

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1265

S.P. 445

In Senate, March 15, 2005

### An Act To Protect Aquifers

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Reference to the Committee on Natural Resources suggested and ordered printed.

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

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MITCHELL of Kennebec.  
Cosponsored by Representative DAIGLE of Arundel and  
Senator: MARTIN of Aroostook, Representative: LERMAN of Augusta.

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

4 **Sec. 1. 38 MRSA §§404-A to 404-D** are enacted to read:

6 **§404-A. Standards for modeling and mapping aquifers**

8 1. Standards. The commissioner shall establish by rule  
9 standards for modeling and mapping well field areas, zones of  
10 contribution and recharge areas in aquifers. Standards for  
11 mapping may be based on existing geologic mapping of known  
12 aquifer characteristics, limited field verification, the location  
13 of existing and potential well fields and pumping rates,  
14 hydrogeological features, groundwater level data, surface water  
15 discharge information for model calibration and pump test data  
16 for model verification.

17 2. Rulemaking. The commissioner shall adopt rules to  
18 implement this section. Rules adopted pursuant to this  
19 subsection are routine technical rules pursuant to Title 5,  
20 chapter 375, subchapter 2-A.

22 **§404-B. Mapping required**

24 1. Mapping of existing wells by water companies. A public  
25 or private water company serving 1,000 or more persons shall map  
26 all areas of contribution and recharge areas for its wells in  
27 stratified drift aquifers.

28 2. Mapping of existing wells by department. The department  
29 shall map all areas of contribution and recharge areas for wells  
30 in stratified drift aquifers that are used by public or private  
31 water company serving fewer than 1,000 persons.

34 3. Mapping of potential wells by water companies. A public  
35 or private water company serving 10,000 or more persons shall map  
36 all areas of contribution and recharge areas for potential wells  
37 within stratified drift aquifers identified as future sources of  
38 water supply.

40 4. Mapping of potential wells by department. The  
41 commissioner shall identify and make recommendations for mapping,  
42 or shall map, all significant areas of contribution and recharge  
43 areas for potential wells in stratified drift aquifers not  
44 identified by a public or private water company as a potential  
45 source of water supply under subsection 3.

46 **§404-C. Approval of maps**

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2 The mapping of aquifers by a public or private water company  
3 pursuant to section 404-B must be approved by the commissioner  
4 and is not considered complete until such approval has been given.

6 **§404-D. Aquifer protection zones**

8 1. Aquifer protection area defined. As used in this  
9 section, "aquifer protection area" means any area consisting of  
10 well fields, areas of contribution and recharge areas that are  
11 identified on maps approved by the commissioner and that meet the  
12 criteria established by the department pursuant to rule. Rules  
13 adopted pursuant to this subsection are routine technical rules  
14 pursuant to Title 5, chapter 375, subchapter 2-A.

16 2. Municipal regulation of aquifer protection areas. A  
17 municipality in which an aquifer protection area is located shall  
18 adopt regulations for aquifer protection.

20 **Sec. 2. Develop recommendations; submit legislation.** The  
21 Commissioner of Environmental Protection shall develop  
22 recommended land use controls in aquifer protection areas, as  
23 defined in the Maine Revised Statutes, Title 38, section 404-D.  
24 In developing the recommendations, the commissioner shall propose:

26 1. Best management practice standards for existing  
27 regulated activities located entirely or in part within aquifer  
28 protection areas and a schedule for compliance of nonconforming  
29 regulated activities with such standards;

30 2. Best management practice standards for and prohibitions  
31 of regulated activities proposed to be located entirely or in  
32 part within aquifer protection areas;

34 3. Procedures for exempting regulated activities in aquifer  
35 protection areas upon determination solely by the commissioner  
36 that such regulated activities do not pose a threat to any  
37 existing or potential drinking water supply; and

38 4. Requirements for design and installation of groundwater  
40 monitoring within aquifer protection areas.

42 The commissioner may include other recommendations necessary  
43 to carry out the purposes of this Act.

44  
45 No later than December 7, 2005, the commissioner shall  
46 submit the recommendations, including any necessary implementing  
47 legislation, to the Joint Standing Committee on Natural  
48 Resources. After receipt and review of the recommendations, the  
49 Joint Standing Committee on Natural Resources may report out a  
50 bill to the Second Regular Session of the 122nd Legislature.

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## SUMMARY

6           The purpose of this bill, which is modeled on Connecticut  
law, is to establish aquifer protection areas in the State. This  
bill:

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10           1. Requires the Commissioner of Environmental Protection to  
establish by rule standards for modeling and mapping aquifers;

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2. Requires the mapping of aquifers; and

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3. Directs the Commissioner of Environmental Protection to  
develop recommendations, including necessary legislation, to  
implement the regulation of aquifer protection areas.

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