

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## FIRST REGULAR SESSION - 1989

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Legislative Document

No. 655

S.P. 265

In Senate, March 7, 1989

Reported by Senator PEARSON of Penobscot for the Maine Water Supply Study Commission pursuant to Public Law 1987, chapter 816.

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed pursuant to Joint Rule 18.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

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STATE OF MAINE

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

---

An Act to Establish a Temporary Water Management Resources Board.

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1 **Be it enacted by the People of the State of Maine as follows:**

3 **Sec. 1. 5 MRSA c. 353, first 2 lines, as enacted by PL 1987, c.**  
506, §1, are repealed and the following enacted in their place:

7 PART 15-A

9 LAND FOR MAINE'S FUTURE FUND

11 CHAPTER 353

13 LAND FOR MAINE'S FUTURE FUND

15 **Sec. 2. 5 MRSA Pt. 15-B is enacted to read:**

17 PART 15-B

19 WATER RESOURCES MANAGEMENT BOARD

21 CHAPTER 355

23 WATER RESOURCES MANAGEMENT BOARD

25 **§6301. Board created; duties**

27 There is established in section 12004-G the Water Resources  
29 Management Board. The board is a temporary, 2-year commission  
31 created to examine and make recommendations to the Legislature  
regarding the appropriate role of the State in managing water  
supplies and the institutional structures necessary for efficient  
and effective state involvement. The board shall:

33 1. Permanent structure. Recommend a permanent bureaucratic  
35 structure for centralized and coordinated conduct of the role of  
the State in water supply management;

37 2. Extent of regulation. Recommend the appropriate extent  
39 and level of state regulation of water use;

41 3. Data. Implement a strategy for coordinated collection  
43 of water supply and use data and compile that data in a readily  
accessible and usable form;

45 4. Strategy for coordination. Develop a strategy for  
47 coordination of all state and local agencies involved with water  
supply management;

49 5. Dispute resolution process. Recommend a process for  
adjudication of disputes over the right to use water;

1           6. Review of water rights. Review the methods by which  
2 water rights are obtained under existing law and recommend  
3 appropriate changes;

5           7. Recommend priorities. Recommend priority uses for  
6 preferential access to water supplies when supplies are  
7 inadequate to meet all demands;

9           8. Catalog publicly granted water rights. Catalog publicly  
10 granted water rights by having staff request information from  
11 water utilities and others;

13           9. Water diversion policy. Recommend a policy regarding  
14 water diversion which addresses the implications of diversion  
15 from the State and regions and subbasins within the State;

17           10. Conservation. Recommend ways to improve and encourage  
18 conservation of water resources; and

19           11. Technical assistance. Develop technical assistance  
20 programs for municipalities, communities or individuals adversely  
21 affected by water use decisions.

23           §6302. Board membership; chair

25           The board shall have the following 16 members: the Director  
26 of the State Planning Office or the director's designee; the  
27 Chair of the Public Utilities Commission or the chair's designee;  
28 the Commissioner of Environmental Protection or the  
29 commissioner's designee; the Commissioner of Human Services or  
30 the commissioner's designee; the Commissioner of Conservation or  
31 the commissioner's designee; the Commissioner of Economic and  
32 Community Development or the commissioner's designee; the  
33 Commissioner of Agriculture, Food and Rural Resources or the  
34 commissioner's designee; the Commissioner of Inland Fisheries and  
35 Wildlife or the commissioner's designee; a representative,  
36 appointed by the Governor, of a water utility regulated by the  
37 Public Utilities Commission; a representative, appointed by the  
38 Governor, of a municipal government; a representative, appointed  
39 by the Governor, of a commercial user of water; a representative,  
40 appointed by the Governor, of an industrial user of water; a  
41 representative, appointed by the Governor, of recreational users;  
42 a representative, appointed by the Governor, of a hydropower  
43 producer; a representative, appointed by the Governor, of a  
44 natural resources advocacy organization; and a member of the  
45 public appointed by the Governor. The chair of the board shall  
46 be the State Planning Office representative, the Director of the  
47 State Planning Office or the director's designee. Appointments  
48 shall be made within 30 days of the effective date of this Part.  
49

1     **§6303. Board compensation**

3             The board's members shall be compensated as provided in  
4             chapter 379.

5     **§6304. Meetings; staff**

7             1. Meetings. The board chair shall convene the first  
8             meeting of the board no later than 30 days after the effective  
9             date of this Part. The board shall meet at least once each month  
10            and as often as necessary to carry out its responsibilities.

11            2. Staff. A person knowledgeable about the technical,  
12            economic and environmental aspects of water resource management,  
13            under a 2-year contract with the State Planning Office, shall  
14            provide full-time staff assistance to the board. All state  
15            agencies shall provide information and support requested by the  
16            board to the extent practicable.

17     **§6305. Report; reporting deadline**

18            The board shall submit a report summarizing its findings and  
19            recommendations, including any suggested legislation, to the  
20            Legislature by January 1, 1991.

21     **§6306. Repeal**

22            This Part is repealed October 1, 1991.

23            Sec. 3. 5 MRSA §12004-G, sub-§29-A is enacted to read:

24	<u>29-A. Natural</u>	<u>Water Resources</u>	<u>Expenses Only</u>	<u>5 MRSA</u>
25	<u>Resources</u>	<u>Management Board</u>		<u>§6301</u>

26            Sec. 4. Appropriation. The following funds are appropriated  
27            from the General Fund to carry out the purposes of this Act.

28		<b>1989-90</b>	<b>1990-91</b>
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29     **EXECUTIVE DEPARTMENT**

30     **State Planning Office**

31            **Water Resources Management Board**

32	Positions	(1)	(1)
33	Personal Services	\$25,719	\$37,770
34	All Other	23,800	28,100
35	Capital Expenditures	2,952	

36            Provides funds for a Policy  
37            Development Specialist to  
38            staff the Water Resources

1 Management Board. This  
 2 position is authorized until  
 3 September 30, 1991. Also  
 4 provides funds for the  
 5 expenses of public board  
 6 members and staff, 3 public  
 7 hearings, advertising,  
 8 printing costs and the  
 9 purchase of a computer. These  
 10 funds shall not lapse but  
 11 shall carry forward until  
 12 September 30, 1991.

13  
 14 **EXECUTIVE DEPARTMENT**  
 15 **TOTAL** \$52,471 \$65,870

17 **CONSERVATION, DEPARTMENT OF**

18 **Maine Geological Survey**

20  
 21 Positions (1) (1)  
 22 Personal Services \$21,482 \$31,236  
 23 All Other 77,625 18,500  
 24 Capital Expenditures 750

25  
 26 Provides funds for a Geologist  
 27 position to serve as state  
 28 coordinator for the National  
 29 Water-Use Information Program,  
 30 \$60,000 in fiscal year 1989-90  
 31 to contract for a watershed  
 32 boundary mapping project,  
 33 \$25,000 in each year for  
 34 matching funds with the United  
 35 States Geological Survey and  
 36 anticipated general operating  
 37 expenses.

38  
 39 **DEPARTMENT OF CONSERVATION**  
 40 **TOTAL** \$99,857 \$49,736

41  
 42 **TOTAL APPROPRIATIONS** \$152,328 \$115,606

43  
 44  
 45  
 46  
 47  
 48  
 49 **STATEMENT OF FACT**

50  
 51 This bill addresses the State's role in the management of  
 public water supplies. The bill embodies the recommendations of

1 the Maine Water Supply Study Commission, established by Public  
2 Law 1987, chapter 816. That commission was created as part of  
3 the Legislature's response to mounting interest in and concern  
4 over the possibility of commercial export of Maine's relatively  
5 pristine water resources and conflicts in some locales between  
6 municipalities and water utilities over use of water resources.  
7 It addressed a broad range of water resource issues and the need  
8 for a greater state role in the management of water resources.

9  
10 The bill creates a temporary, 2-year, Water Resources  
11 Management Board. The board's duties call for examination of a  
12 number of critical issues identified by the Maine Water Supply  
13 Study Commission.

14  
15 The 16-member board will be comprised of representatives of  
16 8 state agencies with current duties regarding water supplies and  
17 representatives of 8 water user groups. The chair of the board  
18 will be the Director of the State Planning Office or the  
19 director's designee. Members will be compensated only for  
20 expenses incurred in carrying out the board's responsibilities.

21  
22 The board is required to meet at least once each month. The  
23 board will have the assistance of a full-time staff person  
24 retained under a 2-year contract with the State Planning Office.  
25 All state agencies are directed to provide the board with  
26 information as needed. The board is required to report to the  
27 Legislature by January 1, 1991.

28  
29 The bill appropriates funds necessary for staffing and for  
30 the conduct of the board's responsibilities. A position in the  
31 Maine Geological Survey is established to manage and coordinate  
32 the collection of water usage data and to participate in the  
33 National Water-Use Information Program. This program is  
34 anticipated to receive approximately \$25,000 in matching federal  
35 funds. Funding is also provided for the watershed boundary  
36 mapping project. Maine Geological Survey will contract for the  
37 development of a standard system to delineate and map watersheds.

38  
39 This bill also corrects a technical error that occurred upon  
40 the omission of the reference to the Maine Revised Statutes,  
41 Title 5, Part 15-A, Land for Maine's Future Fund, when that law  
was enacted.