

MAINE STATE LEGISLATURE

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(EMERGENCY)
(New Draft of H.P. 899, L.D. 1200)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1678

H.P. 1229 House of Representatives, May 28, 1987
Reported by Representative BAKER from the Committee on
Utilities and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative PARADIS of Old
Town. Cosponsored by Representatives VOSE of Eastport,
GARLAND of Bangor, and Senator EMERSON of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1. **Resolve, for the Public Utilities Commission**
2. **to Study the Allocation of Water**
3. **Supply Rights.**
4.

5. **Emergency preamble.** Whereas, Acts and resolves
6. of the Legislature do not become effective until 90
7. days after adjournment unless enacted as emergencies;
8. and

9. Whereas, a study of water supply allocation is
10. needed for consideration by the Second Regular Ses-
11. sion of the 113th Legislature; and

12. Whereas, in order to report by December 1, 1987,
13. the Public Utilities Commission must begin its work
14. promptly; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore, be it

7 **Findings. Resolved:** That the Legislature finds
8 that there is competition and uncertainty surrounding
9 the allocation of water resources among water utili-
10 ties and others within the State. Water is essential
11 for drinking water supplies, residential, agricultur-
12 al, industrial and recreational use and many other
13 purposes. Although water is generally abundant in
14 the State, it is not unlimited and is in short supply
15 in some areas. There has been much attention paid
16 over the last 20 years to preservation of water qual-
17 ity. It is time to begin addressing the issues of
18 water quantity, as the arid states have had to do
19 years ago; and be it further

20 **Study and report. Resolved:** That the Public
21 Utilities Commission shall conduct a study of water
22 supply and allocation and report to the Governor and
23 the Legislature with its findings and recommenda-
24 tions, including legislative recommendations, if any,
25 by December 1, 1987. The commission shall consider
26 the various issues of water rights under statutory
27 and common law, including, for example, whether there
28 should be limits placed on such activities as export
29 of water from one watershed to another, export of wa-
30 ter out of the State, use of water from ponds of less
31 than 10 acres and of ground water on and off the
32 user's land. It shall consider whether municipali-
33 ties have any interest in water which is within their
34 borders, but not related to municipally owned land.
35 The study shall also review water conservation prac-
36 tices to identify available techniques and survey
37 their application. The commission shall consider
38 whether, in case of scarce supply and competing uses,
39 there should be a standard order of priorities that
40 might be applied. The commission shall give particu-
41 lar attention to the need for water utilities to have
42 access to adequate water supplies to meet the needs
43 of a growing population and economy; and be it fur-
44 ther

1 Assistance of other agencies and parties. Resolved: That assistance shall be provided
2 to the Public Utilities Commission by the Department
3 of Human Services, the State Planning Office, the Department
4 of Environmental Protection, the Department
5 of Agriculture, Food and Rural Resources and the Attorney
6 General. The commission shall also solicit
7 the views and assistance of other parties; and be it
8 further
9

10 Review by joint standing committee. Resolved:
11 That the Joint Standing Committee on Utilities shall
12 review the report of the Public Utilities Commission
13 and, based on that review, may introduce legislation
14 dealing with water supply or allocation to the Second
15 Regular Session of the 113th Legislature.

16 Emergency clause. In view of the emergency cited
17 in the preamble, this resolve shall take effect when
18 approved.

19 STATEMENT OF FACT

20 The new draft requires a study of water supply
21 and allocation like the original bill, but instead of
22 creating a special commission, the new draft has the
23 study done by the Public Utilities Commission, with
24 assistance from other state agencies and input from
25 interested parties. The Public Utilities Commission
26 will report to the Legislature, December 1, 1987.
27 The Joint Standing Committee on Utilities will review
28 the study and introduce legislation if appropriate.

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