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FIRST REGULAR SESSION-2017

Legislative Document

No. 1473

H.P. 1012

House of Representatives, April 18, 2017

**An Act To Make Minor Changes and Corrections to Statutes
Administered by the Department of Environmental Protection**

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.
Reference to the Committee on Environment and Natural Resources suggested and ordered
printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TUCKER of Brunswick.

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

2 **PART A**

3 **Sec. A-1. 32 MRSA §4171, sub-§2-A** is enacted to read:

4 **2-A. Commissioner.** "Commissioner" means the Commissioner of Environmental
5 Protection.

6 **Sec. A-2. 32 MRSA §4174**, as amended by PL 2011, c. 206, §2, is further
7 amended to read:

8 **§4174. Examination; criteria; standards**

9 The commissioner shall hold at least one examination each year for the purpose of
10 examining candidates for certification at a time and place designated by the
11 commissioner.

12 The ~~board~~ commissioner shall establish the criteria and conditions for the
13 classification of wastewater treatment plants or systems, using as a basis the standards
14 established by the New England Water Pollution Control Association.

15 The ~~board~~ commissioner shall establish by rule the qualifications, conditions and
16 licensing standards and procedures for the certification of individuals to act as operators.

17 The Department of Environmental Protection may allow an operator to review with
18 department staff an operator certification test that the operator has completed in order to
19 identify subject areas for which questions were answered incorrectly and further study is
20 advisable.

21 **Sec. A-3. 32 MRSA §4179, first ¶**, as amended by PL 1989, c. 890, Pt. A, §7 and
22 affected by §40, is further amended to read:

23 The ~~Board of Environmental Protection~~ commissioner shall adopt rules ~~which that~~
24 include, but are not limited to, provisions establishing the basis for classification of
25 treatment plants in accordance with section 4172 and provisions establishing
26 requirements for certification and procedures for examination of candidates.

27 **Sec. A-4. 38 MRSA §342, sub-§11-B**, as amended by PL 2011, c. 538, §2, is
28 further amended to read:

29 **11-B. Revoke or suspend licenses and permits.** ~~After~~ Notwithstanding Title 5,
30 section 10051, after written notice and opportunity for a hearing pursuant to Title 5,
31 chapter 375, subchapter 4, the commissioner may ~~act to~~ revoke or suspend a license
32 whenever the commissioner finds that:

33 A. The licensee has violated any condition of the license;

34 B. The licensee has obtained a license by misrepresenting or failing to disclose fully
35 all relevant facts;

- 1 C. The licensed discharge or activity poses a threat to human health or the
2 environment;
- 3 D. The license fails to include any standard or limitation legally required on the date
4 of issuance;
- 5 E. There has been a change in any condition or circumstance that requires revocation
6 or suspension of a license;
- 7 F. There has been a change in any condition or circumstance that requires a
8 corrective action or a temporary or permanent modification of the terms of the
9 license;
- 10 G. The licensee has violated any law administered by the department; or
- 11 H. The license fails to include any standard or limitation required pursuant to the
12 federal Clean Air Act Amendments of 1990.

13 For the purposes of this subsection, "license" includes any license, permit, order, approval
14 or certification issued by the department and "licensee" means the holder of the license.

15 **Sec. A-5. 38 MRSA §347-C**, as amended by PL 1997, c. 794, Pt. A, §6, is
16 repealed and the following enacted in its place:

17 **§347-C. Right of inspection and entry**

18 Employees and agents of the department may:

19 **1. Property.** Enter any property at reasonable hours in order to inspect the property
20 to take samples, inspect records relevant to any regulated activity or conduct tests as
21 appropriate to determine compliance with any laws administered by the department or the
22 terms and conditions of any order, regulation, license, permit, approval or decision of the
23 commissioner or of the board; and

24 **2. Buildings.** Enter any building with the consent of the property owner, occupant
25 or agent, or pursuant to an administrative search warrant, in order to inspect the property
26 or structure, including the premises of an industrial user of a publicly owned treatment
27 works, and to take samples, inspect records relevant to any regulated activity or conduct
28 tests as appropriate to determine compliance with any laws administered by the
29 department or the terms and conditions of any order, regulation, license, permit, approval
30 or decision of the commissioner or of the board.

31 **Sec. A-6. 38 MRSA §361-A, sub-§1-J**, as amended by PL 2009, c. 121, §6, is
32 further amended to read:

33 **1-J. Code of Federal Regulations.** "Code of Federal Regulations" means the
34 codification of regulations published in the Federal Register by the Federal Government,
35 and includes those regulations effective on or before July 1, ~~2009~~ 2016.

36 **Sec. A-7. 38 MRSA §361-A, sub-§1-K**, as amended by PL 2009, c. 121, §7, is
37 further amended to read:

1 **1-K. Federal Water Pollution Control Act.** "Federal Water Pollution Control Act"
2 means federal Public Law 92-500 or 33 United States Code, Sections 1251 et seq.,
3 including all amendments effective on or before July 1, ~~2009~~ 2016.

4 **Sec. A-8. 38 MRSA §411, 5th ¶**, as affected by PL 1989, c. 890, Pt. A, §40 and
5 amended by Pt. B, §24, is further amended to read:

6 State grant-in-aid participation under this section is limited to grants for waste
7 treatment facilities, interceptor systems and collector systems and outfalls. The word
8 "expense" does not include costs relating to land acquisition or debt service, unless
9 allowed under federal statutes and regulations.

10 **Sec. A-9. 38 MRSA §420, sub-§1-B, ¶C**, as enacted by PL 2001, c. 418, §3, is
11 amended to read:

12 C. The department may establish a site-specific bioaccumulation factor for mercury
13 when there is sufficient information to indicate that a site-specific bioaccumulation
14 factor will be protective of human health and wildlife. A site-specific
15 bioaccumulation factor may only be established:

16 (1) As part of a licensing proceeding pursuant to section 413 by the ~~board~~
17 department; or

18 (2) As part of a remediation or corrective action plan, license or order approved
19 either by the department pursuant to section 1301, 1304, 1319, 1364 or 1365, or
20 by the United States Environmental Protection Agency under federal law with the
21 concurrence of the department.

22 **Sec. A-10. 38 MRSA §420, sub-§2**, as amended by PL 2011, c. 194, §2, is
23 further amended to read:

24 **2. Toxic or hazardous substances.** Any other toxic substance in any amount or
25 concentration greater than that identified or regulated, including complete prohibition of
26 such substance, by the ~~board~~ department. In identifying and regulating such toxic
27 substances, the ~~board~~ department shall take into account the toxicity of the substance, its
28 persistence and degradability, the usual or potential presence of any organism affected by
29 such substance in any waters of the State, the importance of such organism and the nature
30 and extent of the effect of such substance on such organisms, either alone or in
31 combination with substances already in the receiving waters or the discharge. As used in
32 this subsection, "toxic substance" ~~shall mean~~ means those substances or combination of
33 substances, including ~~disease-causing~~ disease-causing agents, ~~which that~~ after discharge
34 or upon exposure, ingestion, inhalation or assimilation into any organism, including
35 humans either directly through the environment or indirectly through ingestion through
36 food chains, will, on the basis of information available to the ~~board~~ department either
37 alone or in combination with other substances already in the receiving waters or the
38 discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological
39 malfunctions, including malfunctions in reproduction, or physical deformations in such
40 organism or ~~their~~ its offspring.

1 A. Except as naturally occurs or as provided in paragraphs B and C, the ~~board~~
2 department shall regulate toxic substances in the surface waters of the State at the
3 levels set forth in federal water quality criteria as established by the United States
4 Environmental Protection Agency pursuant to the Federal Water Pollution Control
5 Act, Public Law 92-500, Section 304(a), as amended.

6 B. The ~~board~~ department may change the statewide criteria established under
7 paragraph A for a particular toxic substance established pursuant to the Federal Water
8 Pollution Control Act, Public Law 92-500, Section 304(a), as amended, as follows:

9 (1) By adopting site-specific numerical criteria for the toxic substance to reflect
10 site-specific circumstances different from those used in, or any not considered in,
11 the derivation of the statewide criteria. The ~~board~~ department shall adopt site-
12 specific numerical criteria only as part of a licensing proceeding pursuant to
13 sections 413, 414 and 414-A; or

14 (2) By adopting alternative statewide criteria for the toxic substance. The
15 alternative statewide criteria must be adopted by rule.

16 The ~~board~~ department may substitute site-specific criteria or alternative statewide
17 criteria for the criteria established in paragraph A only upon a finding that the site-
18 specific criteria or alternative statewide criteria are based on sound scientific rationale
19 and are protective of the most sensitive designated use of the water body, including,
20 but not limited to, human consumption of fish and drinking water supply after
21 treatment.

22 C. When surface water quality standards are not being met due to the presence of a
23 toxic substance for which no water quality criteria have been established pursuant to
24 the Federal Water Pollution Control Act, Section 304(a), as amended, the ~~board~~
25 department shall:

26 (1) Adopt statewide numerical criteria by rule; or

27 (2) Adopt site-specific numerical criteria as part of a licensing proceeding under
28 sections 413, 414 and 414-A.

29 Nothing in this section restricts the authority of the ~~board~~ department to adopt, by
30 rule, statewide or site-specific numerical criteria for toxic substances that are not
31 presently causing water quality standards to be violated.

32 D. For any criteria established under this subsection, the ~~board~~ department shall
33 establish the acceptable level of additional risk of cancer to be borne by the affected
34 population from exposure to the toxic substance believed to be carcinogenic.

35 E. In regulating substances that are toxic to humans, including any rulemaking to
36 regulate these substances, the ~~board~~ department shall consider any information
37 provided by the Department of Health and Human Services.

38 F. The Department of Health and Human Services may request that the ~~board~~
39 department adopt or revise the statewide or site-specific criteria for any toxic
40 substance based on the need to protect public health. If the request is filed with the
41 ~~board~~ department, the ~~board~~ department may propose a rule and initiate a rule-
42 making proceeding. The ~~board~~ department shall incorporate in its proposal for

1 rulemaking under this paragraph the statewide or site-specific criteria recommended
2 by the Department of Health and Human Services.

3 G. Numeric water quality criteria for 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin
4 established by the United States Environmental Protection Agency under the Federal
5 Water Pollution Control Act, Public Law 92-500, Section 304(a), as amended, do not
6 apply until June 1, 1991, and only apply on that date if the ~~board~~ department has not
7 adopted through rulemaking or individual licensing proceedings under this section
8 alternative numeric water quality criteria for 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin.
9 Pursuant to section 414-A, subsection 2, the ~~board~~ department shall establish
10 schedules for compliance with criteria established under this section. These
11 schedules must be consistent with the compliance deadlines established under the
12 Federal Water Pollution Control Act, Public Law 92-500, Section 304(l), as amended.

13 H. Notwithstanding paragraphs D and G, the ~~board~~ department may not adopt any
14 numeric water quality criteria for, or acceptable level of additional cancer risk from
15 exposure to, 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin prior to January 1, 1994.

16 I. Notwithstanding any other provision of this section, the following standards apply
17 only to a bleach kraft pulp mill, referred to in this paragraph as a "mill."

18 (1) After July 31, 1998, a mill may not have a detectable quantity of 2, 3, 7, 8-
19 tetrachlorodibenzo-p-dioxin as measured in any internal waste stream of its
20 bleach plant. For purposes of compliance, the detection level is 10 picograms per
21 liter, unless the department adopts a lower detection level by rule, which is a
22 routine technical rule pursuant to Title 5, chapter 375, subchapter 2-A, or a lower
23 detection level by incorporation of a method in use by the United States
24 Environmental Protection Agency.

25 (2) After December 31, 1999, a mill may not have a detectable quantity of 2, 3,
26 7, 8-tetrachlorodibenzo-p-furan as measured in any internal waste stream of its
27 bleach plant. The commissioner may extend this time frame up to 6 months for a
28 mill if the commissioner determines, based on information presented by the mill,
29 that compliance is not achievable by the deadline due to engineering constraints,
30 availability of equipment or other justifiable technical reasons. For purposes of
31 compliance, the detection level is 10 picograms per liter, unless the department
32 adopts a lower level of detection by rule, which is a routine technical rule
33 pursuant to Title 5, chapter 375, subchapter 2-A, or a lower detection level by
34 incorporation of a method in use by the United States Environmental Protection
35 Agency. If a mill fails to achieve this requirement, as documented by
36 confirmatory sampling, it shall conduct a site-specific evaluation of feasible
37 technologies or measures to achieve it. This evaluation must be submitted to the
38 commissioner within 6 months of the date of confirmatory sampling and include
39 a timetable for implementation, acceptable to the commissioner, with an
40 implementation date no later than December 31, 2002. The commissioner may
41 establish a procedure for confirmatory sampling.

42 (3) After December 31, 2002, a mill may not discharge dioxin into its receiving
43 waters. For purposes of this subparagraph, a mill is considered to have
44 discharged dioxin into its receiving waters if 2, 3, 7, 8-tetrachlorodibenzo-p-
45 dioxin or 2, 3, 7, 8-tetrachlorodibenzo-p-furan is detected in any of the mill's

1 internal waste streams of its bleach plant and in a confirmatory sample at levels
2 exceeding 10 picograms per liter, unless the department adopts a lower detection
3 level by rule, which is a routine technical rule pursuant to Title 5, chapter 375,
4 subchapter 2-A, or a lower detection level by incorporation of a method in use by
5 the United States Environmental Protection Agency, or if levels of dioxin, as
6 defined in section 420-B, subsection 1-A, paragraph A detected in fish tissue
7 sampled below the mill's wastewater outfall are higher than levels in fish tissue
8 sampled at an upstream reference site not affected by the mill's discharge or on
9 the basis of a comparable surrogate procedure acceptable to the commissioner.
10 The commissioner shall consult with the technical advisory group established in
11 section 420-B, subsection 1, paragraph B, subparagraph (5) in making this
12 determination and in evaluating surrogate procedures. The fish-tissue sampling
13 test must be performed with differences between the average concentrations of
14 dioxin in the fish samples taken upstream and downstream from the mill
15 measured with at least 95% statistical confidence. If the mill fails to meet the
16 fish-tissue sampling-result requirements in this subparagraph and does not
17 demonstrate by December 31, 2004 and annually thereafter to the commissioner's
18 satisfaction that its wastewater discharge is not the source of elevated dioxin
19 concentrations in fish below the mill, then the commissioner may pursue any
20 remedy authorized by law.

21 (4) For purposes of documenting compliance with subparagraphs (1) and (2) the
22 internal waste stream of a bleach plant must be sampled twice per quarter by the
23 mill. The department may conduct its own sampling and analysis of the internal
24 waste stream of a bleach plant. Analysis of the samples must be conducted by a
25 3rd-party laboratory using methodology approved by the United States
26 Environmental Protection Agency. A mill shall report to the department for
27 informational purposes the actual laboratory results including sample detection
28 limits on a frequency to be established by the commissioner.

29 The commissioner shall assess the mill for the costs of any sampling performed
30 by the department and any analysis performed for the department under this
31 paragraph and credit funds received to the Maine Environmental Protection Fund.

32 The commissioner may reduce the frequency of sampling required by a mill after
33 3 consecutive years of sampling have demonstrated the mill does not have a
34 detectable quantity of 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin or 2, 3, 7, 8-
35 tetrachlorodibenzo-p-furan.

36 J. Notwithstanding any other provision of law to the contrary, the department shall
37 use a one in 10,000 risk level when calculating ambient water quality criteria for
38 inorganic arsenic.

39 **Sec. A-11. 38 MRSA §490-Y, first ¶**, as amended by PL 2007, c. 297, §9, is
40 further amended to read:

41 Except as provided in section 484-A, a person intending to create or operate a quarry
42 under this article must file a notice of intent to comply before the total area of excavation
43 of rock or overburden on the parcel exceeds one acre excavated since January 1, 1970.
44 Both reclaimed and unreclaimed areas are added together in determining whether this

1 one-acre threshold is exceeded. A notice filed under this section must be complete,
2 submitted on forms approved by the department and mailed to the municipality where the
3 quarry is located, the department, the Maine Historic Preservation Commission and each
4 abutting property owner. The notice that is mailed to the municipality and each abutting
5 property owner must be sent by certified mail at least 7 days before the notice of intent to
6 comply is filed with the regulator. The notice that is mailed to the department must be
7 sent by certified mail, return receipt requested. Upon receiving the postal receipt, the
8 owner or operator may commence operation of the quarry. The municipality where the
9 proposed quarry is located may submit comments to the department if the proposed
10 quarry may pose an unreasonable adverse impact under the standards in section 490-Z.
11 Within 30 days of receipt of the notice of intent to comply, the department shall respond
12 to the comments made by the municipality. Abutting property owners, the Maine
13 Historic Preservation Commission or other interested persons may submit comments
14 directly to the department.

15 **Sec. A-12. 38 MRSA §496-A, 2nd ¶**, as affected by PL 1989, c. 890, Pt. A, §40
16 and amended by Pt. B, §104, is further amended to read:

17 The commission may administer programs of training and certification for such
18 personnel, and may make classifications thereof. Any certificate issued by the
19 commission ~~shall~~ must be accepted by this State and all agencies and subdivisions ~~thereof~~
20 of the State as conclusive evidence that the holder has the training, education and
21 experience necessary for certification for the class of position or responsibility described
22 ~~therein in the certificate~~. ~~The Board of Environmental Protection may impose and the~~
23 ~~Commissioner of Environmental Protection may administer any other requirements for~~
24 certification within any applicable provisions of law, but the commissioner ~~shall~~ may not
25 reexamine or reinvestigate the applicant for a certificate with respect to the applicant's
26 training, education or experience qualifications.

27 **Sec. A-13. 38 MRSA §568-A, sub-§3**, as enacted by PL 1989, c. 865, §15 and
28 affected by §§24 and 25, is amended to read:

29 **3. Exemptions from deductible.** The commissioner may waive the deductible
30 requirement for an applicant's personal residence if the commissioner determines that the
31 applicant does not have the financial resources to pay the deductible. ~~The board~~
32 commissioner shall adopt rules to determine the standards to be used to assess an
33 applicant's ability to pay this deductible.

34 **Sec. A-14. 38 MRSA §3102, sub-§9**, as enacted by PL 2015, c. 166, §14, is
35 amended to read:

36 **9. Hard cider.** "Hard cider" means a beverage produced by fermentation of the
37 juice of fruit, including, but not limited to, flavored, sparkling or carbonated cider that
38 contains not less than 1/2 of 1% alcohol by volume and not more than ~~7%~~ 8.5% alcohol
39 by volume.

1 **PART B**

2 **Sec. B-1. 38 MRSA §465-A, first ¶**, as affected by PL 1989, c. 890, Pt. A, §40
3 and amended by Pt. B, §64, is further amended to read:

4 The department shall have one standard for the classification both of great ponds and
5 of natural lakes and ponds less than 10 acres in size. Impoundments of rivers that are
6 defined as great ponds pursuant to section 480-B are classified as GPA or as specifically
7 provided in sections 467 and 468.

8 **Sec. B-2. 38 MRSA §465-A, sub-§1**, as amended by PL 2013, c. 193, §4, is
9 further amended to read:

10 **1. Class GPA waters.** Class GPA ~~shall be~~ is the sole classification both of great
11 ponds and of natural lakes and ponds ~~and lakes~~ less than 10 acres in size.

12 A. Class GPA waters must be of such quality that they are suitable for the designated
13 uses of drinking water after disinfection, recreation in and on the water, fishing,
14 agriculture, industrial process and cooling water supply, hydroelectric power
15 generation, navigation and as habitat for fish and other aquatic life. The habitat must
16 be characterized as natural.

17 B. Class GPA waters must be described by their trophic state based on measures of
18 the chlorophyll "a" content, Secchi disk transparency, total phosphorus content and
19 other appropriate criteria. Class GPA waters must have a stable or decreasing trophic
20 state, subject only to natural fluctuations, and must be free of culturally induced algal
21 blooms that impair their use and enjoyment. The number of Escherichia coli bacteria
22 of human and domestic animal origin in these waters may not exceed a geometric
23 mean of 29 per 100 milliliters or an instantaneous level of 194 per 100 milliliters.

24 C. There may be no new direct discharge of pollutants into Class GPA waters. The
25 following are exempt from this provision:

26 (1) Chemical discharges for the purpose of restoring water quality approved by
27 the department;

28 (2) Aquatic pesticide or chemical discharges approved by the department and
29 conducted by the department, the Department of Inland Fisheries and Wildlife or
30 an agent of either agency for the purpose of restoring biological communities
31 affected by an invasive species;

32 (3) Storm water discharges that are in compliance with state and local
33 requirements;

34 (4) Discharges of aquatic pesticides approved by the department for the control
35 of mosquito-borne diseases in the interest of public health and safety using
36 materials and methods that provide for protection of nontarget species. When the
37 department issues a license for the discharge of aquatic pesticides authorized
38 under this subparagraph, the department shall notify the municipality in which
39 the application is licensed to occur and post the notice on the department's
40 publicly accessible website; and

- 1 (5) Discharges of pesticides approved by the department that are:
2 (a) Unintended and an incidental result of the spraying of pesticides;
3 (b) Applied in compliance with federal labeling restrictions; and
4 (c) Applied in compliance with statute, Board of Pesticides Control rules and
5 best management practices.

6 Discharges into these waters licensed prior to January 1, 1986 are allowed to continue
7 only until practical alternatives exist. Materials may not be placed on or removed
8 from the shores or banks of a Class GPA water body in such a manner that materials
9 may fall or be washed into the water or that contaminated drainage may flow or leach
10 into those waters, except as permitted pursuant to section 480-C. A change of land
11 use in the watershed of a Class GPA water body may not, by itself or in combination
12 with other activities, cause water quality degradation that impairs the characteristics
13 and designated uses of downstream GPA waters or causes an increase in the trophic
14 state of those GPA waters.

15 **Sec. B-3. 38 MRSA §467, sub-§3, ¶B,** as amended by PL 2005, c. 330, §11, is
16 further amended to read:

- 17 B. East Machias River, tributaries - Class A unless otherwise specified.
- 18 (1) All tributaries entering below the Route 191 bridge in Jacksonville, except as
19 specified in subparagraph (7) - Class B.
- 20 (2) Beaverdam Brook, also known as Beaverdam Stream - Class AA.
- 21 (3) Seavey Brook in Crawford - Class AA.
- 22 (4) Harmon Brook in Crawford - Class AA.
- 23 (5) Northern Stream in Township 19 Eastern Division - Class AA.
- 24 (6) Creamer Brook in Township 19 Eastern Division - Class AA.
- 25 (7) Clifford Brook, also known as Clifford Stream, in Marion Township - Class
26 AA.

27 **Sec. B-4. 38 MRSA §467, sub-§5, ¶B,** as amended by PL 2003, c. 663, §3, is
28 further amended to read:

- 29 B. Machias River, tributaries - Class A unless otherwise specified.
- 30 (1) All tributaries entering below Route 1A in Whitneyville - Class B.
- 31 (2) Mopang Stream, from the outlet of Mopang Second Lake to its confluence
32 with the Machias River - Class AA.
- 33 (3) Old Stream, from the outlet of First Lake to its confluence with the Machias
34 River - Class AA.
- 35 (4) West Branch of the Machias River, from the outlet of Lower Sabao Lake to
36 its confluence with the Machias River - Class AA.
- 37 (5) New Stream, in Northfield and Wesley - Class AA.

- 1 (6) Crooked Stream, also known as Crooked River - Class AA.
- 2 (7) Fletcher Brook in Township 36 Middle Division - Class AA.
- 3 (8) Magazine Brook in Township 43 Middle Division - Class AA.
- 4 (9) Bowles Brook in Day Block Township ~~31 Middle Division~~ - Class AA.
- 5 (10) Chain Lakes Stream in Day Block Township ~~31~~ - Class AA.
- 6 (11) Pembroke Stream in Day Block Township ~~31 Middle Division~~ - Class AA.
- 7 (12) Holmes Brook in Northfield - Class AA.
- 8 (13) Bog Brook - Class AA.
- 9 (14) Pineo Brook in Wesley - Class AA.
- 10 (15) Black Brook in Township 25 Middle Division - Class AA.

11 **Sec. B-5. 38 MRSA §467, sub-§5-A, ¶A**, as enacted by PL 1993, c. 32, §1, is
12 amended to read:

13 A. Medomak River, main stem.

14 (1) From its source in the Town of Liberty to the Wagner Bridge Road in the
15 Town of Waldoboro - Class A.

16 (2) From the Wagner Bridge Road in the Town of Waldoboro to ~~the bridge at~~
17 ~~old Route 1~~ tidewater - Class B.

18 **Sec. B-6. 38 MRSA §467, sub-§6-A, ¶B**, as amended by PL 2003, c. 317, §11,
19 is further amended to read:

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

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

23 (2) West Branch of the Narraguagus River in T.22 M.D. B.P.P., T.16 M.D.
24 B.P.P., T.10 S.D. B.P.P. and Cherryfield - Class AA.

25 (3) Baker Brook - Class AA.

26 (4) Pork Brook - Class AA.

27 (5) Schoodic Brook - Class AA.

28 (6) Shorey Brook - Class AA.

29 (7) West Branch Stream in Township 34 Middle Division - Class AA.

30 (8) Gould Brook in Township 28 Middle Division - Class AA.

31 (9) Rocky Brook in Devereaux Township - Class AA.

32 (10) Sinclair Brook in Devereaux Township - Class AA.

33 (11) Humpback Brook in Township 28 Middle Division - Class AA.

34 (12) Little Narraguagus River in Township 22 Middle Division - Class AA.

1 (13) Great Falls Branch downstream of Route 193 in Deblois, excluding any
2 tributaries - Class AA.

3 (14) Lawrence Brook - Class AA.

4 **Sec. B-7. 38 MRSA §467, sub-§7, ¶F**, as amended by PL 2009, c. 163, §6, is
5 further amended to read:

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

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

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

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

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

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

15 (6) Passadumkeag River and its tributaries - Class A, unless otherwise specified.

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

18 (b) Ayers Brook - Class AA.

19 (7) Souadabscook Stream above head of tide - Class AA.

20 (7-A) Souadabscook Stream, tributaries of - Class B, unless otherwise specified.

21 (a) West Branch Souadabscook Stream (Hampden, Newburgh) - Class A.

22 (b) Brown Brook (Hampden) - Class A.

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

24 (9) Birch Stream - Class A.

25 (10) Hemlock Stream - Class A.

26 (11) Mattamiscontis Stream and its tributaries - Class A.

27 (12) Medunkeunk Stream - Class A.

28 (13) Rockabema Stream - Class A.

29 (14) Salmon Stream - Class A.

30 (15) Salmon Stream in Winn - Class A.

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

32 (17) Narrimissic River, also known as Narramissic River, in Bucksport and
33 Orland, including all impoundments - Class B.

34 **Sec. B-8. 38 MRSA §467, sub-§9, ¶B**, as amended by PL 2009, c. 163, §7, is
35 further amended to read:

- 1 B. Presumpscot River, tributaries - Class A unless otherwise specified.
2 (1) All tributaries entering below the outlet of Sebago Lake - Class B.
3 (2) Crooked River and its tributaries, except as otherwise provided, excluding
4 existing impoundments - Class AA.
5 (3) Stevens Brook (Bridgton) - Class B.
6 (4) Mile Brook, also known as Mill Brook, (Casco) - Class B.

7 **Sec. B-9. 38 MRSA §467, sub-§15, ¶C**, as amended by PL 2009, c. 163, §10, is
8 further amended to read:

- 9 C. Aroostook River Drainage.
10 (1) Aroostook River, main stem.
11 (a) From the confluence of Millinocket Stream and Munsungan Stream to
12 the Route 11 bridge - Class AA.
13 (b) From the Route 11 bridge to the Sheridan Dam - Class B.
14 (c) From the Sheridan Dam to its confluence with Presque Isle Stream,
15 including all impoundments - Class B.
16 (d) From its confluence with Presque Isle Stream to a point located 3.0 miles
17 upstream of the intake of the Caribou water supply, including all
18 impoundments - Class C.
19 (e) From a point located 3.0 miles upstream of the intake of the Caribou
20 water supply to a point located 100 yards downstream of the intake of the
21 Caribou water supply, including all impoundments - Class B.
22 (f) From a point located 100 yards downstream of the intake of the Caribou
23 water supply to the international boundary, including all impoundments -
24 Class C.
25 (2) Aroostook River, tributaries, those waters lying within the State - Class A
26 unless otherwise specified.
27 (a) All tributaries of the Aroostook River entering below the confluence of
28 the Machias River that are not otherwise classified - Class B.
29 (b) Little Machias River and its tributaries - Class A.
30 (c) Little Madawaska River and its tributaries, including Madawaska Lake
31 tributaries above the Caribou-Connor Township line - Class A.
32 (d) Machias River, from the outlet of Big Machias Lake to the Aroostook
33 River - Class AA.
34 (e) Millinocket Stream, from the outlet of Millinocket Lake to its confluence
35 with Munsungan Stream - Class AA.
36 (f) Munsungan Stream, from the outlet of Little Munsungan Lake to its
37 confluence with Millinocket Stream - Class AA.

- 1 (g) Presque Isle Stream and its tributaries above the Mapleton-Presque Isle
2 town line - Class A.
- 3 (h) St. Croix Stream from its confluence with Hall Brook in T.9, R.5,
4 W.E.L.S. to its confluence with the Aroostook River - Class AA.
- 5 (j) ~~Squa Pan~~ Scopan Stream from the outlet of ~~Squa Pan~~ Scopan Lake to its
6 confluence with the Aroostook River - Class C.
- 7 (k) Limestone Stream from the Long Road bridge to the Canadian border -
8 Class C.
- 9 (l) Beaver Brook and its tributaries (T.14 R.6 W.E.L.S., T.14 R.5 W.E.L.S.,
10 T.13 R.5 W.E.L.S., Portage Lake, Ashland, Castle Hill) - Class A.
- 11 (m) Gardner Brook and its tributaries (T.14 R.5 W.E.L.S., T.13 R.5
12 W.E.L.S., Wade) - Class A.

13 **Sec. B-10. 38 MRSA §467, sub-§15, ¶F**, as amended by PL 2009, c. 163, §11, is
14 further amended to read:

- 15 F. St. John River, minor tributaries, those waters lying within the State - Class A
16 unless otherwise specified.
- 17 (1) Except as otherwise classified, all minor tributaries of the St. John River
18 entering below the international bridge in Fort Kent, those waters lying within the
19 State - Class B.
- 20 (2) Baker Stream and Baker Branch of the St. John River, from the headwaters at
21 the Upper First St. John Ponds Pond to ~~its~~ their confluence with the Southwest
22 Branch - Class AA.
- 23 (3) Big Black River, from the international boundary to its confluence with the
24 St. John River - Class AA.
- 25 (4) Northwest Branch, from the outlet of Beaver Pond in T.12, R.17, W.E.L.S. to
26 its confluence with the St. John River - Class AA.
- 27 (5) Prestile Stream from its source to Route 1A in Mars Hill - Class A.
- 28 (6) Southwest Branch, from a point located 5 miles downstream of the
29 international boundary to its confluence with the Baker Branch - Class AA.
- 30 (7) Violette Stream and its tributaries, from its source to the confluence with
31 Caniba Brook - Class A.

32 **Sec. B-11. 38 MRSA §468, sub-§1**, as amended by PL 2009, c. 163, §§13 to 17,
33 is further amended to read:

- 34 **1. Cumberland County.** Those waters draining directly or indirectly into tidal
35 waters of Cumberland County, with the exception of the Androscoggin River Basin, the
36 Presumpscot River Basin, the Royal River Basin and tributaries of the Androscoggin
37 River Estuary and Merrymeeting Bay, entering above the Chops (Woolwich and Bath,
38 Sagadahoc County) - Class B unless otherwise specified.

- 1 A. Freeport.
- 2 (1) Frost Gully Brook - Class A.
- 3 A-1. Cape Elizabeth.
- 4 (1) Trout Brook, those waters that form the town boundary with South Portland -
- 5 Class C.
- 6 B. Portland.
- 7 (1) All minor drainages unless otherwise specified - Class C.
- 8 (2) Stroudwater River from its origin to tidewater, including all tributaries -
- 9 Class B.
- 10 C. Scarborough.
- 11 (1) All minor drainages - Class C unless otherwise specified.
- 12 (2) Finnard Brook - Class B.
- 13 (3) Stuart Brook - Class B.
- 14 (4) Nonesuch River from the headwaters to a point 1/2 mile downstream of
- 15 Mitchell Hill Road crossing - Class B.
- 16 (5) Tributaries of Stroudwater River from its origin to tidewater,~~including all~~
- 17 ~~tributaries~~ - Class B.
- 18 D. South Portland.
- 19 (1) All minor drainages - Class C.
- 20 (2) Trout Brook downstream of the first point where the brook becomes the town
- 21 boundary between South Portland and Cape Elizabeth - Class C.
- 22 J. Westbrook.
- 23 (1) Long Creek, main stem - Class C.

24 **Sec. B-12. 38 MRSA §468, sub-§4**, as amended by PL 2009, c. 163, §18, is
 25 further amended to read:

26 **4. Lincoln County.** Those waters draining directly or indirectly into tidal waters of
 27 Lincoln County ~~entering above the Chops~~, with the exception of the Sheepscot River
 28 Basin and tributaries of the Kennebec River Estuary and Merrymeeting Bay entering
 29 above the Chops (Woolwich and Bath, Sagadahoc County) - Class B unless otherwise
 30 specified.

31 D. Bristol.

- 32 (1) Pemaquid River and its tributaries, all freshwater sections below Pemaquid
- 33 Pond - Class A.

34 **Sec. B-13. 38 MRSA §468, sub-§5, ¶C**, as enacted by PL 1999, c. 277, §23, is
 35 repealed.

1 **Sec. B-14. 38 MRSA §468, sub-§6**, as repealed and replaced by PL 1989, c. 764,
2 §21, is amended to read:

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

7 **Sec. B-15. 38 MRSA §468, sub-§7, ¶G** is enacted to read:

8 G. Winterport.

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

10 **Sec. B-16. 38 MRSA §469, sub-§1**, as amended by PL 2011, c. 206, §11, is
11 further amended to read:

12 **1. Cumberland County.** All estuarine and marine waters lying within the
13 boundaries of Cumberland County and that are not otherwise classified are Class SB
14 waters.

15 A. Cape Elizabeth.

16 (1) Tidal waters of the Spurwink River system lying north of a line at latitude
17 43°-33'-44" N. - Class SA.

18 ~~B. Cumberland.~~

19 ~~(1) Tidal waters located within a line beginning at a point located on the~~
20 ~~Cumberland-Portland boundary at approximately latitude 43°41'-18"N., longitude~~
21 ~~70°-05'-48"W. and running northeasterly to a point located on the Cumberland-~~
22 ~~Harpswell boundary at approximately latitude 43°-42'-57"N., longitude 70°-~~
23 ~~03'-50" W.; thence running southwesterly along the Cumberland-Harpswell~~
24 ~~boundary to a point where the Cumberland, Harpswell and Portland boundaries~~
25 ~~meet; thence running northeasterly along the Cumberland-Portland boundary to~~
26 ~~point of beginning - Class SA.~~

27 B-1. Chebeague Island.

28 (1) Tidal waters of the Town of Chebeague Island located within the area
29 described by the following points: from a point located at latitude 43° - 38'-21"
30 N., longitude 70° - 00'-20" W.; thence running due west to a point located at
31 latitude 43° - 38'-21" N., longitude 70° - 01'-28" W.; thence running
32 northwesterly to a point located at latitude 43° - 41'-17" N., longitude 70° - 05'-
33 43" W.; thence running northeasterly to a point located at latitude 43° - 42'-57"
34 N., longitude 70° - 03'-48" W.; thence running southeasterly to point of
35 beginning - Class SA.

36 C. Falmouth.

37 (1) Tidal waters of the Town of Falmouth located westerly and northerly, to
38 include the Presumpscot estuary, of a line running from the southernmost point of
39 Mackworth Island; thence running northerly along the western shore of

1 Mackworth Island and the Mackworth Island Causeway to a point located where
2 the causeway joins Mackworth Point - Class SC.

3 D. Harpswell.

4 (1) Tidal waters of the Town of Harpswell located within a line ~~beginning at a~~
5 ~~point located on the Cumberland Harpswell boundary at approximately latitude~~
6 ~~43° 42' 57" N., longitude 70° 03' 50" W. and running northeasterly to a point~~
7 ~~located at latitude 43° 43' 08" N., longitude 70° 03' 36" W.; thence running~~
8 ~~southeasterly to a point located at latitude 43° 42' 02" N., longitude 70° 00'~~
9 ~~00" W.; thence running due south to the Harpswell Portland boundary; thence~~
10 ~~running northwesterly along the Harpswell Portland boundary to a point where~~
11 ~~the Cumberland, Harpswell and Portland boundaries meet; thence running~~
12 ~~northwesterly along the Cumberland Harpswell boundary~~ the area described by
13 the following points: from a point located at latitude 43° - 38'-21" N., longitude
14 70° - 00'-00" W.; thence running due west to a point located at latitude 43° - 38'-
15 21" N., longitude 70° - 00'-20" W.; thence running northwesterly to a point
16 located at latitude 43° - 42'-57" N., longitude 70° - 03'-48" W.; thence running
17 northeasterly to a point located at latitude 43° - 43'-08" N., longitude 70° - 03'-36"
18 W.; thence running southeasterly to a point located at latitude 43° - 42'-02" N.,
19 longitude 70° - 00'-00" W.; thence running due south to point of beginning -
20 Class SA.

21 D-1. Long Island.

22 (1) Tidal waters of the Town of Long Island located within the area described by
23 the following points: from a point located at latitude 43° - 38'-21" N., longitude
24 70° - 05'-00" W.; thence running due west to a point located at latitude 43° - 38'-
25 21" N., longitude 70° - 08'-52"; thence running northwesterly to a point located at
26 latitude 43° - 38'-27" N., longitude 70° - 08'-58" W.; thence running northeasterly
27 to a point located at latitude 43° - 40'-08" N., longitude 70° - 07'-03" W.; thence
28 running southeasterly to point of beginning - Class SA.

29 E. Portland.

30 (1) Tidal waters of the City of Portland located within a line ~~beginning at a point~~
31 ~~located on the Cumberland Portland boundary at approximately latitude 43° 41'~~
32 ~~18" N., longitude 70° 05' 48" W. and running southeasterly along the~~
33 ~~Cumberland Portland boundary to a point where the Cumberland, Harpswell and~~
34 ~~Portland boundaries meet; thence running southeasterly along the Harpswell-~~
35 ~~Portland boundary to longitude 70° 00' 00" W.; thence running due south to a~~
36 ~~point located at latitude 43° 38' 21" N., longitude 70° 00' 00" W.; thence~~
37 ~~running due west to a point located at latitude 43° 38' 21" N., longitude 70°~~
38 ~~09' 06" W.; thence running northeasterly~~ the area described by the following
39 points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 01'-28"
40 W.; thence running due west to a point located at latitude 43° - 38'-21" N.,
41 longitude 70° - 05'-00" W.; thence running northwesterly to a point located at
42 latitude 43° - 40'-08" N., longitude 70° - 07'-03" W.; thence running northeasterly
43 to a point located at latitude 43° - 41'-17" N., longitude 70° - 05'-43" W.; thence
44 running southeasterly to point of beginning - Class SA.

1 (2) Tidal waters of the City of Portland lying ~~northwesterly~~ westerly of a line
2 beginning at Spring Point Light in South Portland to the easternmost point of Fort
3 Gorges Island, thence running northerly to the southernmost point of Mackworth
4 Island - Class SC.

5 (3) Tidal waters of the City of Portland located within the area described by the
6 following points: from a point located at latitude 43° - 38'-21" N., longitude 70° -
7 08'-52"; thence running due west to a point located at latitude 43° - 38'-21" N.,
8 longitude 70° - 09'-06"; thence running northeasterly to a point located at latitude
9 43° - 38'-27" N., longitude 70° - 08'-58" W.; thence running southeasterly to point
10 of beginning - Class SA.

11 E-1. Scarborough.

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

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

20 F. South Portland.

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

24 **Sec. B-17. 38 MRSA §469, sub-§2, ¶A-1**, as enacted by PL 2003, c. 317, §23, is
25 amended to read:

26 A-1. Brooksville.

27 (1) Tidal waters of the Bagaduce River lying ~~southerly~~ easterly of a line running
28 due south from the westernmost point of Young's Island (Penobscot) - Class SA.

29 **Sec. B-18. 38 MRSA §469, sub-§2, ¶D**, as amended by PL 1999, c. 277, §28
30 and affected by §31, is further amended to read:

31 D. Mount Desert.

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

35 (2) Tidal waters of Somes Sound lying northerly of a line beginning at a point
36 located at the Acadia National Park boundary at latitude 44° - 18'-18" N.,
37 longitude 68° - 18'-42" W. and running northeasterly to a point located at the
38 Acadia National Park boundary at latitude 44° - 18'-54" N., longitude 68° - 18'-
39 22" W., except those waters of Broad Cove lying west of a line running from the
40 point of land immediately south of the cove northerly to Navigation Can #7 ~~and~~

