

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 618

H.P. 452

House of Representatives, February 23, 1995

**An Act to Change the Definitions of "River," "Stream" and "Brook" in
the Environmental Laws.**

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

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MARSHALL of Eliot.
Cosponsored by Representatives: BAILEY of Township 27, CAMERON of Rumford,
DAMREN of Belgrade, DEXTER of Kingfield, KNEELAND of Easton, LIBBY of
Kennebunk, MARSHALL of Eliot, UNDERWOOD of Oxford.

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

Sec. 1. 38 MRSA §436-A, sub-§11-A, as amended by PL 1991, c. 346, §3, is further amended to read:

11-A. Stream. "Stream" means a free-flowing body of water from the outlet of a great pond or the point of confluence of 2 perennial streams as depicted by a solid blue line on the most recent edition of a United States Geological Survey 7.5-minute series topographic map, or, if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within a shoreland area.

Sec. 2. 38 MRSA §480-B, sub-§9, as enacted by PL 1987, c. 809, §2, is amended to read:

9. River, stream or brook. "River, stream or brook" means a channel between defined banks including the floodway and associated flood plain wetlands where the channel is created by the action of the surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of top soil containing water-borne deposits on exposed soil, parent material or bedrock and that is depicted as a solid blue line on the most recent edition of a United States Geological Survey 7.5-minute series topographic map or, if not available, a 15-minute series topographic map.

STATEMENT OF FACT

This bill amends the definitions of stream, river and brook in the Maine Revised Statutes, Title 38 to clarify which streams are to be controlled by the Department of Environmental Protection.