

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 2070

S.P. 809

In Senate, March 16, 2006

An Act To Ensure the Availability of Public Drinking Water Supplies

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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 WESTON of Waldo.
Cosponsored by Representative BOWLES of Sanford and
Senators: ANDREWS of York, SULLIVAN of York, Representatives: BABBIDGE of
Kennebunk, BISHOP of Boothbay, MOULTON of York, PINGREE of North Haven, ROSEN
of Bucksport, WHEELER of Kittery.

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

2 **Sec. 1. 38 MRSA §470-G**, as enacted by PL 2001, c. 619, §1 and amended by PL
3 2003, c. 689, Pt. B, §7 is further amended to read:

4 **§470-G. Report to Legislature**

5 The commissioner shall report to the joint standing committee of the Legislature
6 having jurisdiction over natural resources matters on January 15, 2003, and annually
7 thereafter, on all aspects of water use reporting, data aggregation and the development of
8 water use standards required by this article. That report must summarize water use
9 reporting data on a regional basis and in a manner that does not allow for the
10 identification of any individual user. The report must compare cumulative water use and
11 availability of water in watersheds and assess water use issues and priorities on a
12 watershed basis. The report must also identify any impediments to implementing any of
13 the requirements of this article and any undue impacts of water use policies on water-
14 dependent uses, and must include recommendations for addressing those impediments
15 and may include recommendations on any other aspect of the reporting or water use
16 standards provisions of this article. In preparing these reports, the commissioner shall
17 encourage and assist in establishing regional task forces with cooperating agencies to
18 assess regional water use issues and options for addressing those issues. The
19 commissioner shall also solicit input from the Commissioner of Agriculture, Food and
20 Rural Resources, the Commissioner of Conservation ~~and~~ the Commissioner of Health
21 and Human Services and the chair of the Public Utilities Commission on all aspects of the
22 requirements of this article and shall include in the report all comments and
23 recommendations received from those departments on these requirements.

24 **Sec. 2. 38 MRSA §470-H**, as enacted by PL 2005, c. 330, §12, is amended to
25 read:

26 **§470-H. Water use standards; rules**

27 ~~The~~ Based on the information contained in the annual reports prepared pursuant to
28 section 470-G, the board shall adopt rules that establish water use standards for
29 maintaining in-stream flows and GPA lake or pond water levels that are protective of
30 aquatic life and other uses and that establish criteria for designating watersheds most at
31 risk from cumulative water use. Standards adopted under this section must be based on
32 the natural variation of flows and water levels, allowing variances if use will still be
33 protective of water quality within that classification. ~~Notwithstanding any other section~~
34 of law, the withdrawal of water by a water utility from any water resource from which the
35 utility is allowed to withdraw, including resources allowed by the utility's charter, is
36 deemed protective of water quality and permitted under these rules, as long as such
37 withdrawal is consistent with the sustainable yield for such resource as determined by the
38 drinking water program of the Department of Health and Human Services in consultation
39 with the department and the Public Utilities Commission. Rules adopted under this
40 section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

41

SUMMARY

42 This bill provides that water use standards adopted by the Board of Environmental
43 Protection, as applied to authorized water resources of water utilities in the State, must be

- 1 based on the sustainable yield of such resources as determined by the drinking water
- 2 program of the Department of Health and Human Services.