

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2025

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Legislative Document

No. 757

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S.P. 290

In Senate, February 25, 2025

### Resolve, to Study and Oversee Water in the State of Maine

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Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BENNETT of Oxford.  
Cosponsored by Representative SAYRE of Kennebunk.

1           **Sec. 1. Commission to Study the Role of Water as a Resource in the State**  
2 **of Maine established. Resolved:** That the Commission to Study the Role of Water as a  
3 Resource in the State of Maine, referred to in this section as "the commission," is  
4 established.

5           **1. Commission membership.** Notwithstanding Joint Rule 353, the commission  
6 consists of 17 members as follows:

7           A. Seven members appointed by the President of the Senate as follows:

8                   (1) Two members of the Senate, including a member from each of the 2 parties  
9 holding the largest number of seats in the Legislature;

10                   (2) One member of the public residing in northern Maine;

11                   (3) One member representing the interests of persons who bottle or package water  
12 for commercial sale;

13                   (4) One member representing the interests of municipal water utilities; and

14                   (5) Two members who are members of a federally recognized Indian nation, tribe  
15 or band in the State based on the joint recommendations of the tribal governments  
16 of the Mi'kmaq Nation, the Houlton Band of Maliseet Indians, the Passamaquoddy  
17 Tribe at Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot  
18 Nation. If the tribal governments do not make unanimous joint recommendations,  
19 the President of the Senate shall appoint 2 members of a federally recognized  
20 Indian nation, tribe or band in the State;

21           B. Six members appointed by the Speaker of the House of Representatives as follows:

22                   (1) Two members of the House of Representatives, including a member from each  
23 of the 2 parties holding the largest number of seats in the Legislature;

24                   (2) One member of the public residing in western Maine;

25                   (3) One member representing the interests of businesses that use water to irrigate  
26 agricultural products;

27                   (4) One member representing organizations involved in protection of the  
28 environment; and

29                   (5) One member with general legal expertise in water rights and water ownership;

30           C. The Commissioner of Environmental Protection or the commissioner's designee;

31           D. The State Geologist or the State Geologist's designee;

32           E. The director of the drinking water program within the Department of Health and  
33 Human Services, Maine Center for Disease Control and Prevention, division of  
34 environmental and community health or the director's designee; and

35           F. The chair of the Public Utilities Commission or the chair's designee.

36           **2. Chairs.** The first-named Senate member is the Senate chair and the first-named  
37 House of Representatives member is the House chair of the commission. A quorum is 9  
38 members and a quorum must be present to start a meeting but is not required to continue a  
39 meeting.

1           **3. Appointments; convening of commission.** All appointments must be made no later  
2 than 30 days following the effective date of this resolve. The appointing authorities shall  
3 notify the Executive Director of the Legislative Council once all appointments have been  
4 completed. After appointment of all members, the chairs shall call and convene the first  
5 meeting of the commission. If 30 days or more after the effective date of this resolve a  
6 majority of but not all appointments have been made, the chairs may request authority and  
7 the Legislative Council may grant authority for the commission to meet and conduct its  
8 business.

9           **4. Duties.** The commission shall review the report submitted to the Legislature by the  
10 Commission To Study the Role of Water as a Resource in the State of Maine pursuant to  
11 Resolve 2021, chapter 185. The commission shall develop findings and recommendations,  
12 including any suggested legislation, to ensure that there is adequate clean, safe and  
13 accessible drinking water for the State's residents and to meet the needs of commercial and  
14 business interests now and in the future, which may include, but are not limited to,  
15 consideration of the following matters:

16           A. Promoting public access to information about the State's water resources,  
17 consolidating and centralizing access to existing water use and water resource data and  
18 enhancing or supplementing water use and water resource monitoring and data  
19 collection and the analysis of that data;

20           B. Enhancing drought preparedness and drought resilience by agricultural producers  
21 and others;

22           C. Reviewing the legal status of groundwater rights and ownership in Maine, including,  
23 but not limited to, further review of the Supreme Judicial Court's opinion in *Maddocks*  
24 *v. Giles*, 1999 ME 63, and the approaches to this issue taken by other states;

25           D. Protecting public and private drinking water sources from perfluoroalkyl and  
26 polyfluoroalkyl substances contamination and other contaminants;

27           E. Identifying any changes to state laws or rules regulating the large-scale extraction  
28 of groundwater for public or private use that may be necessary to ensure adequate  
29 supply for all users;

30           F. Reviewing the current structure of state agency oversight of water resources and  
31 developing options to consolidate that oversight into a single state agency; and

32           G. Reviewing a proposed major substantive rule of the Maine Public Drinking Water  
33 Commission, established under the Maine Revised Statutes, Title 22, section 2660-C,  
34 in accordance with section 2 regarding the transfer of a permit or contract in a sale of  
35 assets of an entity engaged in the exporting from the State of water extracted in the  
36 State and making recommendations, if any, to the Maine Public Drinking Water  
37 Commission.

38           **5. Staff assistance.** The Legislative Council shall provide necessary staffing services  
39 to the commission, except that Legislative Council staff support is not authorized when the  
40 Legislature is in regular or special session.

41           **6. Report.** No later than December 3, 2025, the commission shall submit a report that  
42 includes its findings and recommendations, including any recommended legislation, to the  
43 Joint Standing Committee on Taxation. After reviewing the report, the joint standing

1 committee may report out legislation to implement any of the recommendations included  
2 in the report to the Second Regular Session of the 132nd Legislature.

3 **Sec. 2. Maine Public Drinking Water Commission to adopt major**  
4 **substantive rules. Resolved:** That the Maine Public Drinking Water Commission  
5 established under the Maine Revised Statutes, Title 22, section 2660-C shall adopt major  
6 substantive rules under Title 5, chapter 375, subchapter 2-A regarding the transfer of a  
7 permit or contract in a sale of assets of an entity engaged in the exporting from the State of  
8 water extracted in the State. Prior to legislative review of the rules under Title 5, section  
9 8072, and by November 1, 2025, the commission shall submit for review the proposed rules  
10 to the Commission to Study the Role of Water as a Resource in the State of Maine under  
11 section 1.

## 12 SUMMARY

13 This resolve does the following.

14 1. It establishes the Commission to Study the Role of Water as a Resource in the State  
15 of Maine to develop findings and recommendations, including any suggested legislation,  
16 to ensure that there is adequate clean, safe and accessible drinking water for the State's  
17 residents and to meet the needs of commercial and business interests now and in the future.  
18 This study is designed to build off the work of the Commission To Study the Role of Water  
19 as a Resource in the State of Maine that was established pursuant to Resolve 2021, chapter  
20 185. The commission is also required to review proposed major substantive rules of the  
21 Maine Public Drinking Water Commission regarding the transfer of a permit or contract in  
22 a sale of assets of an entity engaged in the exporting from the State of water extracted in  
23 the State and making recommendations, if any, to the Maine Public Drinking Water  
24 Commission.

25 2. It requires the Maine Public Drinking Water Commission to adopt major substantive  
26 rules regarding the transfer of a permit or contract in a sale of assets of an entity engaged  
27 in the exporting from the State of water extracted in the State and to submit the proposed  
28 rules to the Commission to Study the Role of Water as a Resource in the State of Maine  
29 established under this resolve for review before submitting the proposed rules for  
30 legislative review.