

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

period of right to cure, the owner is not obligated beyond 10 days after completion of remediation to reimburse the tenant for any expense or inconvenience other than moving expenses and any use and occupancy charges for the substitute dwelling unit selected by the owner that exceed the rent for the vacated dwelling unit.

Sec. 16. 22 MRSA §1322-D, as enacted by PL 1991, c. 810, §30, is repealed.

Sec. 17. 22 MRSA §1325, as amended by PL 1991, c. 810, §33, is further amended to read:

§1325. Violation

In addition to any other penalty imposed under this chapter, any person who violates any section of this chapter may be punished for each violation by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both. Violations existing within individual dwelling units are considered separate violations. This section does not limit the authority of the Department of Environmental Protection to seek penalties for violations under the authority of Title 38, section 349.

Sec. 18. 22 MRSA §1327, as enacted by PL 1995, c. 453, §19, is amended to read:

§1327. Essential maintenance practices

Notwithstanding any other provision of law, an owner of a building constructed prior to 1978 that is rented for residential purposes or used as a ~~residential child care facility or a preschool facility~~ may perform essential maintenance practices ~~if the owner, as defined under rules of the Department of Environmental Protection, chapter 424, "Lead Management Regulations."~~

1. Precautions. ~~Takes all necessary precautions to avoid creating lead hazards during any renovation, remodeling, maintenance or repair project that disturbs a lead based painted surface pursuant to guidelines issued by the department. For purposes of essential maintenance practices, all paint is presumed to be lead based unless a certified inspector has determined that it is not lead based paint. The guidelines must include:~~

A. ~~A prohibition against paint removal by burning, water blasting, dry scraping, power sanding or sandblasting, unless undertaken with proper containment, cleanup and disposal;~~

B. ~~A description of good work practices and precautions to prevent the spread of lead dust, including limiting access to work areas to workers, covering the work area with appropriate protective covering, protecting workers, protect-~~

~~ing belongings of occupants by covering or removing them from the work area, wetting painted surfaces before disturbing the paint and wet sweeping debris; and~~

C. ~~Appropriate cleaning of the work area at the conclusion of the work using methods designed to remove lead dust;~~

2. Checks. ~~Performs visual checks of the property to identify deteriorated paint upon a change of tenant or within 12 months of the effective date of this subsection, whichever is sooner, and annually thereafter;~~

3. Removes or stabilizes paint. ~~Promptly and safely removes or stabilizes paint if more than one square foot of deteriorated paint is found on any interior surface, exterior porch or exterior wall or surface or fixture within an exterior porch, and restore that surface within 30 days after visual identification of deteriorated paint or within 30 days of receiving a written or oral report of deteriorated paint from a tenant or from an owner of a child care facility. If exterior repair work is identified after November 1st of any year, the repair work may be delayed but must be commenced no later than May 31st of the following year;~~

4. Repairs. ~~If more than one contiguous square foot of deteriorated paint is found on any exterior wall, surface or fixture not covered by subsection 3 and is located in an area frequented by children in warm weather, promptly and safely repairs and stabilizes the paint and restores the surface or prohibits access to the area, surface or fixture to ensure that children can not come into contact with the deteriorated paint; and~~

5. Provides information. ~~Provides written lead based paint hazard information to current and prospective tenants and to current and prospective owners or managers of child care or preschool facilities, including but not limited to information on the importance of promptly reporting the presence of deteriorated paint to the owner or to the owner's agent. The notice must include the name, address and telephone number of the owner or the owner's agent.~~

See title page for effective date.

CHAPTER 277

S.P. 319 - L.D. 953

An Act to Reclassify Certain Waters of the State

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

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

B. Little Androscoggin River Drainage.

- (1) Little Androscoggin River, main stem.
 - (a) From the outlet of Bryant Pond to the Maine Central Railroad bridge in South Paris - Class ~~B~~ A.
 - (b) From the Maine Central Railroad bridge in South Paris to its confluence with the Androscoggin River - Class C.

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

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

Sec. 2. 38 MRSA §467, sub-§1, ¶D, as amended by PL 1989, c. 764, §3, is further 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, and including, the Ellis River and that are not otherwise classified - Class A.
- (2) Bear River - Class AA.
- (3) Sabattus River from Sabattus Lake to limits of the Lisbon urban area - Class C.
- (4) Webb River - Class A.
- (5) Swift River, and its tributaries, above the Mexico-Rumford boundary - Class A.
- (6) Nezinscot River, east and west branches above their confluence in Buckfield - Class A.

Sec. 3. 38 MRSA §467, sub-§3, ¶B, as amended by PL 1989, c. 764, §4, is further amended to read:

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

- (1) All tributaries entering below the Route 191 bridge in Jacksonville - Class B.
- (2) Beaverdam Brook - Class AA.

Sec. 4. 38 MRSA §467, sub-§4, ¶A, as corrected by RR 1991, c. 2, §144, is amended by amending subparagraph (12) to read:

- (12) From the Sidney-Augusta boundary to the Father John J. Curran Bridge in Augusta, including all impoundments - Class ~~C~~ B.

Sec. 5. 38 MRSA §467, sub-§4, ¶B, as repealed and replaced by PL 1989, c. 228, §2, is repealed and the following enacted in its place:

B. Carrabassett River Drainage.

- (1) Carrabassett River, main stem.

- (a) Above a point located 1.0 mile above the dam in Kingfield - Class AA.

- (b) From a point located 1.0 mile above the dam in Kingfield to a point located 1.0 mile above the railroad bridge in North Anson - Class A.

- (c) From a point located 1.0 mile above the railroad bridge in North Anson to its confluence with the Kennebec River - Class B.

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

- (a) South Branch Carrabassett River - Class AA. The Legislature finds, however, that permitted water withdrawal from this river segment provides significant social and economic benefits and that this existing use may be maintained.

- (b) All tributaries entering the Carrabassett River below the Wire Bridge in New Portland - Class B.

- (c) West Branch Carrabassett River above its confluence with Alder Stream - Class AA.

Sec. 6. 38 MRSA §467, sub-§4, ¶D, as amended by PL 1991, c. 276, is further amended to read:

D. Dead River Drainage.

- (1) Dead River, main stem.

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

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

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

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

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

(c) ~~Spenser~~ Spencer Stream and Little Spencer Stream - Class ~~A~~ AA.

Sec. 7. 38 MRSA §467, sub-§5, ¶B, as amended by PL 1989, c. 764, §4, 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.

(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.

(6) Crooked Stream - Class AA.

Sec. 8. 38 MRSA §467, sub-§6-A, ¶B, as enacted by PL 1989, c. 764, §6, is amended to read:

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.

(3) Baker Brook - Class AA.

(4) Pork Brook - Class AA.

(5) Schoodic Brook - Class AA.

(6) Shorey Brook - Class AA.

Sec. 9. 38 MRSA §467, sub-§7, ¶A, as amended by PL 1991, c. 66, Pt. A, §14, is repealed and the following enacted in its place:

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 a point 1.0 mile above the West Enfield Dam - Class B.

(4) From a point 1.0 mile above the West Enfield Dam to the West Enfield Dam - Class C.

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

(6) 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.

(7) 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 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.

Sec. 10. 38 MRSA §467, sub-§7, ¶C, as amended by PL 1993, c. 344, §4, is further amended to read:

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~~ A.

(b-1) From its confluence with Chesuncook Lake to ~~Ripogenus Ri-~~
~~pogenus~~ Ri-
pogenus Dam - Class GPA as modified by section 464, subsection 9.

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

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

(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.

Sec. 11. 38 MRSA §467, sub-§7, ¶¶D, E and F, as repealed and replaced by PL 1989, c. 764, §7, are amended to read:

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~~ A.

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

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

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

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

(c) Fish Stream - 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~~ B.

(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.

(h) Black Stream - Class A.

(i) Cold Stream - Class A.

(j) Kingsbury Stream - Class A.

(k) Schoodic Stream - Class A.

(l) Scutaze Stream - Class A.

(m) Sebois Stream, including East and West Branches - Class A.

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, unless otherwise specified.

(a) Passadumkeag River from the Pumpkinhill Dam to its confluence with the Penobscot River - Class AA.

(b) Ayers Brook - Class AA.

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

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

(9) Birch Stream - Class A.

(10) Hemlock Stream - Class A.

(11) Mattamiscontis Stream - Class A.

(12) Medunkeunk Stream - Class A.

(13) Rockabema Stream - Class A.

(14) Salmon Stream - Class A.

Sec. 12. 38 MRSA §467, sub-§9, ¶A, as amended by PL 1993, c. 523, §1, is further amended to read:

A. Presumpscot River, main stem.

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

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

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

(2) From its confluence with the Pleasant River to ~~Sacarappa Falls~~ U.S. Route 202 - Class B. Further, there may be no new direct discharges to this segment after January 1, 1999.

(3) From U.S. Route 202 to Sacarappa Falls ~~to tidewater~~ - Class ~~B~~ E.

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

Sec. 13. 38 MRSA §467, sub-§10, as enacted by PL 1985, c. 698, §15, is repealed.

Sec. 14. 38 MRSA §467, sub-§11, ¶A, as repealed and replaced by PL 1989, c. 764, §11, is amended to read:

A. Royal River, main stem.

(1) From the outlet of Sabbathday Pond to ~~tidewater~~ its confluence with Collyer Brook - Class ~~B~~ A.

(2) From its confluence with Collyer Brook to tidewater - Class B.

Sec. 15. 38 MRSA §467, sub-§12, ¶B, as corrected by RR 1993, c. 1, §116, is amended to read:

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.

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

Sec. 16. 38 MRSA §467, sub-§13, ¶B, as repealed and replaced by PL 1989, c. 764, §14, is amended to read:

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.

(2) Tomah Stream - Class AA.

Sec. 17. 38 MRSA §467, sub-§14, ¶A, as repealed and replaced by PL 1989, c. 764, §15, is repealed and the following enacted in its place:

A. St. George River, main stem.

(1) From the outlet of Little Pond to a point located 2,000 feet below the pond - Class A.

(2) From a point located 2,000 feet below 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.

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

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

Sec. 18. 38 MRSA §467, sub-§15, ¶C, as amended by PL 1991, c. 813, Pt. E, §4, is further amended by amending subparagraph (1), divisions (a) and (b) to read:

(a) From the confluence of Millinocket Stream and Munsungan Stream to ~~its confluence with the Machias River~~ the Route 11 bridge - Class AA.

(b) ~~From its confluence with the Machias River~~ the Route 11 bridge to the Sheridan Dam - Class B.

Sec. 19. 38 MRSA §467, sub-§15, ¶C, as amended by PL 1991, c. 813, Pt. E, §4, is further amended by amending subparagraph (2), division (d) to read:

(d) Machias River, from the outlet of Big Machias Lake to ~~the Garfield Plantation Ashland boundary~~ the Aroostook River - Class AA.

Sec. 20. 38 MRSA §467, sub-§15, ¶D, as repealed and replaced by PL 1989, c. 764, §16, is amended to read:

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~~ Perley Brook - Class ~~B~~ A.

(d) ~~From the outlet of Soldier Pond to its confluence with Perley Brook to 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.

Sec. 21. 38 MRSA §467, sub-§16, ¶A, as amended by PL 1991, c. 813, Pt. E, §5, is further amended to read:

A. Salmon Falls River, main stem.

(1) ~~From the outlet of Great East Lake to tidewater, those waters lying within the State, including all impoundments~~ the Route 9 bridge - Class B.

(2) From the Route 9 bridge to tidewater - Class C.

Sec. 22. 38 MRSA §467, sub-§16, ¶B, as enacted by PL 1989, c. 764, §17, is amended to read:

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

(1) Chicks Brook (South Berwick, York) - Class A.

Sec. 23. 38 MRSA §468, sub-§5, ¶C is enacted to read:

C. Winterport.

(1) Cove Brook, those waters above head of tide - Class AA.

Sec. 24. 38 MRSA §468, sub-§8, ¶J is enacted to read:

J. Edmunds.

(1) Hobart Stream - Class AA.

Sec. 25. 38 MRSA §469, sub-§1, ¶C, as enacted by PL 1985, c. 698, §15, is amended to read:

C. Falmouth.

(1) Tidal waters ~~of the Town of Falmouth located within a line beginning at a point located on the shore at latitude 43° - 42' - 03" N., longitude 70° - 15' - 22" W. and running southwest along the Falmouth-Portland boundary to the shore westerly and northerly, to include the Presumpscot estuary, of a line running from the southernmost point of Mackworth Island; thence running northerly along the western shore of Mackworth Island and the Mackworth Island Causeway to a point located at latitude 43° - 41' - 42" N., longitude 70° - 14' - 25" W.; thence running along the shore of the Presumpscot River Estuary to point of beginning where the causeway joins Mackworth Point - Class SC.~~

Sec. 26. 38 MRSA §469, sub-§1, ¶E, as enacted by PL 1985, c. 698, §15, is amended to read:

E. Portland.

(1) Tidal waters located within a line beginning at a point located on the Cumberland-Portland boundary at approximately latitude 43° - 41'-18" N., longitude 70° - 05'-48" W. and running southeasterly along the Cumberland-Portland boundary to a point where the Cumberland, Harpswell and Portland boundaries meet; thence running southeasterly along the Harpswell-Portland boundary to longitude 70° - 00'-00" W.; thence running due south to a point located at latitude

43° - 38'-21" N., longitude 70° - 00'-00" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 09'-06" W.; thence running northeasterly to point of beginning - Class SA.

(2) ~~Tidal waters of the City of Portland lying northwesterly of a line beginning at Portland Head Light and running northerly to the southernmost point of land on Cushing Island; thence running northerly along the western shore of Cushing Island to the northernmost point of land on Cushing Island; thence running northerly to the southernmost point of land on Peaks Island; thence running northerly along the western shore of Peaks Island to a point located at latitude 43° - 40' - 10" N., longitude 70° - 11' - 34" W.; thence running northwesterly to the southernmost point of land on Great Diamond Island; thence running northwesterly along the westerly shore of Great Diamond Island to a point located at latitude 43° - 40' - 36" W., longitude 70° - 11' - 34" W.; thence running northwesterly for 0.7 mile to a point where the Falmouth-Portland boundary forms a right angle; thence running northwesterly along the Falmouth-Portland boundary to a point located at latitude 43° - 42' - 03" N., longitude 70° - 15' - 22" W. Spring Point Light in South Portland to the easternmost point of Fort Gorges Island, thence running northerly to the southernmost point of Mackworth Island - Class SC.~~

Sec. 27. 38 MRSA §469, sub-§1, ¶F, as enacted by PL 1985, c. 698, §15, is amended to read:

F. South Portland.

(1) ~~All tidal~~ Tidal waters of the City of South Portland lying westerly of a line beginning at Spring Point Light to the easternmost point of Fort Gorges Island in Portland - Class SC.

Sec. 28. 38 MRSA §469, sub-§2, ¶D, as enacted by PL 1985, c. 698, §15, is amended to read:

D. Mount Desert.

(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying northerly of latitude 44° - 16'-36" N. and easterly of longitude 68° - 13'-08" W. - Class SA.

(2) Tidal waters of Somes Sound lying northerly of a line beginning at a point located at the Acadia National Park boundary

at latitude 44° - 18'-18" N., longitude 68° - 18'-42" W. and running northeasterly to a point located at the Acadia National Park boundary at latitude 44° - 18'-54" N., longitude 68° - 18'-22" W. and lying southerly of a line beginning at a point located at latitude 44° - 19' 37" N., longitude 68° - 18'-52" W. and running northeasterly to a point located at latitude 44° - 19' 45", longitude 68° - 18'-23" W., except those waters of Broad Cove lying west of a line running from the point of land immediately south of the cove northerly to Navigation Can #7 and those waters lying within 500 feet of overboard discharges licensed as of January 1, 1999 - Class SA.

(3) Tidal waters of Somes Sound lying within 500 feet of overboard discharges licensed as of January 1, 1999 - Class SA.

Sec. 29. 38 MRSA §469, sub-§2, ¶F, as enacted by PL 1985, c. 698, §15, is amended to read:

F. Southwest Harbor.

(1) Tidal waters lying northerly of latitude 44° - 12'-44" -" N., southerly of latitude 44° - 14'-13" N. and westerly of longitude 68° - 18'-27" W. - Class SA.

(2) Tidal waters of Somes Sound lying northerly of a line beginning at a point located at the Acadia National Park boundary at latitude 44° - 18'-18" N., longitude 68° - 18'-42" W. and running northeasterly to a point located at the Acadia National Park boundary at latitude 44° - 18'-54" N., longitude 68° - 18'-22" W. - Class SA.

Sec. 30. 38 MRSA §469, sub-§7, ¶G, as enacted by PL 1989, c. 764, §29, is amended to read:

G. Milbridge.

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

Sec. 31. Contingent effective date. The Maine Revised Statutes, Title 38, section 469, subsection 2, paragraph D, subparagraph (3) takes

effect only if the Commissioner of Environmental Protection certifies as part of the relicensing process that there are practicable alternatives to the 2 existing licensed overboard discharges to those waters described in that section of statute.

Sec. 32. Findings. The Legislature finds that the reclassification of a segment of the St. George River from Class C to Class AA in 1990 was the result of a significant procedural error that occurred during the reclassification process in 1989 and 1990. This Act corrects that error, which was unique to a narrow set of circumstances surrounding an application for a permit to reconstruct a dam that was being processed simultaneously with the larger reclassification process. Specifically, the Department of Environmental Protection staff that was processing the permit application did not know about the pending reclassification to Class AA and the department staff that was developing the reclassification study for the Board of Environmental Protection was unaware that an application for a dam reconstruction on that segment of the river had been submitted. The Legislature finds that if the department staff and the Board of Environmental Protection had been aware of the application, they may have made a different reclassification recommendation to the Legislature. The Legislature further finds that the correct classification for the segment of the St. George River that extends from the outlet of Little Pond to 2,000 feet downstream is Class A.

See title page for effective date.

CHAPTER 278

H.P. 1201 - L.D. 1711

An Act to Clarify the Law Governing Disbursements from the Groundwater Oil Clean-up Fund

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

Sec. 1. 38 MRSA §568-A, sub-§1, ¶I is enacted to read:

I. An applicant is not eligible for coverage of costs recovered by settlement with or judgment against another responsible party, the responsible party's representative or the applicant's insurer. Applicants who recover costs by such a settlement or judgment shall reimburse the fund to the extent the amount recovered duplicates payments from the fund.

Sec. 2. 38 MRSA §569-A, sub-§8, ¶A, as amended by PL 1997, c. 364, §32, is further amended to read: