

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

(2) Each contract or other document certifying participation in the account, issued by the account, must contain a statement of the contingent liability of participating group self-insurers.

G. An account is exempt from payment of all fees and all taxes levied by this State or any of its subdivisions, except taxes levied on real or personal property.

H. This subsection does not create any liability on the part of, and a cause of action of any nature does not arise against, any group self-insurer member, an account or its agents or employees, the board of directors of an account or its individual members or the Superintendent of Insurance or the superintendent's representatives for any acts or omissions taken by them in the performance of their powers and duties under this subsection. The immunity established by this subsection does not extend to willful neglect or malfeasance that would otherwise be actionable.

I. Assets of an account's fund may be used exclusively for payment of expenses of the account and payment of claims against the account and for no other purpose.

J. The Superintendent of Insurance shall adopt rules to administer and effectuate the intent of this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

K. In the event of dissolution of an account, all assets remaining after the satisfaction of all outstanding claims must be distributed to the Treasurer of State to be included in the Maine Self-Insurance Guarantee Association.

See title page for effective date.

CHAPTER 316

H.P. 373 - L.D. 484

**An Act To Implement the
Recommendations of the State House
and Capitol Park Commission
Regarding a Living Memorial in
Capitol Park**

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

Sec. 1. 3 MRSA §902, sub-§1, as repealed and replaced by PL 1989, c. 410, §10, is amended to read:

1. Plan. The commission, with the assistance of the Executive Director of the Legislative Council, shall develop and commend a plan for the preservation and development of the aesthetic and historical integrity of the State House and the grounds specified in section 902-A, subsection 2. By April 1, 1990, the commission shall submit an interim report indicating its progress on the plan to the Legislative Council and the Governor. Upon receipt of the commission's completed plan, the Legislative Council may submit the plan to the Legislature for adoption and enactment as the official state plan for the preservation and development of the aesthetic and historical integrity of the State House. From time to time the commission may submit additional amendments for inclusion in the plan which may be submitted to the Legislative Council for adoption and enactment by the Legislature.

Sec. 2. 3 MRSA §902, sub-§1-A is enacted to read:

1-A. Living memorial garden. The commission shall arrange for and oversee the development and maintenance of a living memorial garden in Capitol Park, the design of which must be consistent with the plan for the garden and double rows of trees developed for the commission in 2002 by Pressley Associates, Inc. Development of the living memorial garden is subject to available funding. The commission may seek and accept funds from private and public sources, including the Percent for Art Program, for the development and maintenance of the garden.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

State House and Capitol Park Commission

Initiative: Allocates funds to establish a base allocation in the event private funds are raised for the State House and Capitol Park Commission.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$500	\$500
Other Special Revenue		
Funds Total	\$500	\$500

See title page for effective date.

CHAPTER 317

H.P. 1121 - L.D. 1529

**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 amended by PL 1999, c. 277, §1, is further 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 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.
- (b) Andrews Brook in Woodstock - Class A.
- (c) Black Brook in Woodstock - Class A.
- (d) Cushman Stream in Woodstock - Class A.
- (e) Meadow Brook in Woodstock - Class A.
- (f) Bog Brook and tributaries in Minot, Oxford and Hebron - Class A.

Sec. 2. 38 MRSA §467, sub-§1, ¶C, as repealed and replaced by PL 1989, c. 228, §1, is amended to read:

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

- (1) Cupsuptic River and its tributaries - Class AA.
- (2) Kennebago River and its tributaries except for the impoundment of the dam at Kennebago Falls - Class AA.
- (3) Rapid River, from a point located 1,000 feet downstream of Middle Dam to its confluence with Umbagog Lake - Class AA.

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

(5) Little Magalloway River and tributaries in Parmachenee Township and Bowmanstown Township - Class AA.

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

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

Sec. 3. 38 MRSA §467, sub-§1, ¶D, as amended by PL 1999, c. 277, §2, 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.
- (7) Wild River in Gilead, Batchelders Grant - Class AA.

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

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

- (1) All tributaries entering below the Route 1 bridge - Class B.
- (2) Venture Brook in Edmunds Township - Class AA.

Sec. 5. 38 MRSA §467, sub-§3, ¶B, as amended by PL 1999, c. 277, §3, 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.

(3) Seavey Brook in Crawford - Class AA.

(4) Harmon Brook in Crawford - Class AA.

Sec. 6. 38 MRSA §467, sub-§4, ¶A, as amended by PL 1999, c. 277, §4, is further amended to read:

A. Kennebec River, main stem.

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

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

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

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

(5) From a point located 1,000 feet downstream from Harris Dam to its confluence with the Dead River - Class AA.

(6) From its confluence with the Dead River to the confluence with Wyman Lake, including all impoundments - Class A.

(7) From the Wyman Dam to its confluence with the impoundment formed by the Williams Dam - Class A.

(8) From the confluence with the Williams impoundment to the Route 201A bridge in Anson-Madison, including all impoundments - Class A.

(9) From the Route 201A bridge in Anson-Madison to the Fairfield-Skowhegan boundary, including all impoundments - Class B.

(10) From the Fairfield-Skowhegan boundary to its confluence with Messalonskee Stream, including all impoundments - Class C.

(11) From its confluence with Messalonskee Stream to the Sidney-Augusta boundary, including all impoundments - Class B.

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

(13) From the Father John J. Curran Bridge in Augusta to a line drawn across the tidal estuary of the Kennebec River due east of Abagadasset Point - Class ~~C~~ B. Further, the Legislature finds that the free-flowing habitat of this river segment provides irreplaceable social and economic benefits and that this use must be maintained. Further, the license limits for total residual chlorine and bacteria for existing direct discharges of wastewater to this segment as of January 1, 2003 must remain the same as the limits in effect on that date and must remain in effect until June 30, 2009 or upon renewal of the license, whichever comes later. Thereafter, license limits for total residual chlorine and bacteria must be those established by the department in the license and may include a compliance schedule pursuant to section 414-A, subsection 2.

(14) From a line drawn across the tidal estuary of the Kennebec River due east of Abagadasset Point, to a line across the southwesterly area of Merrymeeting Bay formed by an extension of the Brunswick-Bath boundary across the bay in a northwesterly direction to the westerly shore of Merrymeeting Bay and to a line drawn from Chop Point in Woolwich to West Chop Point in Bath - Class B. Further, the Legislature finds that the free-flowing habitat of this river segment provides irreplaceable social and economic benefits and that this use must be maintained.

Sec. 7. 38 MRSA §467, sub-§4, ¶D, as amended by PL 1999, c. 277, §6, 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) Spencer Stream and Little Spencer Stream - Class AA.

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

Sec. 8. 38 MRSA §467, sub-§4, ¶E, as amended by PL 1991, c. 813, Pt. E, §2, is further amended to read:

E. Messalonskee Stream Drainage.

(1) Messalonskee Stream, main stem.

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

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

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

Sec. 9. 38 MRSA §467, sub-§4, ¶H, as repealed and replaced by PL 1989, c. 228, §2, is repealed and the following enacted in its place:

H. Sebasticook River Drainage.

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

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

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

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

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

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

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

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

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

(g) Hall Brook in Thorndike - Class A.

Sec. 10. 38 MRSA §467, sub-§5, ¶B, as amended by PL 1999, c. 277, §7, is further amended to read:

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

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

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

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

(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.

(7) Fletcher Brook in Township 36 Middle Division - Class AA.

(8) Magazine Brook in Township 43 Middle Division - Class AA.

(9) Bowles Brook in Township 31 Middle Division - Class AA.

(10) Chain Lakes Stream in Township 31 - Class AA.

(11) Pembroke Stream in Township 31 Middle Division - Class AA.

(12) Holmes Brook in Northfield - Class AA.

Sec. 11. 38 MRSA §467, sub-§6-A, ¶B, as amended by PL 1999, c. 277, §8, is further 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.
- (7) West Branch Stream in Township 34 Middle Division - Class AA.
- (8) Gould Brook in Township 28 Middle Division - Class AA.
- (9) Rocky Brook in Devereaux Township - Class AA.
- (10) Sinclair Brook in Devereaux Township - Class AA.
- (11) Humpback Brook in Township 28 Middle Division - Class AA.
- (12) Little Narraguagus River in Township 22 Middle Division - Class AA.
- (13) Great Falls Branch downstream of Route 193 in Deblois, excluding any tributaries - Class AA.
- (14) Lawrence Brook - Class AA.

Sec. 12. 38 MRSA §467, sub-§7, ¶A, as repealed and replaced by PL 1999, c. 277, §9, is amended to read:

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 a point 1.25 miles upstream of 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. 13. 38 MRSA §467, sub-§7, ¶F, as amended by PL 1999, c. 277, §11, is further amended to read:

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) ~~Sourdabscok~~ Soudabscok Stream 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.

(15) Salmon Stream in Winn - Class A.

(16) Little Salmon Stream in Medway - Class A.

(17) Narrimissic River in Bucksport and Orland, including all impoundments - Class B.

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

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

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

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

12. Saco River Basin.

A. Saco River, main stem.

(1) From the Maine-New Hampshire boundary to its confluence with the impoundment of the Swan's Falls Dam - Class A.

(2) From its confluence with the impoundment of the Swan's Falls Dam to a point located 1,000 feet below the Swan's Falls Dam - Class A.

(3) From a point located 1,000 feet below the Swan's Falls Dam to its confluence with the impoundment of the Hiram Dam - Class AA.

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

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

(6) From its confluence with the Little Ossipee River to the West Buxton Dam, including all impoundments - Class A.

(7) From the West Buxton Dam to its confluence with the impoundment formed by the Bar Mills Dam - Class A.

(8) From its confluence with the impoundment formed by the Bar Mills Dam to the confluence with the impoundment formed by the Skelton Dam - Class A.

(9) From Skelton Dam to its confluence with the impoundment formed by the Cataract Project Dams - Class A.

(10) From the confluence with the impoundment formed by the Cataract Project Dams to ~~its confluence with Swan Pond Stream~~ the Interstate 95 bridge, including all impoundments - Class A.

(11) ~~From its confluence with Swan Pond Stream~~ the Interstate 95 bridge to tidewater - Class B.

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

(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.

(4) Ossipee River Drainage - Class B unless otherwise specified.

(a) Emerson Brook in Parsonsfield - Class A.

Sec. 16. 38 MRSA §467, sub-§13, ¶B, as amended by PL 1999, c. 277, §16, is further 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.
- (3) Monument Brook - Class A.
- (4) Waters connecting the Chiputneticook Lakes, including The Thoroughfare, Forest City Stream and Mud Lake Stream - Class A.

Sec. 17. 38 MRSA §467, sub-§15, ¶C, as amended by PL 1999, c. 277, §§18 and 19, is further amended to read:

C. Aroostook River Drainage.

- (1) Aroostook River, main stem.
 - (a) From the confluence of Millinocket Stream and Munsungan Stream to the Route 11 bridge - Class AA.
 - (b) From the Route 11 bridge 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 164~~

~~bridge in Stockholm~~ Caribou-Connor Township line - Class A.

(d) Machias River, from the outlet of Big Machias Lake to the Aroostook River - 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~~ the Mapleton-Presque Isle town line - 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.

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

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

Sec. 18. 38 MRSA §467, sub-§15, ¶¶E and F, as repealed and replaced by PL 1989, c. 764, §16, are amended to read:

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.
 - (b) Moose Brook and its tributaries, upstream of the Ludlow Road in Ludlow - Class A.
 - (c) South Branch of the Meduxnekeag River and its tributaries, up-

stream of the Oliver Road in Cary - Class A.

(d) B Stream and tributaries upstream of the Burnt Brow Bridge in Hammond - 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~~ the headwaters at the St. John Ponds 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. 19. 38 MRSA §467, sub-§17, ¶¶A and B, as amended by PL 1989, c. 764, §18, are repealed and the following enacted in their place:

A. Sheepscot River, main stem.

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

(2) From Sheepscot Lake to 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.

(3) 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 AA.

(2) Trout Brook - Class A.

(3) Choate Brook - Class A.

(4) Weaver Brook - Class A.

(5) Ben Brook - Class A.

(6) Finn Brook - Class A.

(7) Hewitt Brook - Class A.

(8) Dearborn Brook - Class A.

(9) Culvert Pond Brook - Class A.

Sec. 20. 38 MRSA §468, sub-§2, ¶N is enacted to read:

N. Township 7 Southern Division.

(1) Whitten Parritt Stream - Class A.

Sec. 21. 38 MRSA §468, sub-§8, ¶K is enacted to read:

K. Steuben.

(1) Whitten Parritt Stream - Class A.

Sec. 22. 38 MRSA §468, sub-§9, ¶C, as repealed and replaced by PL 1989, c. 764, §21, is amended to read:

C. Wells.

(1) Branch Brook - Class A.

(2) Merriland River - Class A.

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

(4) Depot Brook - Class A.

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

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

Sec. 23. 38 MRSA §469, sub-§2, ¶¶A-1, E-1 and E-2 are enacted to read:

A-1. Brooksville.

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

E-1. Penobscot.

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

E-2. Sedgewick.

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

Sec. 24. Legislation. The Joint Standing Committee on Natural Resources may report out legislation to the Second Regular Session of the 121st Legislature on the following matters:

1. Reclassifications that were proposed in House Paper 1121, Legislative Document 1529, "An Act To Reclassify Certain Waters of the State" but were not included in the committee's report during the First Regular Session; and

2. Defining and identifying subsistence fishing as a designated use for certain waters.

Sec. 25. Retroactivity. The license limits for total residual chlorine and bacteria imposed in the Maine Revised Statutes, Title 38, section 467, subsection 4, paragraph A, subparagraph (13), as amended by this Act, apply retroactively to January 1, 2003.

See title page for effective date.

CHAPTER 318

S.P. 529 - L.D. 1570

An Act Concerning Storm Water Management

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

Whereas, certain changes to state law are necessary for implementation of Maine's storm water program in early 2003; 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 §420-D, sub-§2, as amended by PL 1997, c. 502, §2 and affected by c. 603, §8, is further amended to read:

2. Review. If the applicant is able to meet the standards for storm water using solely vegetative means, the department shall review the application within 30 calendar days. If structural means are used to meet those standards, the department shall review the application within ~~60~~ 90 calendar days. The review period begins upon receipt of a complete application and may be extended pursuant to section 344-B or if a joint order is required pursuant to subsection 5. The department may request additional information necessary to determine whether the standards of this section are met. The application is deemed approved if the department does not notify the applicant within the applicable review period.

The department may allow a municipality or a quasi-municipal organization, such as a watershed management district, to substitute a management system for storm water approved by the department for the permit requirement applicable to projects in a designated area of the municipality. The municipality or quasi-municipality may elect to have this substitution take effect at the time the system is approved by the department, or at the time the system is completed as provided in an implementation schedule approved by the department.

Sec. 2. 38 MRSA §464, sub-§4, ¶A, as amended by PL 1997, c. 794, Pt. A, §30, is further amended by amending subparagraph (1) to read:

(1) Direct discharge of pollutants to waters having a drainage area of less than 10 square miles, except that ~~discharges into these waters that were licensed prior to January 1, 1986, are allowed to continue only until practical alternatives exist;~~

(a) Discharges into these waters that were licensed prior to January 1, 1986 are allowed to continue only until practical alternatives exist; and

(b) Storm water discharges in compliance with state and local requirements are exempt from this subparagraph;

Sec. 3. 38 MRSA §465, sub-§2, ¶C, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §62, is further amended to read:

C. Direct discharges to these waters licensed after January 1, 1986, are permitted only if, in addition to satisfying all the requirements of this article, the discharged effluent will be equal to or better than the existing water quality of the receiving waters. Prior to issuing a discharge license, the department shall require the applicant to objectively demonstrate to the department's satisfaction that the discharge is necessary and