

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

D, §7, is repealed and the following enacted in its place:

3. Free fishing days; limitations. The following 2 free fishing periods are established. No more than 2 free fishing periods may be established under this subsection.

A. Except when Memorial Day falls on a Friday, the Saturday and the Sunday immediately following Memorial Day are designated "Family Fishing Days." If Memorial Day falls on a Friday, the Saturday and the Sunday subsequent to Memorial Day weekend are designated "Family Fishing Days." The days designated "Family Fishing Days" are free fishing days.

B. The Saturday and the Sunday immediately preceding Presidents' Day are free fishing days.

Notwithstanding sections 10606 and 12501, it is lawful during a free fishing day established under this subsection for a person to fish without a license in inland waters, except that this subsection does not apply to a person whose license to fish is under suspension or revocation. All other provisions of this Part relating to fishing apply during a free fishing day.

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

Effective April 22, 2004.

CHAPTER 663

H.P. 1401 - L.D. 1891

An Act To Reclassify Certain Downeast Waters

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

Sec. 1. 38 MRSA §467, sub-§2, ¶B, as amended by PL 2003, c. 551, §7, is further amended to read:

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

(1) All tributaries entering below the Bunker Hill Road bridge - Class B.

(2) Venture Brook in Edmunds Township - Class AA.

(3) Cathance Stream below the Great Works Impoundment in Edmunds Township - Class AA.

Sec. 2. 38 MRSA §467, sub-§3, ¶B, as amended by PL 2003, c. 317, §5, 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.

(5) Northern Stream in Township 19 Eastern Division - Class AA.

(6) Creamer Brook in Township 19 Eastern Division - Class AA.

(7) Clifford Brook - Class AA.

Sec. 3. 38 MRSA §467, sub-§5, ¶B, as amended by PL 2003, c. 317, §10, 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.

(13) Bog Brook - Class AA.

(14) Pineo Brook in Wesley - Class AA.

(15) Black Brook in Township 25 Middle Division - Class AA.

Sec. 4. 38 MRSA §467, sub-§8, ¶B, as enacted by PL 1989, c. 764, §8, is amended to read:

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.

(4) Eastern Little River in Columbia Falls - Class AA.

(5) Western Little River from its confluence with Montegail Stream to the Pleasant River in Columbia, Township 18 Middle Division and Township 19 Middle Division - Class AA.

Sec. 5. 38 MRSA §468, sub-§8, ¶K, as enacted by PL 2003, c. 317, §21, is amended to read:

K. Steuben.

(1) Whitten Parritt Stream - Class A.

(2) Tunk Stream and tributaries upstream of Route 1 - Class A.

Sec. 6. 38 MRSA §468, sub-§8, ¶¶L to O are enacted to read:

L. Harrington.

(1) Harrington River and tributaries - Class A.

M. Columbia.

(1) Harrington River and tributaries - Class A.

N. Addison.

(1) Indian River - Class A.

O. Jonesport.

(1) Indian River - Class A.

Sec. 7. Water use standards. The Department of Environmental Protection shall take into consideration when adopting water use standards pursuant to the Maine Revised Statutes, Title 38, section 470-E that it is not the Legislature's intent to prohibit all water use in waters that are reclassified in this Act.

See title page for effective date.

CHAPTER 664

S.P. 743 - L.D. 1899

An Act To Amend the Dissolved Oxygen Standard for Class C Waters

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

Sec. 1. 38 MRSA §465, sub-§4, ¶B, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §63, is further amended to read:

B. The dissolved oxygen content of Class C water may be not less than 5 parts per million or 60% of saturation, whichever is higher, except that in identified salmonid spawning areas where water quality is sufficient to ensure spawning, egg incubation and survival of early life stages, that water quality sufficient for these purposes must be maintained. In addition, in order to provide additional protection for growth of indigenous fish, dischargers that were issued final discharge licenses or water quality certificates prior to March 16, 2004 that are based on a 6.5 parts per million dissolved oxygen criterion must continue to be licensed using a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is lower. Final discharge licenses and water quality certificates not based on a 6.5 parts per million dissolved oxygen criterion prior to March 16, 2004 must be based on a 6.5 parts per million dissolved oxygen criterion at a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is lower. Between May 15th and September 30th, the number of Escherichia coli bacteria of human origin in these waters may not exceed a geometric mean of 142 per 100 milliliters or an instantaneous level of 949 per 100 milliliters. The board shall ~~promulgate~~ adopt rules governing the procedure for designation of spawning areas. Those rules must include provi-