

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 91, L.D. 121, Bill, "An Act
Relating to the Protection of Public Water Supplies"

Amend the bill by striking out everything after the title
and before the statement of fact and inserting in its place the
following:

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

Sec. 1. 35-A MRSA §6113 is enacted to read:

§6113. Water supply protection fund

1. Water supply protection fund. A consumer-owned water utility may establish a water supply protection fund to which a sum may be credited annually from surplus funds. The annual credit may not exceed 5% of the prior year's total revenue. If the utility has established a contingency reserve fund pursuant to section 6112, the utility may not credit any amount to the water supply protection fund unless the contingency reserve fund has reached its maximum pursuant to section 6112, subsection 2.

2. Water supply protection fund maximum. Except as provided in subsections 5 and 7, the maximum amount that may be accumulated in a water supply protection fund is 15% of the most recent year's annual revenue of the utility or \$100,000, whichever is greater. When the water supply protection fund is at the maximum amount permitted, credit may not be made to the fund from surplus funds.

3. Use of water supply protection fund. Except as provided in subsection 4, a water supply protection fund may be used by a consumer-owned water utility only for the acquisition of interests in real property reasonably necessary for the protection of a public water supply, including, but not limited to, the acquisition of conservation easements, access easements, other permanent interests in land or long-term leases of at least 99 years. For purposes of this subsection "protection of public water supply" includes watershed protection, groundwater protection or wellhead protection reasonably necessary to minimize the potential for contamination of the consumer-owned water utility's water supply. If the consumer-owned water utility has adopted a watershed control program pursuant to 40 Code of Federal Regulations, Section 141.71 and that program has been approved by the Department of Human Services, any expenditures from the water supply protection fund pursuant to this section for the purposes of watershed protection must be in conformity with that watershed control program.

4. Withdrawal of money from the fund. A consumer-owned water utility that has accumulated money in its water supply protection fund may remove money from the fund and return that money to the unappropriated retained earnings account if the utility determines that the removal would be in the best interest of the utility's customers.

5. Commission review. If a consumer-owned water utility needs to accumulate more than the maximum amount allowed in the water supply protection fund to acquire interests as provided in subsection 3, the utility shall obtain the approval of the commission before any sum may be allotted to the fund that would cause the fund to exceed the maximum.

6. Accounting treatment of fund. Money in a water supply protection fund is not considered unappropriated retained earnings for the purpose of section 6112, subsection 5, nor is such money considered in determining reasonable revenue requirements under section 310 or 6104.

7. Interest. Except as provided in subsection 4, interest earned on money in a water supply protection fund must remain in the fund and be used solely for the purposes of the fund, notwithstanding the maximum amount permitted in the fund.

FISCAL NOTE

The Public Utilities Commission will incur some minor additional administrative costs to review new filings under this Act. These costs can be absorbed within the commission's existing budgeted resources.'

STATEMENT OF FACT

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This amendment makes these 4 substantive changes to the bill:

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1. Expands the watershed protection fund into a water supply protection fund. Money in the fund can be used for purposes of watershed protection, groundwater protection or wellhead protection;

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2. Allows consumer-owned water utilities to remove money from the water supply protection fund and return it to the unappropriated retained earnings account;

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3. Forbids a utility from depositing money in the water supply protection fund unless its contingency reserve fund is at its maximum; and

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4. Requires that if the utility has filed a watershed control program with the Department of Human Services then money from the water supply protection fund expended for watershed protection must be in conformity with that program.

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This amendment also removes the emergency preamble and the emergency clause and adds a fiscal note.

Reported by the Committee on Utilities
Reproduced and distributed under the direction of the Clerk of the
House
3/3/93 (Filing No. H-37)