

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

Sec. 3. 30-A MRSA §4404, sub-§17 is enacted to read:

17. Spaghetti-lots prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.

Sec. 4. Application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to any pending application for subdivision approval.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 30, 1990.

CHAPTER 763

H.P. 1635 - L.D. 2268

An Act to Conform Maine Antifouling Paint Law to Federal Standards

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature established a standard to restrict the amount of tributyltin in antifouling paints prior to action by the United States Congress establishing a different standard; and

Whereas, antifouling paint conforming to the State's standard is not available for use by Maine boatyards; and

Whereas, Maine boatyards are losing business to their competitors without any benefit to the environment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA §419-A, sub-§1, ¶A, as enacted by PL 1987, c. 474, is repealed and the following enacted in its place:

A. "Acceptable release rate" means a measured release rate equal to or less than 4.0 micrograms per square centimeter per day at steady state conditions determined in accordance with federal Environmental Protection Agency testing proce-

dures on tributyltin in antifouling paints under the Federal Insecticide, Fungicide and Rodenticide Act. This paragraph is repealed September 1, 1992.

Sec. 2. 38 MRSA §419-A, sub-§1, ¶A-1 is enacted to read:

A-1. "Acceptable release rate" means a measured release rate equal to or less than 3.0 micrograms per square centimeter per day at steady state conditions determined in accordance with federal Environmental Protection Agency testing procedures on tributyltin in antifouling paints under the Federal Insecticide, Fungicide and Rodenticide Act. This paragraph takes effect September 1, 1992.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

See title page for effective date.

CHAPTER 764

H.P. 1622 - L.D. 2244

An Act to Reclassify Surface Waters of the State

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

Sec. 1. 38 MRSA §464, sub-§4, ¶F, as amended by PL 1989, c. 309, §2, is further amended by amending sub-¶(3) to read:

(3) The board may only issue a discharge license pursuant to section 414-A or approve water quality certification pursuant to the United States Clean Water Act, Section 401, Public Law 92-500, as amended, if the standards of classification of the water body and the requirements of this paragraph ~~will be~~ are met. The board may issue a discharge license or approve water quality certification for a project affecting a water body in which the standards of classification are not met if the project does not cause or contribute to the failure of the water body to meet the standards of classification.

Sec. 2. 38 MRSA §467, first ¶, as enacted by PL 1985, c. 698, §15, is amended to read:

All surface waters lying within the boundaries of the State ~~which~~ that are in river basins having a drainage area greater than 100 square miles ~~which that~~ are not classified as lakes or ponds ~~and are not otherwise~~ classified in this section are Class B waters.

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

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

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

(2) Bear River - Class AA.

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

(4) Webb River - Class A.

Sec. 4. 38 MRSA §467, sub-§§2, 3 and 5, as enacted by PL 1985, c. 698, §15, are amended to read:

2. Dennys River Basin.

A. Dennys River, main stem.

(1) From the outlet of Meddybemps Lake to the Route 1 ~~Bridge~~ bridge - Class AA.

(2) From the Route 1 bridge to tidewater - 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.

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

(1) All tributaries entering ~~above~~ below the Route 1 bridge - Class ~~A~~ B.

3. East Machias River Basin.

A. East Machias River, main stem.

(1) From the outlet of Pocomoonshine Lake to a point located 0.25 miles above the Route 1 bridge - Class AA.

(2) From a point located 0.25 miles above the Route 1 bridge to tidewater - Class ~~E~~ 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.

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

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

5. Machias River Basin.

A. Machias River, main stem.

(1) From the outlet of Fifth Machias Lake to ~~its confluence with the~~ a point 100 feet upstream of the Route 1A bridge in Whitneyville Mill Pond - Class AA.

(2) From ~~the outlet of the~~ a point 100 feet upstream of the Route 1A bridge in Whitneyville Mill Pond to the site of the low dam opposite the ends of West Street and Hardwood Street in Machias to tidewater - 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.

~~(3) From the site of the low dam opposite the ends of West Street and Hardwood Street in Machias to tidewater - Class C.~~

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

(1) All tributaries entering ~~above the river's confluence with the~~ below Route 1A in Whitneyville Mill Pond ~~which are not otherwise classified~~ - Class ~~A~~ 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.

(4) West Branch of the Machias River, from the outlet of Lower Sabao Lake to its confluence with the Machias River - Class AA.

(5) New Stream, in Northfield and Wesley - Class AA.

Sec. 5. 38 MRSA §467, sub-§6, ¶B, as enacted by PL 1985, c. 698, §15, is amended to read:

B. Mousam River, tributaries - Class B.

~~(1) East Branch of Shaker Brook from the Route 4 bridge to the Alfred-Waterboro boundary - Class C.~~

~~(2) Hay Brook (Alfred and Sanford) - Class C.~~

~~(3) Unnamed Brook, entering the East Branch of Shaker Brook from the west just below Waterboro Village - Class C.~~

Sec. 6. 38 MRSA §467, sub-§6-A is enacted to read:

6-A. Narraguagus River Basin.**A. Narraguagus River, main stem.**

(1) From the outlet of Eagle Lake to the confluence with the West Branch of the Narraguagus River in Cherryfield - Class AA.

(2) From the confluence with the West Branch of the Narraguagus River in Cherryfield to tidewater - Class B.

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

(1) All tributaries entering below the river's confluence with the West Branch - Class B.

(2) West Branch of the Narraguagus River - Class AA.

Sec. 7. 38 MRSA §467, sub-§7, as amended by PL 1987, c. 192, §18, is repealed and the following enacted in its place:

7. Penobscot River Basin.**A. Penobscot River, main stem.**

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

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

(3) From the confluence of Cambolasse Stream to the confluence of the Piscataquis River, including all impoundments - Class C.

(4) From the confluence of the Piscataquis River, including the Stillwater Branch, to the Veazie dam, including all impoundments - Class B.

(5) From the Veazie dam, but not including the Veazie dam, to the Maine Central Railroad bridge in Bangor-Brewer - 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.

(6) From the Maine Central Railroad bridge in Bangor to a line extended in an east-west direction from the confluence of Reeds Brook in Hampden - Class C. 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.

B. Penobscot River, East Branch Drainage.**(1) East Branch of the Penobscot River, main stem.**

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

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

(c) From a point located 1,000 feet downstream from the dam at the outlet of Grand Lake Mattagamon to its confluence with the West Branch - Class AA.

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

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

(b) Sawtelle Brook, from a point located 1,000 feet downstream from the dam at the outlet of Sawtelle Deadwater to its confluence with the Seboeis River - Class AA.

(c) Seboeis River, from the outlet of Snowshoe Lake to its confluence with the East Branch - Class AA.

(d) Wassataquoik Stream, from the boundary of Baxter State Park to its confluence with the East Branch - Class AA.

(e) Webster Brook, from a point located 1,000 feet downstream from the dam at the outlet of Telos Lake to its confluence with Webster Lake - Class AA.

C. Penobscot River, West Branch Drainage.**(1) West Branch of the Penobscot River, main stem.**

(a) From the dam at the outlet of Seboomook Lake to a point located 1,000 feet downstream from the dam at the outlet of Seboomook Lake - Class B.

(b) From a point located 1,000 feet downstream from the dam at the outlet of Seboomook Lake to its confluence with Chesuncook Lake - Class B.

(c) From Ripogenus Dam to the T.3, R.11, W.E.L.S. - T.3, R.10, W.E.L.S. boundary - Class B.

(d) From the T.3, R.11, W.E.L.S. - T.3, R.10, W.E.L.S. boundary to its confluence with Ambajeus Lake - Class B.

(e) From the outlet of Elbow Lake to the outlet of Ferguson and Quakish Lakes - Class B.

(f) From the outlet of Ferguson and Quakish Lakes to its confluence with the East Branch of the Penobscot River, including all impoundments - Class C.

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

(a) Those segments of any tributary that are within the boundaries of Baxter State Park - Class AA.

(b) Those tributaries above the confluence with the Debsconeag Deadwater, any portion of which is located within the boundaries of Baxter State Park - Class AA.

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

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

D. Mattawamkeag River Drainage.

(1) Mattawamkeag River, main stem.

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

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

(2) Mattawamkeag River, tributaries - Class B.

E. Piscataquis River Drainage.

(1) Piscataquis River, main stem.

(a) From the confluence of the East Branch and the West Branch to the Route 15 bridge in Guilford - Class A.

(b) From the Route 15 bridge in Guilford to the Maine Central Railroad bridge in Dover-Foxcroft - Class C.

(c) From the Maine Central Railroad bridge in Dover-Foxcroft to its confluence with the Penobscot River - Class B.

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

(a) Except as otherwise provided, East and West Branches of the Piscataquis River and their tributaries above their confluence near Blanchard - Class A.

(b) East Branch of the Piscataquis River from 1,000 feet below Shirley Pond to its confluence with the West Branch - Class AA.

(c) Pleasant River, East Branch and its tributaries - Class A.

(d) Pleasant River, West Branch, from the outlet of Fourth West Branch Pond to its confluence with the East Branch - Class AA.

(e) Pleasant River, West Branch tributaries - Class A.

(f) Sebec River and its tributaries above Route 6 in Milo - Class A.

(g) West Branch of the Piscataquis River from 1,000 feet below West Shirley Bog to its confluence with the East Branch - Class AA.

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

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

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

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

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

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

(6) Passadumkeag River and its tributaries - Class A.

(7) Sourdabscook Stream and its tributaries above the dam of the Hampden Water District - Class A.

(8) Sunkhaze Stream and its tributaries - Class AA.

Sec. 8. 38 MRSA §467, sub-§8, as enacted by PL 1985, c. 698, §15, is amended to read:

8. Pleasant River Basin.

A. Pleasant River, main stem.

(1) From the outlet of Pleasant River Lake to a point located 1,000 feet above tidewater the Maine Central Railroad bridge - Class B AA.

(2) From a point located 1,000 feet above tidewater the Maine Central Railroad bridge to tidewater - 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.

B. Pleasant River, tributaries - Class A unless otherwise specified.

(1) All tributaries entering below the Maine Central Railroad bridge - Class B.

(2) Bog Stream (Deblois) - Class B.

(3) Beaver Meadow Brook (Deblois) - Class B.

Sec. 9. 38 MRSA §467, sub-§9, ¶A, as enacted by PL 1985, c. 698, §15, is amended to read:

A. Presumpscot River, main stem.

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

(2) From the outlet of Dundee Pond to a point located below the Village of South Windham Sacarappa Falls - Class B.

(3) From a point located below the Village of South Windham Sacarappa Falls to tide-water - Class C.

Sec. 10. 38 MRSA §467, sub-§9, ¶B, as enacted by PL 1985, c. 698, §15, is repealed and the following enacted in its place:

B. Presumpscot River, tributaries - Class A unless otherwise specified.

(1) All tributaries entering below the outlet of Sebago Lake - Class B.

(2) Crooked River and its tributaries, excluding existing impoundments and excluding that area of the river previously impounded at Scribners Mill - Class AA.

(3) Stevens Brook (Bridgton) - Class B.

Sec. 11. 38 MRSA §467, sub-§11, ¶B, as enacted by PL 1985, c. 698, §15, is repealed and the following enacted in its place:

B. Royal River, tributaries - Class B.

Sec. 12. 38 MRSA §467, sub-§12, ¶A, as enacted by PL 1985, c. 698, §15, is amended to read:

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 B 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 B 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 B AA.

(4) From its confluence with the impoundment of the Hiram Dam to a point located 1,000 feet below the Hiram Dam - Class B A.

(5) From a point located 1,000 feet below the Hiram Dam to its confluence with the Little Ossipee River - Class B AA.

(6) From its confluence with the Little Ossipee River to its confluence with ~~Fletcher Brook~~ Swan Pond - Class B A.

(7) From its confluence with ~~Fletcher Brook~~ Swan Pond to tidewater - Class B B.

Sec. 13. 38 MRSA §467, sub-§12, ¶B, as enacted by PL 1985, c. 698, §15, is repealed and the following enacted in its place:

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

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

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

Sec. 14. 38 MRSA §467, sub-§13, as amended by PL 1987, c. 192, §20, is repealed and the following enacted in its place:

13. St. Croix River Basin.

A. St. Croix River, main stem.

(1) Except as otherwise provided, from the outlet of Chiputneticook Lakes to its confluence with the Woodland Lake impoundment, those waters lying within the State - Class A.

(2) Those waters of the Grand Falls Flowage between Route 1 (Princeton and Indian Township) and Black Cat Island - Class B.

(3) Woodland Lake impoundment - Class C.

(4) From the Woodland Dam to tidewater, those waters lying within the State, including all impoundments - Class C.

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

(1) All tributaries entering upstream from the dam at Calais, the drainage areas of which are wholly within the State - Class A unless otherwise classified.

Sec. 15. 38 MRSA §467, sub-§14, as enacted by PL 1985, c. 698, §15, is repealed and the following enacted in its place:

14. St. George River Basin.

A. St. George River, main stem.

(1) From the outlet of Little Pond to the confluence with Stevens Pond, from the outlet of Stevens Pond to the confluence with Trues Pond, and from the outlet of Trues Pond to the confluence with Sennebec Pond - Class AA.

(2) From the outlet of Sennebec Pond to Route 90, excluding segments that are great ponds - Class A.

(3) From Route 90 to tidewater - Class B.

B. St. George River, tributaries - Class A unless otherwise specified.

(1) Quiggle Brook (Warren, Union, Hope) - Class B.

(2) All tributaries entering downstream of Route 90 in Warren - Class B.

Sec. 16. 38 MRSA §467, sub-§15, as amended by PL 1987, c. 192, §§21 and 22, is repealed and the following enacted in its place:

15. St. John River Basin.

A. St. John River, main stem.

(1) From the confluence of the Northwest Branch and the Southwest Branch to a point located one mile above the foot of Big Rapids in Allagash - Class AA.

(2) From a point located one mile above the foot of Big Rapids in Allagash to the international bridge in Fort Kent, those waters lying within the State, including all impoundments - Class A.

(3) From the international bridge in Fort Kent to the international bridge in Madawaska, those waters lying within the State, including all impoundments - Class B.

(4) From the international bridge in Madawaska to where the international boundary leaves the river in Hamlin, those waters lying within the State, including all impoundments - Class C.

B. Allagash River Drainage.

(1) Allagash River, main stem.

(a) From Churchill Dam to a point located 1,000 feet downstream from Churchill Dam - Class A.

(b) From a point located 1,000 feet downstream from Churchill Dam to its confluence with Gerald Brook in Allagash - Class AA.

(c) From its confluence with Gerald Brook in Allagash to its confluence with the St. John River - Class A.

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

(a) Allagash Stream, from the outlet of Allagash Lake to its confluence with Chamberlain Lake - Class AA.

(b) Chemquasabamticook Stream, from the outlet of Chemquasabamti-

cook Lake to its confluence with Long Lake - Class AA.

(c) Musquacook Stream, from the outlet of Third Musquacook Lake to its confluence with the Allagash River - Class AA.

C. Aroostook River Drainage.

(1) Aroostook River, main stem.

(a) From the confluence of Millinocket Stream and Munsungan Stream to its confluence with the Machias River - Class AA.

(b) From its confluence with the Machias River to the Sheridan Dam - Class B.

(c) From the Sheridan Dam to its confluence with Presque Isle Stream, including all impoundments - Class B.

(d) From its confluence with Presque Isle Stream to a point located 3.0 miles upstream of the intake of the Caribou water supply, including all impoundments - Class C.

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

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

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

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

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

(c) Little Madawaska River and its tributaries, including Madawaska Lake tributaries above the Route 161 bridge in Stockholm - Class A.

(d) Machias River, from the outlet of Big Machias Lake to the Garfield

Plantation-Ashland boundary - Class AA.

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

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

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

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

D. Fish River Drainage.

(1) Fish River, main stem.

(a) From the outlet of Mud Pond to its confluence with St. Froid Lake - Class AA.

(b) From the outlet of St. Froid Lake to its confluence with Eagle Lake - Class A.

(c) From the outlet of Eagle Lake to its confluence with Soldier Pond - Class B.

(d) From the outlet of Soldier Pond to its confluence with the St. John River - Class B.

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

(a) All tributaries entering above the Route 11 bridge - Class A.

E. Meduxnekeag River Drainage.

(1) Meduxnekeag River, main stem.

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

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

(a) North Branch of the Meduxnekeag River and its tributaries above the

Monticello - T.C, R.2, W.E.L.S. boundary - Class A.

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

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

(2) Baker Branch, from a point located 1.5 miles below Baker Lake to its confluence with the Southwest Branch - Class AA.

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

(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.

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

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

Sec. 17. 38 MRSA §467, sub-§16, ¶B is enacted to read:

B. Salmon Falls River, tributaries, those waters lying within the State - Class B.

Sec. 18. 38 MRSA §467, sub-§17, as enacted by PL 1985, c. 698, §15, is amended to read:

17. Sheepscot River Basin.

A. Sheepscot River, main stem.

(1) From its origin in Montville to tidewater Route 17 - 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.

(2) From Route 17 to tidewater - Class AA.

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

(1) West Branch of the Sheepscot River, main stem, from the outlet of Branch Pond to its confluence with the Sheepscot River - Class B AA.

Sec. 19. 38 MRSA §467, sub-§18, as enacted by PL 1985, c. 698, §15, is repealed and the following enacted in its place:

18. Union River Basin.

A. Union River, main stem.

(1) From the outlet of Graham Lake to tidewater - Class B.

B. Union River, tributaries - Class A unless otherwise specified.

(1) Tributaries entering below the outlet of Graham Lake - Class B.

(2) Outlet of Green Lake (Ellsworth) - Class B.

Sec. 20. 38 MRSA §468, first ¶, as enacted by PL 1985, c. 698, §15, is amended to read:

All surface waters lying within the boundaries of the State ~~which that~~ are in basins having a drainage area less than 100 square miles ~~which that~~ are not classified as lakes or ponds ~~and which are not otherwise~~ classified in this section ~~are Class B waters.~~

Sec. 21. 38 MRSA §468, sub-§§1 to 9, as enacted by PL 1985, c. 698, §15, are repealed and the following enacted in their place:

1. Cumberland County. Those waters draining directly or indirectly into tidal waters of Cumberland County, with the exception of the Androscoggin River Basin, the Presumpscot River Basin, the Royal River Basin and tributaries of the Androscoggin River Estuary and Merrymeeting Bay, entering above the Chops - Class B unless otherwise specified.

A. Freeport.

(1) Frost Gully Brook - Class A.

B. Portland.

(1) All minor drainages unless otherwise specified - Class C.

(2) Stroudwater River from its origin to tidewater - Class B.

C. Scarborough.

(1) All minor drainages - Class C unless otherwise specified.

(2) Finnard Brook - Class B.

(3) Stuart Brook - Class B.

D. South Portland.(1) All minor drainages - Class C.

2. Hancock County. Those waters draining directly or indirectly into tidal waters of Hancock County, with the exception of the Union River Basin - Class B unless otherwise specified.

A. All brooks, streams and segments of those brooks and streams that are within the boundaries of Acadia National Park - Class AA.

B. Blue Hill.

(1) Carleton Stream, main stem, between First Pond and Second Pond - Class C.

(2) Carleton Stream, main stem, from the outlet of First Pond to tidewater at Salt Pond - Class C.

C. Orland.

(1) Alamoosook Lake, tributaries - Class A.

3. Knox County. Those waters draining directly or indirectly into tidal waters of Knox County, with the exception of the St. George River Basin - Class B unless otherwise specified.

4. Lincoln County. Those waters draining directly or indirectly into tidal waters of Lincoln County entering above the Chops, with the exception of the Sheepscot River Basin and tributaries of the Kennebec River Estuary and Merrymeeting Bay - Class B unless otherwise specified.

5. Penobscot County. Those waters draining directly or indirectly into tidal waters of Penobscot County, with the exception of tributaries of the Penobscot River Estuary entering north of a line extended in an east-west direction from the outlet of Reeds Brook in the village of Hampden Highlands - Class B unless otherwise specified.

6. Sagadahoc County. Those waters draining directly or indirectly into tidal waters of Sagadahoc County entering above the Chops, with the exception of tributaries of the Androscoggin River Estuary, the Kennebec River Estuary and Merrymeeting Bay - Class B unless otherwise specified.

7. Waldo County. Those waters draining directly or indirectly into tidal waters of Waldo County - Class B unless otherwise specified.

A. Ducktrap River from the outlet of Tilden Pond to tidewater - Class AA.

8. Washington County. Those waters draining directly or indirectly into tidal waters of Washington County, with the exception of the Dennys River Basin, the

East Machias River Basin, the Machias River Basin, the Narraguagus River Basin and the Pleasant River Basin - Class B unless otherwise specified.

A. Jonesboro.

(1) Chandler River and its tributaries above the highway bridge on Route 1 - Class A.

B. Whiting.

(1) Orange River and its tributaries above the highway bridge on Route 1 - Class A.

9. York County. Those waters draining directly or indirectly into tidal waters of York County, with the exception of the Saco River Basin, the Salmon Falls River Basin and the Mousam River Basin - Class B unless otherwise specified.

A. Kennebunk.

(1) Branch Brook - Class A.

B. Sanford.

(1) Branch Brook - Class A.

(2) Merriland River - Class A.

C. Wells.

(1) Branch Brook - Class A.

(2) Merriland River - Class A.

Sec. 22. 38 MRSA §469, sub-§1, ¶A, as enacted by PL 1985, c. 698, §15, is amended to read:

A. Cape Elizabeth.

(1) Tidal waters of the Spurwink River system lying westerly north of a line beginning at Portland Head Light and running northerly to the southernmost point of land on Cushing Island at latitude 43°-33'-44" N. - Class SE SA.

Sec. 23. 38 MRSA §469, sub-§1, ¶E-1 is enacted to read:

E-1. Scarborough.

(1) Tidal waters of the Scarborough River system lying north of a line running easterly from a point where the old Boston and Maine Railroad line intersects the marsh at latitude 43°-33'-06" N., longitude 70°-20'-58" W. to a point of land north of Black Rock at latitude 43°-33'-06" N., longitude 70°-19'-25" W., excluding those tidal waters of Phillips Brook lying upstream of a point 500 feet south of U.S. Route 1 - Class SA.

(2) Tidal waters of the Spurwink River system lying north of a line extending from Higgins Beach at latitude 43°-33'-44" N. to the town line - Class SA.

Sec. 24. 38 MRSA §469, sub-§1, ¶G, as enacted by PL 1985, c. 698, §15, is repealed.

Sec. 25. 38 MRSA §469, sub-§2, ¶II is enacted to read:

I. Winter Harbor.

(1) Tidal waters lying south of a line running west from the northernmost tip of Frazer Point to longitude 68°-05'-00" W. and east of longitude 68°-05'-00" W. - Class SA.

Sec. 26. 38 MRSA §469, sub-§3-A is enacted to read:

3-A. Lincoln County.

A. Boothbay.

(1) Tidal waters lying south of the northernmost point of Damariscove Island and west of longitude 69°-36'-00" W. - Class SA.

Sec. 27. 38 MRSA §469, sub-§5, ¶B is enacted to read:

B. Phippsburg.

(1) Tidal waters east of longitude 69°-50'-05" W. and west of longitude 69°-47'-00" W. - Class SA.

Sec. 28. 38 MRSA §469, sub-§6, ¶C, as enacted by PL 1985, c. 698, §15, is amended to read:

C. Searsport.

(1) Tidal waters located within a line beginning at the southernmost point of land on Kidder Point and running due east to the Searsport-Stockton Springs boundary; thence running southerly along the Searsport-Stockton Springs boundary western shore of Sears Island to the southernmost point of Sears Island; thence running due south to latitude 44°-25'-25" N.; thence running due west to latitude 44°-25'-25" N., longitude 68°-54'-30" W.; thence running due north to the shore of Mack Point at longitude 68°-54'-30" W.; thence running along the shore in an easterly direction to point of beginning - Class SC.

Sec. 29. 38 MRSA §469, sub-§7, as enacted by PL 1985, c. 698, §15, is repealed and the following enacted in its place:

7. Washington County.

A. Beals.

(1) Tidal waters lying east of the line extending from the westernmost point of Three Falls Point to the easternmost point of Crumple Island; thence south along longitude 67°-36'-47" W. - Class SA.

(2) Tidal waters lying south of a line extending from the easternmost point of the southern shore of the Mud Hole; thence extending along latitude 44°-29'-00" N. to the town line - Class SA.

B. Calais.

(1) Tidal waters of the St. Croix River and its tidal tributaries lying westerly of longitude 67°-14'-28" W. - Class SC.

C. Cutler.

(1) All tidal waters except those waters in Machias Bay and Little Machias Bay north of a line running from the town line due east to the southernmost point of Cross Island; thence running northeast to the southeasternmost point of Cape Wash Island; thence running northeast to the westernmost point of Deer Island; thence running due north to the mainland; and those waters lying northeast of a line running from the easternmost point of Western Head to the easternmost point of Eastern Knubble - Class SA.

D. Eastport.

(1) Tidal waters lying southerly of latitude 44°-54'-50" N., easterly of longitude 67°-02'-00" W. and northerly of latitude 44°-53'-15" N. - Class SC.

E. Edmunds.

(1) All tidal waters - Class SA.

F. Lubec.

(1) Tidal waters, except those lying within 500 feet of West Quoddy Head Light, south of a line beginning at a point located on the northern shore of West Quoddy Head at latitude 44°-49'-22" N., longitude 66°-59'-17" W. and running northeast to the international boundary at latitude 44°-49'-45" N., longitude 66°-57'-57" W. - Class SA.

(2) Tidal waters west of a line running from the easternmost point of Youngs Point to the easternmost point of Leighton Neck in Pembroke - Class SA.

G. Milbridge.

(1) Tidal waters south of a line running from the town line along latitude 44°-27'-39" N. to the northernmost point of Currant Island; thence running southeasterly to a point 1,000 feet from mean high tide on the east shore of Bois Bubert Island; thence along a line running 1,000 feet from mean high tide along Bois Bubert Island to the southernmost point of the island; thence running due south - Class SA.

H. Pembroke.

(1) Tidal waters west of a line running from the easternmost point of Leighton Neck to the easternmost point of Youngs Point in Lubec - Class SA.

I. Steuben.

(1) Tidal waters southeast of a line beginning at Yellow Birch Head at latitude 44°-25'-05" N.; thence running to longitude 67°-55'-00" W.; thence running due south along longitude 67°-55'-00" W. - Class SA.

(2) Tidal waters southwest of a line beginning at a point located south of Carrying Place Cove at latitude 44°-26'-18" N., longitude 67°-53'-14" W.; thence running along latitude 44°-26'-18" N. east to the town line - Class SA.

J. Trescott.

(1) All tidal waters - Class SA.

K. Whiting.

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

Sec. 30. 38 MRSA §469, sub-§8, as amended by PL 1987, c. 192, §23, is repealed and the following enacted in its place:

8. York County.A. Biddeford.

(1) Tidal waters of the Saco River and its tidal tributaries lying westerly of longitude 70°-22'-54" W. - Class SC.

B. Kennebunk.

(1) Tidal waters of the Little River system lying north of latitude 43°-20'-10" N. - Class SA.

C. Kittery.

(1) Tidal waters of the Piscataqua River and its tidal tributaries lying westerly of longitude 70°-42'-52" W., southerly of Route 103 and easterly of Interstate Route 95 - Class SC.

(2) Tidal waters lying northeast of a line from Sisters Point; thence south along longitude 70°-40'-00" W. to the Maine-New Hampshire border; thence running southeast along the Maine-New Hampshire border to Cedar Ledge beyond the Isles of Shoals, except waters within 500 feet of the Isles of Shoals Research Station - Class SA.

D. Old Orchard Beach.

(1) Tidal waters of Goosefare Brook and its tidal tributaries lying westerly of longitude 70°-23'-08" W. - Class SC.

E. Saco.

(1) Tidal waters of Goosefare Brook and its tidal tributaries lying westerly of longitude 70°-23'-08" W. - Class SC.

(2) Tidal waters of the Saco River and its tidal tributaries lying westerly of longitude 70°-22'-54" W. - Class SC.

F. Wells.

(1) Tidal waters of the Little River system lying north of latitude 43°-20'-10" N. - Class SA.

G. York.

(1) Tidal waters lying southwest of a line from Seal Head Point east along latitude 43°-07'-15" N. - Class SA.

See title page for effective date.

CHAPTER 765

H.P. 1619 - L.D. 2241

An Act Providing for the 1990 Amendments to the Finance Authority of Maine Act

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

Sec. 1. 10 MRSA §969-A, sub-§8, as enacted by PL 1985, c. 344, §17, is amended to read:

8. Nonprofit entity. In accordance with the limitations and restrictions of this chapter, cause any of its powers or duties to be carried out by one or more