

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 491

DATE: 4-16-03

(Filing No. H-136)

NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 380, L.D. 491, Bill, "An Act To Manage Water Resources"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 22 MRSA §2660-A, sub-§3, as amended by PL 1997, c. 587, §2, is repealed and the following enacted in its place:

3. Appeal. The commissioner, after consultation with the Public Utilities Commission, the Department of Environmental Protection and the State Geologist, may authorize transport of water for commercial purposes if the commissioner finds that:

A. Transport of the water will not constitute a threat to public health, safety or welfare;

B. Water is not available naturally in the location to which it will be transported;

C. Failure to authorize transport of the water would create a substantial hardship to the potential recipient of the water; and

D. For a source not otherwise permitted by the Department of Environmental Protection, the water withdrawal will not adversely affect existing uses of groundwater or surface water resources, including private wells.

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 380, L.D. 491

2 Any authorization under this subsection is for a period not to
3 exceed 3 years but may be renewed subject to the same criteria.
4 The department may adopt rules necessary for the implementation
5 of this subsection. The rules may include imposition of a fee to
6 cover the costs of providing permits, including any impact
7 studies required by the department. Rules adopted pursuant to
8 this subsection are major substantive rules as defined in Title
9 5, chapter 375, subchapter 2-A.'

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SUMMARY

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This amendment adds a 4th standard of review for bulk water transport appeals submitted to the Department of Human Services. These standards are intended to protect public and private uses of Maine's groundwater and surface water resources. The new standard provides that, for a source that is not otherwise permitted by the Department of Environmental Protection, the water withdrawal must not adversely affect existing uses of groundwater or surface water resources. The Commissioner of Human Services is directed to consult with the Department of Environmental Protection in addition to the Public Utilities Commission and the State Geologist regarding an appeal. Rules adopted by the Department of Human Services to implement the subsection are major substantive rules.

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FISCAL NOTE REQUIRED
(See attached)

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COMMITTEE AMENDMENT

**121st Maine Legislature
Office of Fiscal and Program Review**

LD 491

An Act To Manage Water Resources



LR0045(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Any additional costs to the Department of Human Services, the Department of Environmental Protection, the Public Utilities Commission, and the State Geologist, resulting from this bill can be absorbed utilizing existing resources.