

MAINE STATE LEGISLATURE

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L.D. 1117

(Filing No. H-329)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 826, L.D.
1117, Bill, "AN ACT to Provide Funds to Map Significant
Aquifers."

Amend the bill by inserting after the enacting
clause the following:

'Sec. 1. 22 MRSA c. 601, sub-c. VI is enacted to
read:

SUBCHAPTER VI

TRANSPORT OF WATER

§2660. Legislative findings

The Legislature finds that the transport of water for commercial purposes in large quantities away from its natural location constitutes a substantial threat to the health, safety and welfare of persons who live in the vicinity of the water and rely on it for daily needs. If the transportation occurs, persons who relied on the presence of water when establishing residences or commercial establishments may find themselves with inadequate water supplies. In addition, the Legislature finds that the only practicable way in which to prevent the depletion of the water resources is to prohibit the transport of water in large quantities away from the vicinity of its natural location. The purpose of this prohibition is, however, not to prevent the use of such supplies for drinking and other public purposes in the vicinity of the natural location of the water.

§2660-A. Restrictions on transport of water

1. Prohibition. Except as otherwise provided in

COMMITTEE AMENDMENT "A" to H.P. 826, L.D. 1117

1 this section, no person may transport water for com-
2 mercial purposes by pipeline or other conduit or by
3 tank truck or in a container, greater in size than 10
4 gallons, beyond the boundaries of the municipality or
5 township in which water is naturally located or any
6 bordering municipality or township.

7 2. Exceptions. The prohibition in this section
8 does not apply to any water utility as defined under
9 Title 35-A.

10 3. Appeal. The Commissioner of Human Services,
11 after consultation with the Public Utilities Commis-
12 sion, the State Geologist and the State Planning Of-
13 fice, may authorize transport of water for commercial
14 purposes if the commissioner finds that: Transport
15 of the water will not constitute a threat to public
16 health, safety or welfare; that the water is not
17 available naturally in the location to which it will
18 be transported; and that failure to authorize trans-
19 port of the water would create a substantial hardship
20 to the potential recipient of the water. Any autho-
21 rization under this subsection shall be for a period
22 not to exceed 3 years, but may be renewed subject to
23 the same criteria.

24 4. Emergencies. In case of an emergency, any
25 person may transport water as necessary for the dura-
26 tion of the emergency, but the person transporting
27 the water must inform the commissioner within 3 days
28 and the commissioner may determine when the emergency
29 is over.

30 5. Penalty. Any person who transports water in
31 violation of this section is guilty of illegal trans-
32 port of water. Illegal transport of water is a Class
33 D crime. Each shipment or day of transport, if by
34 pipeline, is a separate offense.'

35 Further amend the bill by inserting at the begin-
36 ning of the first line after the enacting clause
37 (page 1, line 6 in L.D.) the following: 'Sec. 2.'

COMMITTEE AMENDMENT "A" to H.P. 826, L.D. 1117

1 STATEMENT OF FACT

2 This amendment prohibits transport of water be-
3 yond the boundaries of the municipality or township
4 of origin or a bordering municipality or township.
5 Water utilities are exempted from the prohibition and
6 the Commissioner of Human Services may authorize
7 transportation in cases of substantial hardship.

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Reported by the Committee on Appropriations and Financial Affairs
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