more of the following characteristics.

A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.

B. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.

C. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

COMMITTEE AMENDMENT

RdS

COMMITTEE AMENDMENT "A" to H.P. 452, L.D. 618

2 D. The channel contains aquatic animals such as fish,
aquatic insects or mollusks in the water or, if no surface
4 water is present, within the stream bed.

6 E. The channel contains aquatic vegetation and is
essentially devoid of upland vegetation.

8 "River, stream or brook" does not mean a ditch or other drainage
way constructed and maintained solely for the purpose of draining
10 storm water or a grassy swale.'

12 Further amend the bill by inserting at the end before the
14 statement of fact the following:

16 **FISCAL NOTE**

18 **1995-96 1996-97**

20 **REVENUES**

22 General Fund (\$7,500) (\$10,000)

24 Changing the statutory definitions of stream, river and
26 brook will reduce permit fee collections. The estimated
28 reductions of dedicated revenue to the Department of
Environmental Protection are \$7,500 and \$10,000 in fiscal years
1995-96 and 1996-97, respectively.'

30 **STATEMENT OF FACT**

32 The bill proposes to amend the definition of "stream" in the
34 mandatory zoning laws and the definition of "river, stream or
36 brook" in the natural resources protection laws.

38 This amendment strikes the provision of the bill relating to
40 the definition of "river, stream or brook" in the natural
resources protection laws. The amendment repeals and replaces
the current definition.

42 Under the current law, "river, stream or brook" is defined
44 by reference to certain physical characteristics such as the
presence of aquatic vegetation and a channel bed devoid of top
46 soil. Under this amendment, "river, stream or brook" is defined
48 as a channel between defined banks and the associated flood
plain. "Channel" is further defined by reference to a list of
50 characteristics both physical and cartographic. Under this
amendment, a channel exists only if at least 2 of these
characteristics are present.