

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 1 (page 1, lines 2 to 9 in L.D.)

Amend the bill in section 4 in paragraph A in subparagraph (10-A) (page 2, lines 30 to 31 in L.D.) by inserting after the first paragraph the following:

(a) Waters impounded by the Hydro-Kennebec Dam and the Lockwood Dam in Waterville-Winslow - Class C.

Amend the bill by striking out all of section 11 (page 6, lines 18 to 32 in L.D.)

Amend the bill in section 24 in the 4th line (page 9, line 33 in L.D.) by striking out the following: "to make to" and inserting the following: 'to make'

Amend the bill by inserting after section 24 the following:

**‘Sec. 25. Lower Androscoggin River water quality sampling; report; legislation.**

The Department of Environmental Protection, with the assistance of and in consultation with volunteer river monitors, shall establish and implement a water quality sampling program for the lower Androscoggin River from Gulf Island Dam to the line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay in a northwesterly direction.

**1. Timing.** The water quality sampling program must occur during the 2009 sampling season.

**2. Purpose.** The purpose of the water quality sampling program implemented under this section is to allow additional water quality data to be collected to determine if the section of the Androscoggin River from Worumbo Dam in Lisbon Falls to the line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay in a northwesterly direction meets, or can reasonably be expected to meet, the criteria for reclassification from Class C to Class B.

**3. Reclassification procedures.** Unless the Department of Environmental Protection is unable to obtain the required monitoring data due to excessive rainfall or other unforeseen events, or unless the monitoring data indicate an upgrade is unwarranted, the department shall initiate the procedures for reclassification in accordance with the Maine Revised Statutes, Title 38, section 464, subsection 2 to upgrade the lower Androscoggin River from Worumbo Dam in Lisbon Falls to the line formed by the extension of the Bath-Brunswick boundary across Merrymeeting Bay in a northwesterly direction from Class C to Class B.

**4. Report.** By February 15, 2010, the Department of Environmental Protection shall submit a report, including recommendations and any necessary implementing legislation, in connection with the water quality sampling program required under this section to the Joint Standing Committee on Natural Resources.

**5. Legislation authorized.** The Joint Standing Committee on Natural Resources may report out legislation relating to the subject matter of this section to the Second Regular Session of the 124th Legislature.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

## **SUMMARY**

This amendment is a minority report of the committee. The amendment differs from the majority report in that it does not add language making the Long Creek, main stem in Westbrook Class C. It doesn't add that language because the Department of Environmental Protection has not completed a use attainability analysis as required by the federal Clean Water Act and therefore a change in classification to Class C is in violation of the federal Clean Water Act. The amendment also:

1. Strikes section 1 from the bill;
2. Adds language to the bill that keeps certain Kennebec River impoundments at Class C;
3. Strikes section 11 from the bill;
4. Makes a typographical correction in section 24; and
5. Directs the Department of Environmental Protection to establish and implement a water quality sampling program for the lower Androscoggin River, to initiate the procedures for reclassification and to report to the Joint Standing Committee on Natural Resources. It authorizes the committee to report out legislation relating to the water sampling program to the Second Regular Session of the 124th Legislature.

## **FISCAL NOTE REQUIRED**

**(See attached)**