

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1529

H.P. 1121

House of Representatives, April 7, 2003

### An Act To Reclassify Certain Waters of the State

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Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.  
Reference to the Committee on Natural Resources suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Speaker COLWELL of Gardiner.  
Cosponsored by Senator MARTIN of Aroostook and  
Representatives: BULL of Freeport, DUNLAP of Old Town, Senator: SAWYER of Penobscot.

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

4 **Sec. 1. 38 MRSA §466, sub-§10-A** is enacted to read:

6 10-A. Subsistence fishing. "Subsistence fishing" means the  
catching of fish primarily to meet nutritional needs or for  
8 traditional cultural reasons.

10 **Sec. 2. 38 MRSA §467, sub-§1, ¶B,** as amended by 1999, c.  
277, §1, is further amended to read:

12 B. Little Androscoggin River Drainage.

14 (1) Little Androscoggin River, main stem

16 (a) From the outlet of Bryant Pond in the State of Maine  
Central Railroad bridge in South Paris to the outlet of the  
18 Pond - Class A.

20 (b) From the Maine Central Railroad bridge in  
South Paris to its confluence with the  
Androscoggin River - Class C.

22 (2) Little Androscoggin River, tributaries - Class B  
24 unless otherwise specified.

26 (a) Outlet of Thompson Lake in Oxford - Class C.

28 (b) Andrews Brook in Woodstock - Class C.

30 (c) Black Brook in Woodstock - Class C.

32 (d) Cushman Stream in Woodstock - Class C.

34 (e) Meadow Brook in Woodstock - Class A.

36 (f) Bog Brook and tributaries in Minot, Oxford  
and Hebron - Class A.

38 **Sec. 3. 38 MRSA §467, sub-§1, ¶C,** as repealed and replaced by  
40 PL 1989, c. 228, §1, is amended to read:

42 C. Androscoggin River, Upper Drainage; that portion within  
the State lying above the river's most upstream crossing of  
44 the Maine-New Hampshire boundary - Class A unless otherwise  
specified.

46 (1) Cupsuptic River and its tributaries - Class AA.

48 (2) Kennebago River and its tributaries except for the  
50 impoundment of the dam at Kennebago Falls - Class AA.

2 (3) Rapid River, from a point located 1,000 feet  
4 downstream of Middle Dam to its confluence with Umbagog  
Lake - Class AA.

6 (4) Magalloway River and tributaries above Aziscohos  
8 Lake in Lynchton Township, Parmachenee Township and  
Bowmantown Township - Class AA.

10 (5) Little Magalloway River and tributaries in  
12 Parmachenee Township and Bowmantown Township - Class AA.

14 (6) Long Pond Stream in Rangeley - Class AA.

16 (7) Dodge Pond Stream in Rangeley - Class AA.

18 **Sec. 4. 38 MRSA §467, sub-§1, ¶D,** as amended by PL 1999, c.  
277, §2, is further amended to read:

20 D. Androscoggin River, minor tributaries - Class B unless  
22 otherwise specified.

24 (1) All tributaries of the Androscoggin River that  
26 enter between the Maine-New Hampshire boundary in  
Gilead and its confluence with, and including, the  
Ellis River and that are not otherwise classified -  
Class A.

28 (2) Bear River - Class AA.

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

34 (4) Webb River - Class A.

36 (5) Swift River, and its tributaries, above the  
38 Mexico-Rumford boundary - Class A.

40 (6) Nezinscot River, east and west branches above  
their confluence in Buckfield - Class A.

42 (7) Wild River in Gilead, Batchelders Grant - Class AA.

44 **Sec. 5. 38 MRSA §467, sub-§2, ¶B,** as amended by PL 1989, c.  
46 764, §4, is further amended to read:

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

2 (1) All tributaries entering below the Route 1 bridge  
- Class B.

4 (2) Cathance Stream in Edmunds Township, Marion  
Township and Township 14 - Class AA.

6 (3) Venture Brook in Edmunds Township - Class AA.

8  
10 **Sec. 6. 38 MRSA §467, sub-§3, ¶B,** as amended by PL 1999, c.  
277, §3, is further amended to read:

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

(1) All tributaries entering below the Route 191  
16 bridge in Jacksonville - Class B.

18 (2) Beaverdam Brook - Class AA.

20 (3) Seavey Brook in Crawford - Class AA.

22 (4) Harmon Brook in Crawford - Class AA.

24 (5) Northern Stream in Township 19 Eastern Division -  
Class AA.

26 (6) Creamer Brook in Township 19 Eastern Division -  
28 Class AA.

30 (7) Clifford Brook - Class AA.

32 **Sec. 7. 38 MRSA §467, sub-§4, ¶A,** as amended by PL 1999, c.  
34 277, §4, is further amended to read:

36 A. Kennebec River, main stem.

(1) From the east outlet of Moosehead Lake to a point  
38 1,000 feet below the lake - Class A.

40 (2) From the west outlet of Moosehead Lake to a point  
42 1,000 feet below the lake - Class A.

44 (3) From a point 1,000 feet below Moosehead Lake to  
its confluence with Indian Pond - Class AA.

46 (4) From Harris Dam to a point located 1,000 feet  
48 downstream from Harris Dam - Class A.

- 2 (5) From a point located 1,000 feet downstream from  
Harris Dam to its confluence with the Dead River -  
Class AA.
- 4
- 6 (6) From its confluence with the Dead River to the  
confluence with Wyman Lake, including all impoundments  
- Class A.
- 8
- 10 (7) From the Wyman Dam to its confluence with the  
impoundment formed by the Williams Dam - Class A.
- 12
- 14 (8) From the confluence with the Williams impoundment  
to the Route 201A bridge in Anson-Madison, including  
all impoundments - Class A.
- 16
- 18 (9) From the Route 201A bridge in Anson-Madison to the  
Fairfield-Skowhegan boundary, including all  
impoundments - Class B.
- 20
- 22 (10) From the Fairfield-Skowhegan boundary to its  
confluence with Messalonskee Stream, including all  
impoundments - Class C.
- 24
- 26 (11) From its confluence with Messalonskee Stream to  
the Sidney-Augusta boundary, including all impoundments  
- Class B.
- 28
- 30 (12) From the Sidney-Augusta boundary to the Father  
John J. Curran Bridge in Augusta, including all  
impoundments - Class B.
- 32
- 34 (13) From the Father John J. Curran Bridge in Augusta  
to a line drawn across the tidal estuary of the  
Kennebec River due east of Abagadasset Point -  
Class -C- 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.
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- 42 (14) From a line drawn across the tidal estuary of the  
Kennebec River due east of Abagadasset Point, to a line  
across the southwesterly area of Merrymeeting Bay  
formed by an extension of the Brunswick-Bath boundary  
across the bay in a northwesterly direction to the  
westerly shore of Merrymeeting Bay and to a line drawn  
from Chop Point in Woolwich to West Chop Point in Bath  
- 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.
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2           **Sec. 8. 38 MRSA §467, sub-§4, ¶D**, as amended by PL 1999, c.  
3 277, §6, is further amended to read:

4           D. Dead River Drainage.

6           (1) Dead River, main stem.

8           (a) From the Long Falls Dam to a point 5,100 feet  
10 below the dam - Class A.

12           (b) From a point 5,100 feet below Long Falls Dam  
14 to its confluence with the Kennebec River - Class  
AA.

16           (2) Dead River, tributaries - Class A unless otherwise  
18 specified.

20           (a) Black Brook below Dead River Hatchery - Class  
B.

22           (b) Stratton Brook, Eustis, from the upper Route  
24 16/27 bridge to its confluence with Flagstaff Lake  
- Class B.

26           (c) Spencer Stream and Little Spencer Stream -  
28 Class AA.

30           (d) Horseshoe Stream in Chain of Ponds Township -  
Class AA.

32           **Sec. 9. 38 MRSA §467, sub-§4, ¶E**, as amended by PL 1991, c.  
34 813, Pt. E, §2, is further amended to read:

36           E. Messalonskee Stream Drainage.

38           (1) Messalonskee Stream, main stem.

40           (a) From the outlet of Messalonskee Lake to its  
42 confluence with the Kennebec River, including all  
impoundments except Rice Rips Lake - Class C.

44           (2) Messalonskee Stream, tributaries - Class B unless  
otherwise specified.

46           (a) Rome Trout Brook in Rome - Class A.

48           **Sec. 10. 38 MRSA §467, sub-§4, ¶H**, as repealed and replaced by  
50 PL 1989, c. 228, §2, is repealed and the following enacted in its  
place:



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H. Sebasticook River Drainage.

(1) Sebasticook River, main stem, including all impoundments.

(a) From the confluence of the East Branch and the West Branch to its confluence with the Kennebec River - Class C.

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

(a) Sebasticook River, East Branch from Sebasticook Lake to its confluence with the West Branch - Class C.

(b) Sebasticook River, West Branch main stem, from the outlet of Great Moose Lake to its confluence with the East Branch, including all impoundments - Class C.

(c) Johnson Brook and tributaries in Burnham - Class A.

(d) Martin Stream and tributaries upstream of the Ridge Road in Plymouth - Class A.

(e) Halfmoon Stream upstream of Route 220 in Thorndike and Knox - Class A.

(f) Crosby Brook in Unity and Thorndike - Class A.

(g) Hall Brook in Thorndike - Class A.

**Sec. 11. 38 MRSA §467, sub-§5, ¶B,** as amended by PL 1999, c. 277, §7, is further amended to read:

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

**(1) All tributaries entering below Route 1A in Whitneyville - Class B.**

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

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

- 2 (4) West Branch of the Machias River, from the outlet  
of Lower Sabao Lake to its confluence with the Machias  
4 River - Class AA.
- 6 (5) New Stream, in Northfield and Wesley - Class AA.
- 8 (6) Crooked Stream - Class AA.
- 10 (7) Fletcher Brook in Township 36 Middle Division -  
Class AA.
- 12 (8) Magazine Brook in Township 43 Middle Division -  
14 Class AA.
- 16 (9) Bowles Brook in Township 31 Middle Division -  
Class AA.
- 18 (10) Chain Lakes Stream in Township 31 - Class AA.
- 20 (11) Bog Brook - Class AA.
- 22 (12) Pineo Brook in Wesley - Class AA.
- 24 (13) Black Brook in Township 25 Middle Division -  
26 Class AA.
- 28 (14) Pembroke Stream in Township 31 Middle Division -  
Class AA.
- 30 (15) Holmes Brook in Northfield - Class AA.
- 32

34 **Sec. 12. 38 MRSA §467, sub-§6-A, ¶B**, as amended by PL 1999, c.  
277, §8, is further amended to read:

36

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

- 40 (1) All tributaries entering below the river's  
42 confluence with the West Branch - Class B.
- 44 (2) West Branch of the Narraguagus River - Class AA.
- 46 (3) Baker Brook - Class AA.
- 48 (4) Pork Brook - Class AA.
- 50 (5) Schoodic Brook - Class AA.

- 2 (6) Shorey Brook - Class AA.
- 4 (7) West Branch Stream in Township 34 Middle Division  
- Class AA.
- 6 (8) Gould Brook in Township 28 Middle Division - Class  
AA.
- 8 (9) Rocky Brook in Devereaux Township - Class AA.
- 10 (10) Sinclair Brook in Devereaux Township - Class AA.
- 12 (11) Humpback Brook in Township 28 Middle Division -  
14 Class AA.
- 16 (12) Little Narraguagus River in Township 22 Middle  
18 Division - Class AA.
- 20 (13) Great Falls Branch downstream of Route 193 in  
Deblois, excluding any tributaries - Class AA.
- 22 (14) Lawrence Brook - Class AA.

24 **Sec. 13. 38 MRSA §467, sub-§7. ¶A**, as repealed and replaced by  
PL 1999, c. 277, §9, is amended to read:

- 26 A. Penobscot River, main stem.
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- 30 (1) From the confluence of the East Branch and the  
32 West Branch to the confluence of the Mattawamkeag  
River, including all impoundments - Class C. Further,  
the Legislature declares that the water quality of this  
34 segment must be sufficiently free from pollutants to  
protect human health related to subsistence fishing.
- 36 (2) From the confluence of the Mattawamkeag River to  
38 the confluence of Cambolasse Stream - Class B.  
Further, the Legislature declares that the water  
quality of this segment must be sufficiently free from  
40 pollutants to protect human health related to  
subsistence fishing.
- 42 (3) From the confluence of Cambolasse Stream to a  
44 point-1.0-mile-above the West Enfield Dam - Class B.  
Further, the Legislature declares that the water  
46 quality of this segment must be sufficiently free from  
pollutants to protect human health related to  
48 subsistence fishing.

2 ~~(4) -- From a point 1.0 mile above the West Enfield Dam~~  
3 ~~to the West Enfield Dam --- Class -- G.~~

4 (5) From the West Enfield Dam, including the  
5 Stillwater Branch, to the Veazie Dam, including all  
6 impoundments - Class B. Further, the Legislature  
7 declares that the water quality of that portion of this  
8 segment upstream of the Milford Dam and that portion of  
9 the Stillwater River upstream of the dam at Stillwater  
10 Avenue must be sufficiently free from pollutants to  
11 protect human health related to subsistence fishing.

12 (6) From the Veazie Dam, but not including the Veazie  
13 Dam, to the Maine Central Railroad bridge in  
14 Bangor-Brewer - Class B. Further, the Legislature  
15 finds that the free-flowing habitat of this river  
16 segment provides irreplaceable social and economic  
17 benefits and that this use must be maintained.

18 (7) From the Maine Central Railroad bridge in Bangor  
19 to a line extended in an east-west direction from a  
20 point 1.25 miles upstream of the confluence of Reeds  
21 Brook in Hampden - Class B. Further, the Legislature  
22 finds that the free-flowing habitat of this river  
23 segment provides irreplaceable social and economic  
24 benefits and that this use must be maintained.

25 **Sec. 14. 38 MRSA §467, sub-§7, ¶F,** as amended by PL 1999, c.  
26 277, §11, is further amended to read:

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

29 (1) Cambolasse Stream (Lincoln) below the Route 2  
30 bridge - Class C.

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

33 (3) Kenduskeag Stream (Bangor) below the Bullseye  
34 Bridge - Class C.

35 (4) Mattanawcook Stream (Lincoln) below the outlet of  
36 Mattanawcook Pond - Class C.

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

39 (6) Passadumkeag River and its tributaries - Class A,  
40 unless otherwise specified.

- 2 (a) Passadumkeag River from the Pumpkinhill Dam  
4 to its confluence with the Penobscot River - Class  
AA.
- 6 (b) Ayers Brook - Class AA.
- 8 (7) ~~Sourdabseeek~~ Souadabscook Stream above head of  
10 tide - Class AA.
- 12 (8) Sunkhaze Stream and its tributaries - Class AA.
- 14 (9) Birch Stream - Class A.
- 16 (10) Hemlock Stream - Class A.
- 18 (11) Mattamiscontis Stream - Class A.
- 20 (12) Medunkeunk Stream - Class A.
- 22 (13) Rockabema Stream - Class A.
- 24 (14) Salmon Stream in Medway, Township 1 Range 6 -  
Class -A- AA.
- 26 (15) Salmon Stream in Winn - Class A.
- 28 (16) Little Salmon Stream in Medway - Class A.
- 30 (17) Narrimissic River in Bucksport and Orland,  
32 including all impoundments - Class B.

34 **Sec. 15. 38 MRSA §467, sub-§8, ¶B,** as enacted by PL 1989, c.  
764, §8, is amended to read:

- 36 B. Pleasant River, tributaries - Class A unless otherwise  
38 specified.
- 40 (1) All tributaries entering below the Maine Central  
Railroad bridge - Class B.
- 42 (2) Bog Stream (Deblois) - Class B.
- 44 (3) Beaver Meadow Brook (Deblois) - Class B.
- 46 (4) Eastern Little River in Columbia Falls - Class AA.
- 48 (5) Western Little River from the confluence with  
Montegail Stream to the Pleasant River, Columbia,

2                    Township 18 Middle Division, Township 19 Middle  
3                    Division - Class AA.

4                    **Sec. 16. 38 MRSA §467, sub-§9, ¶A**, as amended by PL 1999, c.  
5                    277, §12, is further amended to read:

6                    A. Presumpscot River, main stem.

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

9                    (1-A) From the outlet of Dundee Pond to its confluence  
10                    with the Pleasant River - Class A.

11                    For the purposes of water quality certification of the  
12                    hydropower project at the Dundee Dam under the Federal  
13                    Water Pollution Control Act, Public Law 92-500, Section  
14                    401, as amended, and licensing modifications to this  
15                    hydropower project under section 636 and any other  
16                    licensing proceeding affecting this project, the  
17                    habitat characteristics and aquatic life criteria of  
18                    Class A are deemed to be met in the waters immediately  
19                    downstream and measurably affected by that project if  
20                    the criteria of section 465, subsection 3, paragraphs A  
21                    and C are met.

22                    (2) From its confluence with the Pleasant River to  
23                    ~~U.S.--Route--202----~~Class--B Little's Island - Class A.  
24                    Further, there may be no new direct discharges to this  
25                    segment after January 1, 1999.

26                    (3) From ~~U.S.--Route--202~~ Little's Island to Sacarappa  
27                    Falls - Class B. Further, there may be no new direct  
28                    discharges to this segment after January 1, 2004.

29                    (4) From Sacarappa Falls to tidewater - Class C.

30                    **Sec. 17. 38 MRSA §467, sub-§11, ¶B**, as repealed and replaced  
31                    by PL 1989, c. 764, §11, is amended to read:

32                    B. Royal River, ~~Tributaries~~ tributaries - Class B unless  
33                    otherwise specified.

34                    (1) Collyer Brook from Route 202 to the confluence  
35                    with the Royal River - Class A.

36                    **Sec. 18. 38 MRSA §467, sub-§12**, as amended by PL 1999, c. 277,  
37                    §15, is further amended to read:

38                    **12. Saco River Basin.**

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A. Saco River, main stem.

- (1) From the Maine-New Hampshire boundary to its confluence with the impoundment of the Swan's Falls Dam - Class A.
- (2) From its confluence with the impoundment of the Swan's Falls Dam to a point located 1,000 feet below the Swan's Falls Dam - Class A.
- (3) From a point located 1,000 feet below the Swan's Falls Dam to its confluence with the impoundment of the Hiram Dam - Class AA.
- (4) From its confluence with the impoundment of the Hiram Dam to a point located 1,000 feet below the Hiram Dam - Class A.
- (5) From a point located 1,000 feet below the Hiram Dam to its confluence with the Little Ossipee River - Class AA.
- (6) From its confluence with the Little Ossipee River to the West Buxton Dam, including all impoundments - Class A.
- (7) From the West Buxton Dam to its confluence with the impoundment formed by the Bar Mills Dam - Class A.
- (8) From its confluence with the impoundment formed by the Bar Mills Dam to the confluence with the impoundment formed by the Skelton Dam - Class A.
- (9) From Skelton Dam to its confluence with the impoundment formed by the Cataract Project Dams - Class A.
- (10) From the confluence with the impoundment formed by the Cataract Project Dams to ~~its confluence with Swan Pond Stream~~ the Interstate 95 bridge, including all impoundments - Class A.
- (11) From ~~its confluence with Swan Pond Stream~~ the Interstate 95 bridge to tidewater - Class B.

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

- 2 (1) All tributaries entering above the confluence of
- the Ossipee River lying within the State and not
- 4 otherwise classified - Class A.
- 6 (2) Wards Brook (Fryeburg) - Class C.
- 8 (3) Buff Brook (Waterboro) - Class A.
- 10 (4) Ossipee River Drainage - Class B unless otherwise
- 12 specified.
- 14 (a) Emerson Brook in Parsonsfield - Class A.

14 **Sec. 19. 38 MRSA §467, sub-§13, ¶B**, as amended by PL 1999, c.  
 277, §16, is further amended to read:

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

- 20 (1) All tributaries entering upstream from the dam at
- Calais, the drainage areas of which are wholly within
- 22 the State - Class A unless otherwise classified.
- 24 (2) Tomah Stream - Class AA.
- 26 (3) Monument Brook - Class A.
- 28 (4) Waters connecting the Chiputneticook Lakes,
- 30 including The Thoroughfare, Forest City Stream and Mud
- Lake Stream - Class A.

32 **Sec. 20. 38 MRSA §467, sub-§15, ¶C**, as amended by PL 1999, c.  
 277, §§18 and 19, is further amended to read:

34 C. Aroostook River Drainage.

- 36 (1) Aroostook River, main stem.
- 38 (a) From the confluence of Millinocket Stream and
- 40 Munsungan Stream to the Route 11 bridge - Class AA.
- 42 (b) From the Route 11 bridge to the Sheridan Dam
- 44 - Class B.
- 46 (c) From the Sheridan Dam to its confluence with
- Presque Isle Stream, including all impoundments -
- 48 Class B.
- 50 (d) From its confluence with Presque Isle Stream
- to a point located 3.0 miles upstream of the



2 intake of the Caribou water supply, including all  
impoundments - Class C.

4 (e) From a point located 3.0 miles upstream of  
6 the intake of the Caribou water supply to a point  
located 100 yards downstream of the intake of the  
8 Caribou water supply, including all impoundments -  
Class B.

10 (f) From a point located 100 yards downstream of  
12 the intake of the Caribou water supply to the  
international boundary, including all impoundments  
14 - Class C.

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

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

22 (b) Little Machias River and its tributaries -  
24 Class A.

26 (c) Little Madawaska River and its tributaries,  
including Madawaska Lake tributaries above the  
28 Route--161--bridge--in--Steekhelm Caribou-Connor  
Township line - Class A.

30 (d) Machias River, from the outlet of Big Machias  
32 Lake to the Aroostook River - Class AA.

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

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

42 (g) Presque Isle Stream and its tributaries above  
~~its confluence with, but not including, the North  
Branch of the Presque Isle Stream~~ the  
44 Mapleton-Presque Isle town line - Class A.

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

2 (j) Squa Pan Stream from the outlet of Squa Pan  
Lake to its confluence with the Aroostook River -  
Class C.

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6 (k) Limestone Stream from the Long Road bridge to  
the Canadian border - Class C.

8 **Sec. 21. 38 MRSA §467, sub-§15, ¶¶E and F**, as repealed and  
replaced by PL 1989, c. 764, §16, are amended to read:

10 E. Meduxnekeag River Drainage.

12 (1) Meduxnekeag River, main stem.

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

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

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

24 (b) Moose Brook and its tributaries, upstream of  
26 the Ludlow Road in Ludlow - Class A.

28 (c) South Branch of the Meduxnekeag River and its  
30 tributaries, upstream of the Oliver Road in Cary -  
Class A.

32 (d) B Stream and tributaries upstream of the  
34 Burnt Brow Bridge in Hammond - Class A.

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

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

44 (2) Baker Branch, from ~~a point located 1.5 miles below~~  
Baker-Lake the headwaters at the St. John Ponds to its  
46 confluence with the Southwest Branch - Class AA.

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

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

4  
6 (5) Prestile Stream from its source to Route 1A in  
Mars Hill - Class A.

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

12 **Sec. 22. 38 MRSA §467, sub-§17, ¶¶A and B**, as amended by PL  
1989, c. 764, §18, are repealed and the following enacted in  
14 their place:

16 A. Sheepscot River, main stem.

18 (1) From its origin in Montville to Sheepscot Lake -  
Class AA.

20 (2) From Sheepscot Lake to Route 17 - Class B.  
22 Further, the Legislature finds that the free-flowing  
24 habitat of this river segment provides irreplaceable  
social and economic benefits and that this use must be  
maintained.

26 (3) From Route 17 to tidewater - Class AA.

28 B. Sheepscot River, tributaries - Class B unless otherwise  
30 specified.

32 (1) Trout Brook - Class AA.

34 (2) Choate Brook - Class AA.

36 (3) Weaver Brook - Class AA.

38 (4) Ben Brook - Class AA.

40 (5) Finn Brook - Class A.

42 (6) Hewitt Brook - Class A.

44 (7) Dearborn Brook - Class A.

46 (8) Culvert Pond Brook - Class A.

48 **Sec. 23. 38 MRSA §468, sub-§2, ¶N** is enacted to read:

50 N. Township 7 Southern Division.

2                   (1) Whitten Parritt Stream - Class A.

4       **Sec. 24. 38 MRSA §468, sub-§8, ¶¶K to O** are enacted to read:

6       K. Steuben.

8                   (1) Tunk Stream and tributaries upstream of Route 1 -  
10                   Class AA.

12                   (2) Whitten Parritt Stream - Class A.

14       L. Harrington.

16                   (1) Harrington River and tributaries - Class A.

18       M. Columbia.

20                   (1) Harrington River and its tributaries - Class A.

22       N. Addison.

24                   (1) Indian River - Class A.

26       O. Jonesport.

28                   (1) Indian River - Class A.

30       **Sec. 25. 38 MRSA §468, sub-§9, ¶C**, as repealed and replaced by  
PL 1989, c. 764, §21, is amended to read:

32       C. Wells.

34                   (1) Branch Brook - Class A.

36                   (2) Merriland River - Class A.

38                   (3) Webhannet River above Route 1 - Class A.

40                   (4) Depot Brook - Class A.

42                   (5) Blacksmith Brook above Route 1 - Class A.

44                   (6) Ogunquit River and tributaries above Interstate 95  
46                   - Class A.

48       **Sec. 26. 38 MRSA §469, sub-§2, ¶¶A-1, E-1 and E-2** are enacted to  
read:

50       A-1. Brooksville.

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(1) Tidal waters of the Bagaduce River lying southerly of Young's Island - Class SA.

E-1. Penobscot.

(1) Tidal waters of the Bagaduce River lying southerly of Winslow Island and easterly of the westernmost point of Young's Island - Class SA.

E-2. Sedgewick.

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

**Sec. 27. Rulemaking.** The Board of Environmental Protection within the Department of Environmental Protection shall adopt rules no later than March 1, 2004 that further define "subsistence fishing" by establishing water quality criteria protective of human health for toxic pollutants in the segments of waters having subsistence fishing as a designated use. Rules adopted under this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**SUMMARY**

This bill provides a list of recommendations that the Board of Environmental Protection is making to the Legislature pursuant to the guidance for reclassification of waters provided in the Maine Revised Statutes, Title 38, section 464, subsection 2. This list includes many waters where recent water quality investigations indicate that quality of a higher class has been achieved, as required in Title 38, section 464, subsection 4, paragraph F, subparagraph (4). Additionally, some waters are proposed when the expectation to achieve a higher classification has been found to be desirable and feasible. This bill also recommends addition of the new designated use of subsistence fishing for certain segments of the Penobscot River. This bill includes a requirement that the Board of Environmental Protection adopt routine technical rules no later than March 1, 2004 that establish water quality criteria protective of human health for toxic pollutants in the segments having subsistence fishing as a designated use.