

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1696

H.P. 1131

House of Representatives, April 17, 2025

Resolve, to Study Maine's Absolute Dominion and Beneficial Use Laws Relating to Water Rights

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

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

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Senator BENNETT of Oxford and
Representatives: CAMPBELL of Orrington, DOUDERA of Camden, FAIRCLOTH of Bangor,
KESSLER of South Portland, LEE of Auburn, SAYRE of Kennebunk, SINCLAIR of Bath,
Senator: GROHOSKI of Hancock.

1 **Sec. 1. Commission established. Resolved:** That the Commission to Study
2 Maine's Absolute Dominion and Beneficial Use Laws Relating to Water Rights, referred
3 to in this resolve as "the commission," is established.

4 **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule
5 353, the commission consists of 17 members:

6 1. Eight members appointed by the President of the Senate as follows:

7 A. Two members of the Senate, including a member from each of the 2 parties holding
8 the largest number of seats in the Legislature;

9 B. One member representing a nonprofit organization with expertise in water policy;

10 C. One member representing the interests of businesses that use water to irrigate
11 agricultural products;

12 D. One member with general legal expertise in water rights and water ownership;

13 E. One member representing the interests of municipal water utilities;

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

21 G. One member representing an institution of higher learning in the State with
22 expertise in water rights or hydrology;

23 2. Seven members appointed by the Speaker of the House of Representatives as
24 follows:

25 A. Two members of the House of Representatives, including a member from each of
26 the 2 parties holding the largest number of seats in the Legislature;

27 B. One member of the public residing in western or northern Maine;

28 C. One member representing the interests of persons who bottle or package water for
29 commercial sale;

30 D. Two members representing organizations involved in the protection of the
31 environment with expertise or background in water protection or water rights; and

32 E. One member with general legal expertise in property rights and constitutional law;

33 3. The Commissioner of Environmental Protection or the commissioner's designee;
34 and

35 4. One member representing the Department of Agriculture, Conservation and
36 Forestry, Maine Geological Survey with expertise in hydrogeology, as designated by the
37 State Geologist.

38 **Sec. 3. Chairs; quorum. Resolved:** That the first-named Senate member is the
39 Senate chair and the first-named House of Representatives member is the House chair of

1 the commission. A quorum is 9 members and a quorum must be present to start a meeting
2 but is not required to continue a meeting.

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

11 **Sec. 5. Duties. Resolved:** That the commission shall:

12 1. Review the report submitted to the Legislature by the Commission to Study the Role
13 of Water as a Resource in the State of Maine pursuant to Resolve 2021, chapter 185;

14 2. Review the history and current legal status of groundwater rights and ownership in
15 the State, including, but not limited to, further review of the Law Court's opinion in
16 *Maddocks v. Giles*, 1999 ME 63, 728 A.2d 150, and the State's existing laws relating to
17 beneficial domestic use of groundwater under the Maine Revised Statutes, Title 38, section
18 404;

19 3. Review the approaches taken by other states in regulating groundwater rights and
20 ownership, including, but not limited to, the absolute dominion doctrine, the reasonable use
21 standard, the prior appropriation doctrine and the correlative rights doctrine. The
22 commission shall evaluate the merits of these approaches and consider the environmental,
23 economic and social impacts as well as the feasibility of applying these approaches in the
24 State; and

25 4. Develop findings and recommendations resulting from these reviews, including any
26 suggested legislation, for policy and statutory changes to the legal status of groundwater
27 rights and ownership in the State to promote the equitable and sustainable management of
28 water resources in the State.

29 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
30 necessary staffing services to the commission, except that Legislative Council staff support
31 is not authorized when the Legislature is in regular or special session.

32 **Sec. 7. Report. Resolved:** That, no later than December 3, 2025, the commission
33 shall submit a report that includes its findings and recommendations, including any
34 suggested legislation, to the Joint Standing Committee on Environment and Natural
35 Resources. After reviewing the report, the joint standing committee may report out
36 legislation related to the report to the Second Regular Session of the 132nd Legislature.

37 SUMMARY

38 This resolve establishes the Commission to Study Maine's Absolute Dominion and
39 Beneficial Use Laws Relating to Water Rights and directs the commission to develop
40 findings and recommendations, including any suggested legislation, for policy and
41 statutory changes to the legal status of groundwater rights and ownership in Maine to
42 promote the equitable and sustainable management of water resources in the State. The

1 commission must submit a report by December 3, 2025 to the Joint Standing Committee
2 on Environment and Natural Resources, which may report out related legislation.