

# MAINE STATE LEGISLATURE

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N I N E T Y - N I N T H   L E G I S L A T U R E

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**Legislative Document**

**No. 717**

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H. P. 504

House of Representatives, February 12, 1959

Referred to Committee on Natural Resources. Sent up for concurrence and 1,000 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Saunders of Bethel.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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**AN ACT Classifying Certain Surface Waters in Maine.**

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

**Sec. 1. R. S., c. 79, § 15, amended.** That part of section 15 of chapter 79 of the Revised Statutes under the caption "**Presumpscot River Basin**" which was enacted by section 6 of chapter 322 of the public laws of 1957, is amended by adding after subsection XIV, the following subsections:

**XV. Cape Elizabeth - Alewife Brook—Class A.**

**XVI. Cape Elizabeth - Pond Cove Brook—Class C.**

**XVII. South Portland - Red Brook from the Rye Pond outlet dam to its origin and tributaries thereof—Class B-2.**

**XVIII. South Portland - Red Brook from the head of tide to the Rye Pond outlet dam, and tributaries thereof—Class C.**

**XIX. Portland - Stroudwater River from its origin to its confluence with Indian Camp Brook—Class B-2.**

**XX. Portland - Stroudwater River from its confluence with Indian Camp Brook to head of tide—Class C.**

**XXI. Portland - Stroudwater River, South Branch, not including Harmon Brook and Silver Brook—Class C.**

**XXII. Portland - Indian Camp Brook tributary to the Stroudwater River—Class C.**

- XXIII. Portland - Capsic Brook and tributaries thereof—Class C.
- XXIV. Portland - Fall Brook—Class C.
- XXV. Portland and Falmouth - Unnamed stream forming a portion of the Portland-Falmouth town line and located on the southwesterly shore of the Presumpscot River estuary—Class D.
- XXVI. Falmouth - Mill Creek and tributaries thereof—Class B-2.
- XXVII. Yarmouth - Royal River, main stem, from its origin to the Gray-New Gloucester town line intersection—Class B-2.
- XXVIII. Yarmouth - Royal River, main stem from the Gray-New Gloucester town line intersection to the Maine Central railroad intersection—Class C.
- XXIX. Yarmouth - Royal River, main stem, from the Maine Central railroad intersection to head of tide—Class C.
- XXX. New Gloucester - Moose Brook, tributary to the Royal River—Class C.
- XXXI. North Yarmouth - Unnamed tributary to Chandler Brook at North Yarmouth-Yarmouth town line intersection—Class C.
- XXXII. Yarmouth - Pratts Brook—Class B-1.
- XXXIII. Freeport - Harvey Brook—Class B-1.
- XXXIV. Freeport - Merrill Brook—Class B-2.
- XXXV. Freeport - Mill Stream—Class C.
- XXXVI. Freeport - Kelsey Brook—Class C.
- XXXVII. Freeport - Little River—Class C.
- XXXVIII. Freeport - Frost Gully Brook—Class A.
- XXXIX. Brunswick - Unnamed stream entering tidewater of New Meadows River at Middle Bay—Class A.
- XL. Brunswick - Bunganuc Stream—Class C.
- XLI. Brunswick - Miller Creek—Class C.
- XLII. Brunswick - Mare Brook—Class C.
- XLIII. All coastal streams and tributaries above head of tide not previously designated or classified, entering tidewater between the York-Cumberland county line and the Brunswick-West Bath town line—Class C.'

Sec. 2. R. S., c. 79, § 15, amended. That part of section 15 of chapter 79 of the Revised Statutes under the caption "Saco River Basin" which was enacted by section 7 of chapter 322 of the public laws of 1957, is amended by adding after subsection XII, the following subsections:

- 'XIII. Biddeford - West Brook and tributaries above head of tide—Class C.

- XIV. Biddeford - Unnamed streams and tributaries, the main stem of which crosses Route 9 two-tenths of a mile southerly of the intersection of Route 9 and Guinea Road (above head of tide)—Class C.
- XV. Saco - Goosefare Brook from its origin to its confluence with Milliken Brook—Class C.
- XVI. Saco - Milliken Brook—Class C.
- XVII. Saco - Goosefare Brook from its confluence with Milliken Brook to head of tide—Class C.
- XVIII. All other coastal streams above head of tide and tributaries thereof not previously designated or classified entering tidewater from Fletchers Neck, Biddeford to the York-Cumberland county line—Class B-2.
- XIX. Scarboro - Finnerd Brook—Class B-2.
- XX. Scarboro - Stuart Brook—Class B-2.
- XXI. Scarboro - Cascade Brook originating in Saco—Class C.
- XXII. Scarboro - Mill Brook originating in Old Orchard—Class C.
- XXIII. Scarboro - Little River—Class C.
- XXIV. Scarboro - Mill Brook and its first southwesterly tributary—Class C.
- XXV. Scarboro - Beaver Brook—Class C.
- XXVI. Scarboro - Nonesuch River—Class C.
- XXVII. Scarboro - Phillips Brook—Class D.
- XXVIII. Scarboro and Cape Elizabeth - Spurwink River—Class C.

Sec. 3. R. S., c. 79, § 15, amended. That part of section 15 of chapter 79 of the Revised Statutes under the caption "Tidal Waters" which was enacted by section 9 of chapter 322 of the public laws of 1957, is amended by inserting before "Lincoln County," the following :

'Cumberland County

- I. Scarboro - From the York-Cumberland county line to a point where longitude  $70^{\circ}-20'-15''$  crosses the Scarboro mainland—Class B-2.
- II. Scarboro - From a point where longitude  $70^{\circ}-20'-15''$  crosses the Scarboro mainland to a point directly west of the most northerly point of land on Shooting Rock Island, including the Scarboro River Estuary to head of tide, and tidal tributaries thereof not specifically designated—Class B-2.
- III. Scarboro - Nonesuch River Estuary from its confluence with the Scarboro River to the B. & M. (Dover line) railroad crossing—Class B-2.
- IV. Scarboro - Nonesuch River Estuary from head of tide to the B. & M. (Dover line) railroad crossing—Class C.

- V. Scarboro - Little River Estuary from head of tide to its confluence with the Scarboro River and tidal tributaries thereof—Class C.
- VI. Scarboro - Dunstan River Estuary from head of tide to its confluence with the Scarboro River, and tidal tributaries thereof—Class C.
- VII. Scarboro - Libby River Estuary from head of tide to a point where longitude  $70^{\circ}-19'$  crosses the estuary, and tidal tributaries thereof—Class C.
- VIII. Scarboro - Libby River Estuary from a point where longitude  $70^{\circ}-19'$  crosses the estuary to its confluence with the Scarboro River, and tidal tributaries thereof—Class B-2.
- IX. Scarboro - From a point directly west of the most northerly point of land on Shooting Rock Island to a point where longitude  $70^{\circ}-16'-40''$  crosses the Scarboro mainland—Class B-1.
- X. Scarboro and Cape Elizabeth - From a point where longitude  $70^{\circ}-16'-40''$  crosses the Scarboro mainland to a point where longitude  $70^{\circ}-16'-14''$  crosses the Cape Elizabeth mainland including the Spurwink River Estuary to head of tide and tidal tributaries thereof—Class C.
- XI. Cape Elizabeth - From a point where longitude  $70^{\circ}-16'-14''$  crosses the Cape Elizabeth mainland to the southernmost point of land at McKenney Point, not including waters surrounding Richmond Island—Class B-2.
- XII. Cape Elizabeth - Water surrounding Richmond Island—Class B-1.
- XIII. Cape Elizabeth - From the southernmost point of land at McKenney Point to the easternmost point of land on the Cape Elizabeth mainland—Class A.
- XIV. Cape Elizabeth - From the easternmost point of land on the Cape Elizabeth mainland to a point directly west of Chimney Rock—Class B-2.
- XV. Cape Elizabeth and South Portland - From a point directly west of Chimney Rock to the lighthouse at Cushing Point, South Portland—Class C.
- XVI. South Portland and Portland - Southerly shore of Fore River from head of tide to the lighthouse at Cushing Point, and tidal tributaries thereof—Class C.
- XVII. Portland - Northerly shore line of Fore River from head of tide to the Vaughn Bridge crossing, and tidal tributaries thereof—Class C.
- XVIII. Portland - Northerly shore line of Fore River and Portland Harbor from the Vaughn Bridge crossing to the most easterly point of land on the Portland mainland—Class D.
- XIX. Portland - From the most easterly point of land on the Portland mainland to the Route #1 Bridge at Martin Point, not including waters west of Tukey Bridge—Class C.
- XX. Portland - All waters west of Tukey Bridge which includes Back Cove—Class D.

XXI. Portland and Falmouth - Presumpscot River Estuary from head of tide to Route #9 crossing—Class D.

XXII. Portland and Falmouth - Presumpscot River Estuary from the Route #9 crossing to the Route #1 crossing—Class C.

XXIII. Portland - The westerly shore of Peaks Island from the most southerly point of land to the most northerly point of land—Class C.

XXIV. Portland - Waters of Peaks Island from the most northerly point of land on the island to a point where latitude  $43^{\circ}-39'-52''$  crosses the easterly shoreline—Class B-2.

XXV. Portland - Waters of Peaks Island from a point where latitude  $43^{\circ}-39'-52''$  crosses the easterly shoreline to the southernmost point of land on the island—Class B-1.

XXVI. Portland - Waters on the westerly shore of Great Diamond Island from the southernmost point of land to the northernmost point of land on the island—Class C.

XXVII. Portland - Waters on the easterly shoreline of Great Diamond Island from the southernmost point of land to the northernmost point of land on the island—Class B-2.

XXVIII. Portland - Waters on the westerly shore of Little Diamond Island from the southernmost point of land to the northernmost point of land on the island—Class C.

XIX. Portland - Waters on the easterly shore of Little Diamond Island from the southernmost point of land to the northernmost point of land on the island—Class B-2.

XXX. Portland - From the most westerly point of land on Long Island to the most northerly land formation on the island—Class B-2.

XXXI. Portland - From the most northerly land formation on Long Island to the most westerly point of land on the island in a southeasterly direction, with the exception of Harbor Grace north of latitude  $43^{\circ}-41'-21''$ —Class B-1.

XXXII. Portland - Waters of Harbor Grace north of latitude  $43^{\circ}-41'-21''$  on Long Island—Class B-2.

XXXIII. Portland - Tidewaters of Cliff Island and Jewell Island—Class A.

XXXIV. Portland - Waters on the westerly shoreline of Cushing Island from the northernmost point of land to the southernmost point of land on the island—Class C.

XXXV. Portland - Waters on the easterly shoreline of Cushing Island from the northernmost point of land to the southernmost point of land on the island—Class B-2.

XXXVI. Portland - All islands west of longitude  $70^{\circ}-10'$  in the City of Portland, not previously mentioned—Class C.

XXXVII. Portland - All islands east of longitude  $70^{\circ}-10'$  in the City of Portland, not previously mentioned—Class A.

XXXVIII. Falmouth - From the southernmost point of land on the Falmouth mainland to a point where longitude  $70^{\circ}-13'-40''$  crosses the Falmouth mainland—Class C.

XXXIX. Falmouth - Waters surrounding Mackworth Island—Class C.

XL. Falmouth - From a point where longitude  $70^{\circ}-13'-40''$  crosses the Falmouth mainland to Princes Point, Falmouth—Class B-2.

XLI. Falmouth - From Princes Point, Falmouth, to the Falmouth-Cumberland town line—Class B-2.

XLII. Cumberland - From Cumberland-Falmouth town line to Cumberland-Yarmouth town line—Class B-2.

XLIII. Cumberland - Waters of Great Chebeague Island not specifically designated—Class A.

XLIV. Cumberland - Waters of Great Chebeague Island from the northernmost point of land southeast to latitude  $43^{\circ}-45'$ —Class B-1.

XLV. Cumberland - Waters of Great Chebeague Island from Jenks Landing south to Western Landing—Class B-2.

XLVI. Cumberland - Waters of Coleman Cove east of longitude  $70^{\circ}-07'-37''$  on Great Chebeague Island—Class B-2.

XLVII. Cumberland - Waters surrounding islands in the Town of Cumberland not specifically designated—Class A.

XLVIII. Yarmouth - From the Yarmouth-Cumberland town line to the Yarmouth-Freeport town line—Class B-2.

XLIX. Yarmouth - Waters surrounding Cousins Island, except from Madelon Point south to Birch Point—Class B-2.

L. Yarmouth - Waters of Cousins Island from Madelon Point south to Birch Point—Class B-2.

LI. Yarmouth - Waters of Little Island except those from the northernmost point of land on the island southeast to a point where longitude  $70^{\circ}-07'-32''$  intersects the shoreline—Class B-2.

LII. Yarmouth - Waters of Little John Island from the northernmost point of land on the island southeast to a point where longitude  $70^{\circ}-07'-32''$  intersects the shoreline—Class B-1.

LIII. Yarmouth - Waters surrounding islands of Yarmouth not previously designated—Class B-2.

LIV. Freeport - From Yarmouth-Freeport boundary to the Freeport-Brunswick town boundary—Class B-2.

LV. Freeport - Water surrounding islands of the Town of Freeport not specifically designated—Class B-2.

**Sec. 4. R. S., c. 79, § 15, amended.** That part of section 15 of chapter 79 of the Revised Statutes under the caption **"Tidal Waters"** which was enacted by section 9 of chapter 322 of the public laws of 1957, is amended by inserting after "Washington County," the following:

**'York County**

Tidal waters of York County including bays and estuaries and tidal tributaries to the head of tide further described in individual segments and located within town boundaries.

- I. Kittery - Sister's Point to Kittery-York town boundary, with exception of Brave Boat Harbor—Class A.
- II. Kittery - Brave Boat Harbor and tidal tributaries thereof—Class B-1.
- III. York - Kittery-York town line to point of land known as Argo Point—Class A.
- IV. York - Argo Point to East Point, including estuary of York River east of Route #1 bridge crossing and tidal tributaries thereof—Class B-2.
- V. York - Tidal estuary of York River from Route #1 crossing to head of tide, including tidal tributaries thereof—Class C.
- VI. York - East Point to the northernmost point of land at Concordville at longitude  $70^{\circ}-36'-11''$ —Class B-1.
- VII. York - Northernmost point of land at Concordville to a point of land at longitude  $70^{\circ}-36'-11''$  and latitude  $43^{\circ}-11'-01''$ —Class B-2.
- VIII. York - From a point of land at longitude  $70^{\circ}-36'-11''$ , latitude  $43^{\circ}-11'-01''$ , to a point of land at longitude  $70^{\circ}-36'-19''$ , latitude  $43^{\circ}-11'-01''$ —Class B-2.
- IX. York - From a point of land at longitude  $70^{\circ}-36'-19''$ , latitude  $43^{\circ}-11'-01''$  to Weare Point, including estuary of Cape Neddick River east of longitude  $70^{\circ}-36'-46''$ —Class B-2.
- X. York - Estuary of Cape Neddick River from head of tide to point where longitude  $70^{\circ}-36'-46''$  crosses—Class C.
- XI. York - From Weare Point to a point where longitude  $70^{\circ}-36'-46''$  crosses the mainland of York—Class B-1.
- XII. York - From a point where longitude  $70^{\circ}-35'$  crosses the mainland of York to York-Wells town line—Class A.
- XIII. Wells - From Wells-York town line to a point of land at longitude  $70^{\circ}-35'-35''$  and latitude  $43^{\circ}-14'-44''$ —Class C.
- XIV. Wells - From a point of land at longitude  $70^{\circ}-35'-35''$  latitude  $43^{\circ}-14'-44''$  to a point where latitude  $43^{\circ}-15'$  crosses Ogunquit Beach including the Ogunquit River estuary and tidal tributaries thereof—Class B-2.
- XV. Wells - From a point where latitude  $43^{\circ}-15''$  crosses Ogunquit Beach to a point where latitude  $43^{\circ}-16'-15''$  crosses Moody Beach—Class B-2.



XVI. Wells - From a point where latitude  $43^{\circ}-16'-15''$  crosses Moody Beach to a point where latitude  $43^{\circ}-19'-04''$  crosses Wells Beach—Class A.

XVII. Wells - From a point where latitude  $43^{\circ}-19'-04''$  crosses Wells Beach to Wells-Kennebunk town line, except the estuaries of Webhannet and Merriland Rivers—Class B-2.

XVIII. Wells - Estuary of Webhannet River from head of tide to a point at longitude  $70^{\circ}-34'-32''$ , latitude  $43^{\circ}-17'-48''$ —Class C.

XIX. Wells - Estuary of Webhannet River from a point of longitude  $70^{\circ}-34'-32''$ , latitude  $43^{\circ}-17'-48''$  to the most easterly bridge crossing at latitude  $43^{\circ}-18'-15''$ —Class B-2.

XX. Wells - Estuary of Webhannet River from the most easterly bridge crossing at latitude  $43^{\circ}-18'-15''$  to its ocean confluence at latitude  $43^{\circ}-19'-14''$ —Class B-1.

XXI. Wells - Estuary of Merriland River and tidal tributaries thereof from head of tide to its ocean confluence at latitude  $43^{\circ}-20'-10''$ —Class C.

XXII. Kennebunk - From Wells-Kennebunk town line to a point where longitude  $70^{\circ}-28'-38''$  crosses the Kennebunk mainland, including the estuary of Mousam River south of the Route #9 crossing and tidal tributaries thereof—Class B-2.

XXIII. Kennebunk - Estuary of Mousam River from head of tide to Route #9 bridge crossing, and tidal tributaries thereof—Class C.

XXIV. Kennebunk and Kennebunkport - From a point where longitude  $70^{\circ}-28'-38''$  crosses the Kennebunk mainland to the most southerly extension of the Township of Kennebunkport, including the tidal estuary of Kennebunk River south of the Route #9 crossing and tidal tributaries thereof—Class B-2.

XXV. Kennebunkport and Kennebunk - Kennebunk River estuary from head of tide to the Route #9 crossing and tidal tributaries thereof—Class C.

XXVI. Kennebunkport - From the most southerly extension of the Township of Kennebunkport to a point where longitude  $70^{\circ}-27'-37''$  crosses the Kennebunkport mainland—Class B-2.

XXVII. Kennebunkport - From a point where longitude  $70^{\circ}-27'-37''$  crosses the Kennebunkport mainland to a point where longitude  $70^{\circ}-26'-48''$  crosses the mainland of Kennebunkport—Class A.

XXVIII. Kennebunkport - From a point where longitude  $70^{\circ}-26'-48''$  crosses the Kennebunkport mainland to a point directly west of the most northerly point of Vaughn Island—Class B-2.

XXIX. Kennebunkport - From a point directly west of the most northerly point of Vaughn Island to a point directly west of the most northerly point of land on Redin Island—Class C.

XXX. Kennebunkport - From a point on the Kennebunkport mainland directly west of the most northerly point of land on Redin Island to and including all tidal waters south of latitude  $43^{\circ}-23'-22''$ —Class B-2.

XXXI. Kennebunkport - Estuaries of Smith Brook and Batson River north of latitude  $43^{\circ}-23'-22''$  and tidal tributaries thereof—Class C.

XXXII. Kennebunkport - From the mainland of Kennebunkport at latitude  $43^{\circ}-23'-22''$  north to a point where longitude  $70^{\circ}-24'-33''$  crosses the mainland—Class B-1.

XXXIII. Kennebunkport - From a point where longitude  $70^{\circ}-24'-33''$  crosses the mainland north to a point where longitude  $70^{\circ}-24'-05''$  crosses the mainland—Class A.

XXXIV. Kennebunkport and Biddeford - From a point where longitude  $70^{\circ}-24'-05''$  crosses the mainland to the southernmost point of land on the mainland of Biddeford, not including the Little River estuary north of latitude  $43^{\circ}-24'-04''$ —Class B-2.

XXXV. Kennebunkport and Biddeford - Estuary of Little River north of latitude  $43^{\circ}-24'-04''$  to head of tide, including tidal tributaries thereof—Class C.

XXXVI. Biddeford - From the southernmost point of land on Biddeford mainland to a point where latitude  $43^{\circ}-25'-07''$  crosses the mainland—Class A.

XXXVII. Biddeford - From a point where latitude  $43^{\circ}-25'-07''$  crosses the mainland to a point where latitude  $43^{\circ}-25'-33''$  crosses the mainland—Class B-2.

XXXVIII. Biddeford - From a point where latitude  $43^{\circ}-25'-33''$  crosses the mainland to a point where latitude  $43^{\circ}-26'-05''$  crosses the mainland—Class B-1.

XXXIX. Biddeford - From a point where latitude  $43^{\circ}-26'-05''$  crosses the mainland to a point directly north of the Coast Guard Station at Fletcher Neck—Class A.

XL. Biddeford - From a point directly north of the Coast Guard Station at Fletcher Neck to the most easterly point of land on the Biddeford mainland—Class B-2.

XLI. Biddeford - From the most easterly point of land on the Biddeford mainland to a point directly west of the most northerly point of land on Basket Island, including tidewaters of "The Pool"—Class C.

XLII. Biddeford - From a point directly west of the most northerly point of land on Basket Island to the breakwater at Camp Ellis, including the Saco River estuary from head of tide—Class D.

XLIII. Saco - From the breakwater at Camp Ellis to a point where latitude  $43^{\circ}-29'-34''$  crosses the Saco mainland—Class B-2.

XLIV. Saco and Old Orchard - From a point where latitude  $43^{\circ}-29'-34''$  crosses the Saco mainland to the York-Cumberland county line, including the estuary of Goosefare Brook and tidal tributaries thereof—Class B-2.'