§469. Classifications of estuarine and marine waters

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

A. Cape Elizabeth.

(1) Tidal waters of the Spurwink River system lying north of a line at latitude 43°-33'-44" N. - Class SA. [PL 1989, c. 764, §22 (AMD).]

B. [PL 2017, c. 137, Pt. B, §16 (RP).]

B-1. Chebeague Island.

(1) Tidal waters of the Town of Chebeague Island located within the area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 00'-20" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 01'-28" W.; thence running northwesterly to a point located at latitude 43° - 41'-17" N., longitude 70° - 05'-43" W.; thence running northeasterly to a point located at latitude 43° - 42'-57" N., longitude 70° - 03'-48" W.; thence running southeasterly to point of beginning - Class SA. [PL 2017, c. 137, Pt. B, §16 (NEW).]

C. Falmouth.

(1) Tidal waters of the Town of Falmouth located 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 where the causeway joins Mackworth Point - Class SC. [PL 1999, c. 277, §25 (AMD).]

D. Harpswell.

(1) Tidal waters of the Town of Harpswell located within the area described by the following points: from 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° - 00'-20" W.; thence running northwesterly to a point located at latitude 43° - 42'-57" N., longitude 70° - 03'-48" W.; thence running northeasterly to a point located at latitude 43° - 43'-08" N., longitude 70° - 03'-36" W.; thence running southeasterly to a point located at latitude 43° - 42'-02" N., longitude 70° - 00'-00" W.; thence running due south to point of beginning - Class SA. [PL 2017, c. 137, Pt. B, §16 (AMD).]

D-1. Long Island.

(1) Tidal waters of the Town of Long Island located within the area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 05'-00" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 08'-52" W.; thence running northwesterly to a point located at latitude 43° - 38'-27" N., longitude 70° - 08'-58" W.; thence running northeasterly to a point located at latitude 43° - 40'-08" N., longitude 70° - 07'-03" W.; thence running southeasterly to point of beginning - Class SA. [PL 2017, c. 475, Pt. A, §65 (AMD).]

E. Portland.

(1) Tidal waters of the City of Portland located within the area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 01'-28" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 05'-00" W.; thence running northwesterly to a point located at latitude 43° - 40'-08" N., longitude 70° - 07'-03" W.; thence running northeasterly to a point located at latitude 43° - 41'-17" N., longitude 70° - 05'-43" W.; thence running southeasterly to point of beginning - Class SA.

(2) Tidal waters of the City of Portland lying westerly of a line beginning at 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.

(3) Tidal waters of the City of Portland located within the area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 08'-52" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 09'-06" W.; thence running northeasterly to a point located at latitude 43° - 38'-27" N., longitude 70° - 08'-58" W.; thence running southeasterly to point of beginning - Class SA. [PL 2017, c. 475, Pt. A, §66 (AMD).]

E-1. Scarborough.

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

(2) Tidal waters of the Spurwink River system lying north of a line extending from Higgins Beach at latitude 43°-33'-44" N. to the town line - Class SA. [PL 1989, c. 764, §23 (NEW).]

F. South Portland.

(1) 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. [PL 1999, c. 277, §27 (AMD).]

G. [PL 1989, c. 764, §24 (RP).]

[PL 2017, c. 475, Pt. A, §§65, 66 (AMD).]

2. Hancock County. All estuarine and marine waters lying within the boundaries of Hancock County and that are not otherwise classified are Class SB waters.

A. Bar Harbor.

(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying northerly of latitude 44` - 16'-36" N., southerly of latitude 44` - 20'-27" N., and westerly of longitude 68` - 09'-28" W. - Class SA. [PL 1985, c. 698, §15 (NEW).]

A-1. Brooksville.

(1) Tidal waters of the Bagaduce River lying easterly of a line running due south from the westernmost point of Young's Island (Penobscot) - Class SA. [PL 2017, c. 137, Pt. B, §17 (AMD).]

B. Bucksport.

(1) All tidal waters - Class SC. [PL 1985, c. 698, §15 (NEW).]

C. Cranberry Isles.

(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying within 0.5 mile of the shore of Baker Island - Class SA. [PL 1985, c. 698, §15 (NEW).]

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., 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 - Class SA. Pursuant to section 464, subsection 4, paragraph F, subparagraph (2), those waters lying within 500 feet of a stormwater discharge licensed by the department on December 31, 2021 in accordance with rules adopted by the department are not designated as outstanding national resources. [PL 2021, c. 503, §8 (AMD).]

E. Orland.

(1) Tidal waters lying northerly of the southernmost point of land on Verona Island - Class SC. [PL 1985, c. 698, §15 (NEW).]

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. [PL 2003, c. 317, §23 (NEW).]

E-2. Sedgwick.

(1) Tidal waters of the Bagaduce River - Class SA. [RR 2021, c. 2, Pt. A, §131 (COR).]

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. [PL 1999, c. 277, §29 (AMD).]

G. Tremont.

(1) Tidal waters lying northerly of latitude 44` - 12'-44` -" N., southerly of latitude 44` - 14'-13" N. and easterly of longitude 68` - 20'-30" W. - Class SA. [PL 1985, c. 698, §15 (NEW).]

H. Verona Island.

(1) Tidal waters lying northerly of the southernmost point of land on Verona Island - Class SC. [PL 2003, c. 534, §3 (AMD); PL 2003, c. 534, §5 (AFF).]

I. Winter Harbor.

(1) Tidal waters lying south of a line running west from the northernmost tip of Frazer Point to longitude 68`-05'-00" W. and east of longitude 68`-05'-00" W. - Class SA. [PL 1989, c. 764, §25 (NEW).]

[RR 2021, c. 2, Pt. A, §131 (COR).]

3. Knox County. All estuarine and marine waters lying within the boundaries of Knox County and that are not otherwise classified are Class SB waters.

A. Isle Au Haut.

(1) Tidal waters, except those lying within 500 feet of privately owned shoreline, lying northerly of latitude 44` - 00'-00" N., southerly of latitude 44` - 03'-06" N., easterly of longitude 68` - 41'-00" W. and westerly of longitude 68` - 35'-00" W. - Class SA. [PL 1985, c. 698, §15 (NEW).]

B. Owls Head.

(1) Tidal waters lying westerly of a line running between the southernmost point of land on Jameson Point, Rockland and the northernmost point of land on Battery Point - Class SC. [PL 2017, c. 137, Pt. B, §19 (AMD).]

C. Rockland.

(1) Tidal waters lying westerly of a line running between the southernmost point of land on Jameson Point and the northernmost point of land on Battery Point, Owls Head - Class SC. [PL 2017, c. 137, Pt. B, §19 (AMD).]

[PL 2017, c. 137, Pt. B, §19 (AMD).]

3-A. Lincoln County. All estuarine and marine waters lying within the boundaries of Lincoln County and that are not otherwise classified are Class SB waters.

A. Boothbay.

(1) Tidal waters lying south of the northernmost point of Damariscove Island and west of longitude 69`-36'-00" W. - Class SA. [PL 1989, c. 764, §26 (NEW).]

[PL 2011, c. 206, §11 (AMD).]

4. Penobscot County. All estuarine and marine waters lying within the boundaries of Penobscot County and that are not otherwise classified are Class SB waters.

A. Hampden.

(1) Tidal waters lying southerly of a line extended in an east-west direction from the outlet of Reed Brook in the Village of Hampden Highlands - Class SC. [PL 1985, c. 698, §15 (NEW).]

B. Orrington.

(1) Tidal waters lying southerly of a line extended in an east-west direction from the outlet of Reed Brook in the Village of Hampden Highlands - Class SC. [PL 1985, c. 698, §15 (NEW).]

[PL 2011, c. 206, §11 (AMD).]

5. Sagadahoc County. All estuarine and marine waters lying within the boundaries of Sagadahoc County and that are not otherwise classified are Class SB waters.

A. Georgetown.

(1) Tidal waters located within a line beginning at a point on the shore located at latitude 43` - 47'-16" N., longitude 69` -43'-09" W. and running due east to longitude 69` -42'-00" W.; thence running due south to latitude 43` - 42'-52" N.; thence running due west to longitude 69` -44' -25" W.; thence running due north to a point on the shore located at latitude 43` - 46'-15" N., longitude 69` -44'-25" W.; thence running northerly along the shore to point of beginning - Class SA. [PL 1985, c. 698, §15 (NEW).]

B. Phippsburg.

(1) Offshore waters east of longitude 69°-50'-05" W. and west of longitude 69°-47'-00" W., including the tidal waters of the Morse River and the Sprague River - Class SA.

(2) Tidal waters of The Basin, including The Narrows east of longitude 69°-51'-57" W. - Class SA.

(3) Tidal waters of the Kennebec River in Phippsburg within 500 feet of shore, beginning at a point of land at the head of Atkins Bay located at longitude 69°-48'-14" W. and latitude 43°-44'-40.4" N. and extending along the southeast shore of Atkins Bay to a point 500 feet off Fort Popham located at longitude 69°-47'-00" W. and latitude 43°-45'-23.89" N. - Class SA. [PL 2017, c. 137, Pt. B, §20 (AMD).]

[PL 2017, c. 137, Pt. B, §20 (AMD).]

6. Waldo County. All estuarine and marine waters lying within the boundaries of Waldo County and that are not otherwise classified are Class SB waters.

A. Frankfort.

(1) All tidal waters - Class SC. [PL 1985, c. 698, §15 (NEW).]

B. Prospect.

(1) All tidal waters - Class SC. [PL 1985, c. 698, §15 (NEW).]

C. Searsport.

(1) Tidal waters located within a line beginning at the southernmost point of land on Kidder Point and running southerly along the western shore of Sears Island to the southernmost point of Sears Island; thence running due south to latitude 44`-25'-25" N.; thence running due west to latitude 44`-25'-25" N., longitude 68`-54'-30" W.; thence running due north to the shore of Mack Point at longitude 68`-54'-30" W.; thence running along the shore in an easterly direction to point of beginning - Class SC. [PL 1989, c. 764, §28 (AMD).]

D. Stockton Springs.

(1) Tidal waters lying northerly of the southernmost point of land on Verona Island - Class SC. [PL 1985, c. 698, §15 (NEW).]

E. Winterport.

(1) All tidal waters - Class SC. [PL 1985, c. 698, §15 (NEW).]
[PL 2011, c. 206, §11 (AMD).]

7. Washington County. All estuarine and marine waters lying within the boundaries of Washington County and that are not otherwise classified are Class SB waters.

A. Beals.

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

(2) Tidal waters lying south of a line extending from the easternmost point of the southern shore of the Mud Hole; thence extending along latitude 44`-29'-00" N. to the town line - Class SA. [PL 1989, c. 764, §29 (RPR).]

B. Calais.

(1) Tidal waters of the St. Croix River and its tidal tributaries lying westerly of longitude 67`-14'-28" W. - Class SC. [PL 1989, c. 764, §29 (RPR).]

C. Cutler.

(1) All tidal waters except those waters in Machias Bay and Little Machias Bay north of a line running from the town line due east to the southernmost point of Cross Island; thence running northeast to the southeasternmost point of Cape Wash Island; thence running northeast to the westernmost point of Deer Island; thence running due north to the mainland; and those waters lying northwest of a line running from the easternmost point of Western Head to the easternmost point of Eastern Knubble - Class SA. [PL 1991, c. 499, §18 (AMD).]

D. Eastport.

(1) Tidal waters lying southerly of latitude 44`-54'-50" N., easterly of longitude 67`-02'-00" W. and northerly of latitude 44`-53'-15" N. - Class SC. [PL 1989, c. 764, §29 (RPR).]

E. Edmunds.

(1) All tidal waters - Class SA. [PL 1989, c. 764, §29 (NEW).]

F. Lubec.

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

(2) Tidal waters west of a line running from the easternmost point of Youngs Point to the easternmost point of Leighton Neck in Pembroke - Class SA. [PL 1989, c. 764, §29 (NEW).]

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 easterly to a point 1,000 feet from mean high tide on the northernmost point of Pond Island; thence along a line running 1,000 feet from mean high tide along the east side of Pond Island to the southernmost point of the island; thence running due south - Class SA. [PL 1999, c. 277, §30 (AMD).]

H. Pembroke.

(1) Tidal waters west of a line running from the easternmost point of Leighton Neck to the easternmost point of Youngs Point in Lubec - Class SA. [PL 1989, c. 764, §29 (NEW).]

H-1. Perry.

(1) Tidal waters south of a line running from Gleason Point easterly to the international boundary, thence southerly to the town line with Quoddy, thence westerly to the Old Eastport Road, including Boyden Stream and the Little River - Class SB. These waters are subject to a sustenance fishing designated use pursuant to section 466-A. [PL 2019, c. 463, §15 (NEW).]

I. Steuben.

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

(2) Tidal waters southwest of a line beginning at a point located south of Carrying Place Cove at latitude 44`-26'-18" N., longitude 67`-53'-14" W.; thence running along latitude 44`-26'-18" N. east to the town line - Class SA. [PL 1989, c. 764, §29 (NEW).]

J. Trescott.

(1) All tidal waters - Class SA. [PL 1989, c. 764, §29 (NEW).]

K. Whiting.

(1) Tidal waters of the Orange River - Class SA. [PL 1989, c. 764, §29 (NEW).] [PL 2019, c. 463, §15 (AMD).]

8. York County. All estuarine and marine waters lying within the boundaries of York County and that are not otherwise classified are Class SB waters.

A. Biddeford.

(1) Tidal waters of the Saco River and its tidal tributaries lying westerly of longitude 70`-22'-54" W. - Class SC. [PL 1989, c. 764, §30 (RPR).]

B. Kennebunk.

(1) Tidal waters of the Little River system lying north of latitude 43`-20'-10" N. - Class SA. [PL 1989, c. 764, §30 (RPR).]

C. Kittery.

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

(2) Tidal waters lying northeast of a line from Sisters Point; thence south along longitude 70`-40'-00" W. to the Maine-New Hampshire border; thence running southeast along the Maine-New Hampshire border to Cedar Ledge beyond the Isles of Shoals, except waters within 500 feet of the Isles of Shoals Research Station - Class SA. [PL 1989, c. 764, §30 (RPR).]

D. Old Orchard Beach.

(1) Tidal waters of Goosefare Brook and its tidal tributaries lying westerly of longitude 70`-23'-08" W. - Class SC. [PL 1989, c. 764, §30 (RPR).]

E. Saco.

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

(2) Tidal waters of the Saco River and its tidal tributaries lying westerly of longitude 70`-22'-54" W. - Class SC. [PL 1989, c. 764, §30 (RPR).]

F. Wells.

(1) Tidal waters of the Little River system lying north of latitude 43`-20'-10" N. - Class SA. [PL 1989, c. 764, §30 (RPR).]

G. York.

(1) Tidal waters lying southwest of a line from Seal Head Point east along latitude 43`-07'-15" N. - Class SA. [PL 1989, c. 764, §30 (NEW).]

[PL 2011, c. 206, §11 (AMD).]

SECTION HISTORY

PL 1985, c. 698, §15 (NEW). PL 1987, c. 192, §23 (AMD). PL 1989, c. 764, §§22-30 (AMD). PL 1991, c. 499, §18 (AMD). PL 1999, c. 277, §§25-30 (AMD). PL 1999, c. 277, §31 (AFF). PL 2003, c. 317, §23 (AMD). PL 2003, c. 534, §3 (AMD). PL 2003, c. 534, §5 (AFF). PL 2009, c. 163, §22 (AMD). PL 2011, c. 206, §11 (AMD). PL 2017, c. 137, Pt. B, §§16-20 (AMD). PL 2017, c. 475, Pt. A, §§65, 66 (AMD). PL 2019, c. 463, §15 (AMD). PL 2021, c. 503, §8 (AMD). RR 2021, c. 2, Pt. A, §131 (COR).

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