

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2497

H.P. 1822 House of Representatives, March 10, 1988
Reported by Representative TARDY from the Committee on
Utilities pursuant to Resolve 1987, Chapter 27.

Reference to the Joint Standing Committee on Utilities
suggested and printing ordered under Joint Rule 18.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

1 **RESOLVE, to Establish the Commission to Study**
2 **the Management of Water Resources in Maine.**
3

4 **Findings. Resolved:** That the Legislature finds
5 that some regions of Maine face rapidly escalating
6 demands upon their traditional sources of water
7 supply. Water resource allocation and use problems
8 are best addressed through comprehensive and careful
9 planning. The transfer of water out of subbasins may

1 threaten the well-being of the people and the
2 environment and proposals to transfer water out of
3 subbasins should be looked at within the context of
4 current and projected local supply and demand for
5 water. Information on water use and supplies in Maine
6 is not collected in a coordinated manner, many types
7 of useful information are not collected at all and
8 Maine is the only state not participating in the
9 National Water-Use Information Program of the United
10 States Geological Survey. The development of
11 comprehensive methods for managing Maine's water
12 supplies and water use requires thoughtful
13 consideration; and be it further

14 **Commission established. Resolved:** That the
15 Commission to Study the Management of Water Resources
16 in Maine is established as follows: The Chairman of
17 the Public Utilities Commission; the Commissioner of
18 Human Services; the Commissioner of Environmental
19 Protection; the Commissioner of Agriculture, Food and
20 Rural Resources; the Commissioner of Conservation; and
21 the Director of the State Planning Office, or their
22 designees; the Governor shall appoint a municipal
23 official, a representative of a water utility, a
24 commercial user of water, a representative of a
25 statewide environmental organization and a farmer;
26 the President of the Senate shall appoint one Senator
27 from the Joint Standing Committee on Energy and
28 Natural Resources and one Senator from the Joint
29 Standing Committee on Utilities. The Speaker of the
30 House shall appoint one representative from the Joint
31 Standing Committee on Energy and Natural Resources and
32 one representative from the Joint Standing Committee
33 on Utilities. Appointments shall be made within 30
34 days of the effective date of this resolve. The
35 appointing authorities shall notify the Governor and
36 the Executive Director of the Legislative Council of
37 the appointments. The Director of the State Planning
38 Office or the director's designee shall serve as
39 chairman of the commission. The chairman shall
40 convene the first meeting within 45 days of the
41 effective date of this resolve; and be it further

42 **Study and report. Resolved:** That the commission
43 shall meet as required and may form working groups to

1 address various issues and to form proposals for
2 consideration by the commission.

3 The commission shall compile and report on existing
4 state and federal laws and any rules associated with
5 the allocation, use and protection of waters in this
6 State.

7 The commission shall identify and compile the existing
8 information on surface and ground water supplies, all
9 consumptive water uses, conservation practices,
10 redistributions and water diversions in this State.

11 The commission shall review the water management
12 systems of other states and recommend the legislation
13 or policies needed to promote comprehensive and
14 optimal use, management and protection of the State's
15 water resources. The commission shall consider and
16 report to what extent the State should regulate the
17 use of water, what administrative structure is most
18 appropriate for managing the waters of the State and
19 what procedures or mechanism should be used in
20 resolving use-related conflicts. In considering what
21 mechanism the State should employ to resolve
22 water-related conflicts, the commission shall weigh
23 the merits of: Instituting permit and registration
24 requirements for certain water uses or water uses
25 above a threshold quantity; defining the allowable
26 uses of water; establishing a system of water use
27 preferences for use when water levels are lower than
28 normal; imposing diversion restrictions in some areas
29 of the State; establishing minimum stream flows,
30 minimum lake levels or minimum ground water levels in
31 some subbasins; promoting methods to encourage water
32 conservation; water management systems that consider
33 the interrelationships of atmospheric, surface and
34 ground water; rules protecting historical and
35 existing uses of water; coordinating policies and
36 laws that have an impact on quantitative and
37 qualitative issues of use. In addition, the
38 commission shall consider: Standards for defining
39 stressed areas; how management boundaries should be
40 drawn; how many management units there should be;
41 how water management should be coordinated with local
42 and regional comprehensive land use and economic

1 development plans. Further, the commission shall
2 estimate the cost to the State and its political
3 subdivisions of any proposed water management
4 activities and shall recommend a funding mechanism.
5 The commission shall hold at least 3 public hearings
6 throughout the State to provide opportunities for
7 public comment on the water management needs of Maine
8 and for review of the commission's recommendations to
9 the Legislature; and be it further

10 **Staffing. Resolved:** That the State Planning
11 Office shall staff the commission. Assistance shall
12 be provided by the staff of the agencies represented
13 on the commission as requested. The Office of the
14 Attorney General shall provide legal assistance; and
15 be it further

16 **Reporting Date. Resolved:** That the commission
17 shall report its findings and recommendations to the
18 Joint Standing Committee on Utilities by January 1,
19 1990. The report shall include legislation necessary
20 to establish the system of water management
21 recommended by the report; and be it further

22 **Compensation. Resolved:** That nonagency members
23 of the commission shall be reimbursed for expenses.
24 Agency members shall receive expenses from their
25 agency; and be it further

26 **Appropriation. Resolved:** That the following
27 funds are appropriated from the General Fund to carry
28 out the purposes of this resolve.

29 1988-89

30 STATE PLANNING OFFICE

31 Commission to Study the Management
32 of Water Resources in Maine

33	Positions	(1)
34	Personal Services	\$29,874
35	All Other	9,650
36	Capital Expenditures	2,000

1			
2	Total		<u>\$41,524</u>
3	Provides funds from		
4	the General Fund for a		
5	Policy Development		
6	Specialist as staff		
7	for the commission.		
8	All Other provides		
9	expense money for		
10	nonagency members,		
11	advertising public		
12	hearings and printing		
13	a final report.		
14	Capital provides a		
15	computer for		
16	commission staff.		

17 CONSERVATION,
 18 DEPARTMENT OF

19	Maine Geological Survey		
20	Positions		(1)
21	Personal Services		\$25,350
22	All Other		18,500
23			
24	Total		<u>\$43,850</u>

25 Provides funds for a
 26 Geologist I position
 27 to act as state
 28 coordinator for the
 29 National Water-Use
 30 Information Program of
 31 the United States
 32 Geological Survey.
 33 All Other includes
 34 \$15,000 to provide
 35 matching funds with
 36 United States
 37 Geological Survey and

1 \$3,500 for in-state
2 travel and overhead.

3 STATEMENT OF FACT

4 This resolve is the result of a study by the
5 Public Utilities Commission of the allocation of water
6 supply rights. That study was required by the
7 Legislature because of a number of isolated but
8 similar problems that have been brought to the
9 Legislature in recent years. It was intended to
10 provide guidance on the scope of the issue of water
11 allocation in Maine and the need for future
12 legislation in the area.

13 As a result of the commission's study the Joint
14 Standing Committee on Utilities reports this
15 legislation to create a commission composed of
16 Legislators, department experts and water consumers to
17 conduct a full analysis of mechanisms of water
18 management, to identify and accumulate existing data
19 relating to water usage in Maine, to investigate the
20 extent of the need for increased water management
21 activities in Maine and to recommend a bureaucratic
22 structure to meet any identified needs. The
23 commission is chaired and staffed by the State
24 Planning Office in recognition of its
25 interdisciplinary nature. It is required to report
26 its findings and recommendations to the Legislature by
27 January 1, 1990.

28 This resolve also establishes a position in the
29 Maine Geological Survey to manage and coordinate the
30 collection of water usage data and to participate in
31 the National Water-Use Information Program. This
32 program is anticipated to provide approximately
33 \$15,000 in matching funds. Maine is the only state in
34 the nation that does not currently participate in the
35 federal program.

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