

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1743

H.P. 1242

House of Representatives, May 16, 2019

An Act To Reclassify Certain Waters of the State

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

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative ZEIGLER of Montville.

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

2 **Sec. 1. 38 MRSA §467, sub-§1, ¶D**, as amended by PL 2009, c. 163, §2, is
3 further amended to read:

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

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

8 (2) Bear River - Class AA.

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

11 (4) Webb River - Class A.

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

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

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

17 (8) Aunt Hannah Brook and its tributaries in Dixfield - Class A.

18 (9) Tributaries to Webb Lake - Class A.

19 **Sec. 2. 38 MRSA §467, sub-§4, ¶I**, as amended by PL 2009, c. 163, §4, is
20 further amended to read:

21 I. Kennebec River, minor tributaries - Class B unless otherwise specified.

22 (1) All minor tributaries entering above Wyman Dam that are not otherwise
23 classified - Class A.

24 (2) All tidal portions of tributaries entering between the Sidney-Vassalboro-
25 Augusta town line and a line drawn across the tidal estuary of the Kennebec
26 River due east of Abagadasset Point - Class B, unless otherwise specified.

27 (a) Eastern River from head of tide to its confluence with the Kennebec
28 River - Class C.

29 (3) Cold Stream, West Forks Plantation - Class AA.

30 (4) Moxie Stream, Moxie Gore, below a point located 1,000 feet downstream of
31 the Moxie Pond dam - Class AA.

32 (5) Austin Stream and its tributaries above the highway bridge of Route 201 in
33 the Town of Bingham - Class A.

34 (6) East Branch Wesserunsett Stream above the downstream Route 150,
35 Harmony Road, crossing in Athens - Class A.

36 (7) Tributaries to East Branch Wesserunsett Stream - Class A.

1 **Sec. 3. 38 MRSA §467, sub-§7, ¶A**, as amended by PL 2003, c. 317, §12, is
2 further amended to read:

3 A. Penobscot River, main stem.

4 (1) From the confluence of the East Branch and the West Branch to the
5 confluence of the Mattawamkeag River, including all impoundments - Class ~~C~~ B.

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

8 (3) From the confluence of Cambolasse Stream to the West Enfield Dam - Class
9 B.

10 (5) From the West Enfield Dam, including the Stillwater Branch, to the ~~Veazie~~
11 Milford Dam, including all impoundments - Class B.

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

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

21 **Sec. 4. 38 MRSA §467, sub-§7, ¶B**, as repealed and replaced by PL 1989, c.
22 764, §7, is amended to read:

23 B. Penobscot River, East Branch Drainage.

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

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

26 (b) From the dam at the outlet of Grand Lake Mattagamon to a point located
27 1,000 feet downstream from the dam - Class A.

28 (c) From a point located 1,000 feet downstream from the dam at the outlet of
29 Grand Lake Mattagamon to its confluence with the ~~West Branch~~ Mattaceunk
30 impoundment as it existed on July 14, 1990 - Class AA.

31 (d) From its confluence with the Mattaceunk impoundment as it existed on
32 July 14, 1990 to its confluence with the West Branch - Class B. Further,
33 there may be no new direct discharges to this segment after January 1, 2019.

34 (2) East Branch of the Penobscot River, tributaries - Class A unless otherwise
35 specified.

36 (a) All tributaries, any portion of which is located within the boundaries of
37 Baxter State Park - Class AA.

- 1 (b) Sawtelle Brook, from a point located 1,000 feet downstream from the
- 2 dam at the outlet of Sawtelle Deadwater to its confluence with the Seboeis
- 3 River - Class AA.
- 4 (c) Seboeis River, from the outlet of Snowshoe Lake to its confluence with
- 5 the East Branch - Class AA.
- 6 (d) Wassataquoik Stream, from the boundary of Baxter State Park to its
- 7 confluence with the East Branch - Class AA.
- 8 (e) Webster Brook, from a point located 1,000 feet downstream from the
- 9 dam at the outlet of Telos Lake to its confluence with Webster Lake - Class
- 10 AA.

11 **Sec. 5. 38 MRSA §467, sub-§7, ¶C**, as amended by PL 2005, c. 159, §3, is
 12 further amended to read:

13 C. Penobscot River, West Branch Drainage.

14 (1) West Branch of the Penobscot River, main stem.

- 15 (a) From the dam at the outlet of Seboomook Lake to a point located 1,000
- 16 feet downstream from the dam at the outlet of Seboomook Lake - Class B.
- 17 (b) From a point located 1,000 feet downstream from the dam at the outlet of
- 18 Seboomook Lake to its confluence with Chesuncook Lake - Class A.
- 19 (b-1) From its confluence with Chesuncook Lake to Ripogenus Dam - Class
- 20 GPA as modified by section 464, subsection 9-A.
- 21 (c) From Ripogenus Dam through Ripogenus Gorge to the McKay
- 22 powerhouse - Class B.
- 23 (d) From the McKay powerhouse to its confluence with Ambajejus Lake -
- 24 Class A.
- 25 (e) From the outlet of Elbow Lake to the outlet of Ferguson and Quakish
- 26 Lakes - Class B.
- 27 (f) From the outlet of Ferguson and Quakish Lakes to its confluence with ~~the~~
- 28 East Branch of the Penobscot River, including all impoundments Millinocket
- 29 Stream - Class C.
- 30 (g) From the confluence with Millinocket Stream to its confluence with the
- 31 East Branch of the Penobscot River, including all impoundments - Class B.

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

- 34 (a) Those segments of any tributary that are within the boundaries of Baxter
- 35 State Park - Class AA.
- 36 (b) Those tributaries above the confluence with the Debsconeag Deadwater,
- 37 any portion of which is located within the boundaries of Baxter State Park -
- 38 Class AA.

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

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

6 **Sec. 6. 38 MRSA §467, sub-§7, ¶D**, as amended by PL 1999, c. 277, §11, is
7 further amended to read:

8 D. Mattawamkeag River Drainage.

9 (1) Mattawamkeag River, main stem.

10 (a) From the confluence of the East Branch and the West Branch to the
11 Kingman-Mattawamkeag boundary - Class A.

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

14 (2) Mattawamkeag River, tributaries - Class A unless otherwise specified.

15 (a) East Branch Mattawamkeag River above Red Bridge - Class B.

16 ~~(b) West Branch Mattawamkeag River from Interstate 95 to its confluence~~
17 ~~with Mattawamkeag Lake - Class B.~~

18 ~~(c) Fish Stream - Class B.~~

19 **Sec. 7. 38 MRSA §467, sub-§12, ¶B**, as amended by PL 2009, c. 163, §8, is
20 further amended to read:

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

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

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

26 (3) Buff Brook (Waterboro) - Class A.

27 (4) Ossipee River Drainage, those waters lying within the State - Class B unless
28 otherwise specified.

29 (a) Emerson Brook in Parsonsfield - Class A.

30 (b) South River and its tributaries (Parsonsfield), those waters lying within
31 the State - Class A.

32 (5) Back Brook and its tributaries (Limington) - Class A.

33 **Sec. 8. 38 MRSA §467, sub-§15, ¶C**, as amended by PL 2017, c. 137, Pt. B, §9,
34 is further amended to read:

35 C. Aroostook River Drainage.

36 (1) Aroostook River, main stem.

- 1 (a) From the confluence of Millinocket Stream and Munsungan Stream to
2 the Route 11 bridge - Class AA.
- 3 (b) From the Route 11 bridge to the Sheridan Dam - Class B.
- 4 (c) From the Sheridan Dam to its confluence with Presque Isle Stream,
5 including all impoundments - Class B.
- 6 (d) From its confluence with Presque Isle Stream to a point located 3.0 miles
7 upstream of the intake of the Caribou water supply, including all
8 impoundments - Class C.
- 9 (e) From a point located 3.0 miles upstream of the intake of the Caribou
10 water supply to a point located 100 yards downstream of the intake of the
11 Caribou water supply, including all impoundments - Class B.
- 12 (f) From a point located 100 yards downstream of the intake of the Caribou
13 water supply to the international boundary, including all impoundments -
14 Class C.
- 15 (2) Aroostook River, tributaries, those waters lying within the State - Class A
16 unless otherwise specified.
- 17 (a) All tributaries of the Aroostook River entering below the confluence of
18 the Machias River that are not otherwise classified - Class B.
- 19 (b) Little Machias River and its tributaries - Class A.
- 20 (c) Little Madawaska River and its tributaries, including Madawaska Lake
21 tributaries above the Caribou-Connor Township line - Class A.
- 22 (d) Machias River, from the outlet of Big Machias Lake to the Aroostook
23 River - Class AA.
- 24 (e) Millinocket Stream, from the outlet of Millinocket Lake to its confluence
25 with Munsungan Stream - Class AA.
- 26 (f) Munsungan Stream, from the outlet of Little Munsungan Lake to its
27 confluence with Millinocket Stream - Class AA.
- 28 (g) Presque Isle Stream and its tributaries above the Mapleton-Presque Isle
29 town line - Class A.
- 30 (h) St. Croix Stream from its confluence with Hall Brook in T.9, R.5,
31 W.E.L.S. to its confluence with the Aroostook River - Class AA.
- 32 (j) Scopan Stream from the outlet of Scopan Lake to its confluence with the
33 Aroostook River - Class C.
- 34 (k) Limestone Stream from the Long Road bridge to the Canadian border -
35 Class C.
- 36 (l) Beaver Brook and its tributaries (T.14 R.6 W.E.L.S., T.14 R.5 W.E.L.S.,
37 T.13 R.5 W.E.L.S., Portage Lake, Ashland, Castle Hill) - Class A.
- 38 (m) Gardner Brook and its tributaries (T.14 R.5 W.E.L.S., T.13 R.5
39 W.E.L.S., Wade) - Class A.

