



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

IN THE MATTER OF

TIMOTHY DOWNING,	)	REGULATION OF WATER LEVELS
SMITHFIELD, MERCER, ROME	)	AND MINIMUM FLOWS
KENNEBEC AND SOMERSET COUNTIES	)	
NORTH POND	)	FOURTH PROCEDURAL ORDER
L-30629-36-A-N	)	

As set forth in the First Procedural Order, the Maine Department of Environmental Protection (Department), pursuant to the *Maine Dam Registration, Abandonment, and Water Level Act*, 38 M.R.S. § 840(1), will be conducting an adjudicatory hearing (or, public hearing) regarding the establishment of a water level regime for North Pond in the Towns of Smithfield, Mercer and Rome. This proceeding is being initiated as a result of a petition filed with the Department by 58 littoral/riparian owners (petitioners) along North Pond. The 58 petitioners represent more than 50 littoral or riparian proprietors of North Pond. The water levels of North Pond are controlled by a dam at the outlet of North Pond on Great Meadow Stream, which flows to Great Pond. The dam is owned and operated by the North Pond Association, Inc. (dam owner).

On December 2, 2024, the Presiding Officer (or hearing officer) issued a Third Procedural Order setting forth several dates and times for varying deadlines. Among these deadlines was the 5:00 P.M., Friday, February 21, 2025 deadline for the submission of any objections to pre-filed testimony or the overall validity of the petition. Prior to said deadline, the Department was in receipt of filed objections from Catherine E. Meikle, the president of the North Pond Association.

In consideration of the objections submitted, the Presiding Officer hereby orders the following:

**It is the determination of the hearing officer that objections submitted on behalf of the North Pond Association relating to the pre-filed testimony submitted by Timothy Downing on behalf of the petitioners are hereby overruled. Solely in relation to the specific objections raised and only in regards to the specific testimony cited, the pre-filed testimony on behalf of the petitioners is relevant and material to the subject matter of the hearing and is of a kind upon which reasonable persons are accustomed to rely in the conduct of serious affairs and is not found to be irrelevant, immaterial or unduly repetitious.**

**However, while the objections of North Pond Association are overruled, the hearing officer finds that they do represent rebuttals to said testimony of the abutters and will be accepted for that purpose and given their due weight. The objections shall be**

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

IN THE MATTER OF

TIMOTHY DOWNING,	)	REGULATION OF WATER LEVELS
SMITHFIELD, MERCER, ROME	)	AND MINIMUM FLOWS
KENNEBEC AND SOMERSET COUNTIES	)	
NORTH POND	)	FOURTH PROCEDURAL ORDER
L-30629-36-A-N	)	

**considered in addition to any further rebuttal testimony submitted on behalf of the North Pond Association.**

Dated: March 10, 2025

/s/ Ronald Mongeon

Ronald Mongeon, Presiding Officer