

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1162

H.P. 805

House of Representatives, March 8, 2005

An Act To Permit the Establishment of Regional Water Councils

Reference to the Committee on Utilities and Energy suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BARSTOW of Gorham.
Cosponsored by Senator BARTLETT of Cumberland and
Representatives: ADAMS of Portland, BABBIDGE of Kennebunk, BLISS of South Portland,
BOWEN of Rockport, BOWLES of Sanford, FISCHER of Presque Isle, FLETCHER of
Winslow, Senator: SNOWE-MELLO of Androscoggin.

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

4 **Sec. 1. 35-A MRSA c. 68** is enacted to read:

6 **CHAPTER 68**

8 **REGIONAL WATER COUNCILS**

10 **§6801. Definitions**

12 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

14 1. **Regional water council.** "Regional water council" means a nonprofit corporation established for the benefit of 2 or more water utilities pursuant to this chapter.

18 **§6802. Regional water councils authorized**

20 Two or more water utilities may organize a regional water council by forming a nonprofit corporation under Title 13-B, the membership of which is restricted to water utilities.

24 **§6803. Council organization**

26 The organizational documents of a regional water council must provide for representation of each member. The documents must specify the organizational structure, the method of withdrawal, the method of terminating the council and the grounds for suspension of member water utilities.

32 **§6804. Powers**

34 1. **Powers.** In addition to having general powers of nonprofit corporations under Title 13-B, a regional water council may:

38 A. Study an issue common to 2 or more of the members of the regional water council that it considers appropriate, including, but not limited to, matters affecting water supply, watershed protection, water use policies, regional economic conditions and future development;

44 B. Promote cooperative arrangements and coordinate action among members of the regional water council; and

46 C. Make recommendations for review and action to the members of the regional water council and other public agencies that perform functions within the region.

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2 2. Authority. A regional water council, on behalf of one
3 or more of its members, and upon appropriate action by the
4 governing body of one or more of its members, may exercise any
5 power, privilege or authority capable of exercise by a member
6 utility and necessary or desirable for dealing with issues of
7 local or regional significance to its members, except essential
8 legislative powers or eminent domain authority. This subsection
9 does not permit or enable a regional water council to become a
10 water utility within any geographic area of the State.

11 3. Standing committee. A regional water council, by
12 appropriate action of the governing bodies of its members, may
13 establish a standing committee to prepare and maintain a
14 comprehensive regional water plan.

15 **§6805. Bylaws**

16 A regional water council shall adopt bylaws designating the
17 officers of the council and providing for the conduct of its
18 business.

19 **§6806. Staff**

20 A regional water council may employ staff and consult and
21 retain experts that it considers necessary.

22 **§6807. Finances; annual report**

23 1. Expenses. The member water utilities of a regional
24 water council may contribute funds to meet the expenses of the
25 council. Services of personnel, use of equipment and office
26 space and other necessary services may be accepted from members
27 as part of their financial support.

28 2. Funds. A regional water council may accept funds,
29 grants, gifts and services from:

30 A. The Federal Government;

31 B. The State or its departments, agencies or
32 instrumentalities;

33 C. Any governmental unit not specified in paragraph A or B,
34 whether participating in the regional water council or not;
35 and

36 D. Private and public sources.

2 3. Report. A regional water council shall make an annual
3 report of its activities to the member utilities. The report
4 must be filed with the Public Utilities Commission and the
5 drinking water program of the Department of Health and Human
6 Services.

8 **§6808. Coordinator**

10 1. Public Utilities Commission. The commission serves as
11 the coordinator between regional water councils and the State.
12 The commission may obtain and distribute state and federal funds
13 supporting regional council tasks and may provide assistance to
14 regional water councils as appropriate. This subsection does not
15 require the commission to determine the appropriate disbursement
16 of state and federal funds among members of a regional water
17 council.

18 2. Rulemaking. The commission may adopt rules to establish
19 procedures and audit requirements related to the requirements of
20 this section. Rules adopted pursuant to this subsection are
21 routine technical rules as defined in Title 5, chapter 375,
22 subchapter 2-A.

24 **SUMMARY**

26 This bill allows water utilities to form regional water
28 councils.