

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1685

S.P. 592

March 23, 2007

Resolve, To Develop a Comprehensive Water Use Plan for Maine

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 Senators: BARTLETT of Cumberland, DOW of Lincoln, ROTUNDO of Androscoggin, SHERMAN of Aroostook, Representatives: BABBIDGE of Kennebunk, MIRAMANT of Camden, TARDY of Newport.

1 **Sec. 1. Comprehensive water use plan. Resolved:** That the Land and Water
2 Resources Council established in the Maine Revised Statutes, Title 5, section 3331 shall
3 convene the Comprehensive Water Use Plan Steering Committee, referred to in this
4 resolve as "the steering committee." The council shall enter into a contract with a
5 consultant selected by the steering committee to develop a comprehensive water use plan
6 in accordance with section 3, subsection 2; and be it further

7 **Sec. 2. Steering committee membership. Resolved:** That the steering
8 committee consists of:

- 9 1. Appropriate personnel from the following state agencies:
- 10 A. The Department of Conservation, Maine Geological Survey;
 - 11 B. The Department of Agriculture, Food and Rural Resources;
 - 12 C. The Department of Environmental Protection;
 - 13 D. The Maine Land Use Regulation Commission;
 - 14 E. The drinking water program of the Department of Health and Human Services;
 - 15 F. The Public Utilities Commission;
 - 16 G. The Department of Economic and Community Development;
 - 17 H. The Executive Department, State Planning Office;
 - 18 I. The Department of Inland Fisheries and Wildlife; and
 - 19 J. The Department of the Attorney General;
- 20 2. Members of the public with expertise in the following areas:
- 21 A. Agriculture;
 - 22 B. Public water utilities;
 - 23 C. Water law;
 - 24 D. Water bottling and the sale of bottled water;
 - 25 E. Natural resources and the environment;
 - 26 F. Aquaculture;
 - 27 G. Business and commerce;
 - 28 H. Ecology and stream flow analysis;
 - 29 I. Industrial water use; and
 - 30 J. Municipal government;
- 31 3. Members of the Legislature who are appointed as follows:
- 32 A. A member of the Joint Standing Committee on Health and Human Services,
 - 33 appointed by the President of the Senate;

1 B. A member of the Joint Standing Committee on Business, Research and Economic
2 Development, appointed by the President of the Senate;

3 C. A member of the Joint Standing Committee on Natural Resources, appointed by
4 the Speaker of the House of Representatives;

5 D. A member of the Joint Standing Committee on Agriculture, Conservation and
6 Forestry, appointed by the Speaker of the House of Representatives; and

7 E. A member of the Joint Standing Committee on Utilities and Energy, appointed by
8 the Speaker of the House; and

9 4. A representative from:

10 A. The Maine Public Drinking Water Commission; and

11 B. The Maine Agricultural Water Management Board; and be it further

12 **Sec. 3. Duties. Resolved:** That the steering committee shall:

13 1. Develop criteria for hiring a consultant to undertake a study and develop a
14 comprehensive water use plan pursuant to subsection 2;

15 2. Select a consultant to undertake a study and develop a comprehensive total water
16 management plan for the State. In undertaking the study the consultant shall:

17 A. Estimate available surface water and groundwater and estimate future needs of
18 public water systems and residential, agricultural, commercial and industrial water
19 users for the next 50 years;

20 B. Determine flows necessary to maintain healthy populations of indicator organisms
21 based on peer-reviewed studies of the water needs of these organisms in Maine
22 waters;

23 C. Using the flows necessary to maintain healthy populations of indicator organisms,
24 determine which watersheds are at risk from cumulative water use;

25 D. Consider the effect climate change may have on water resources in the State;

26 E. Compare cumulative water use and availability of water in basins and sub-basins
27 and assess water use issues and priorities on a watershed basis as required by the
28 Maine Revised Statutes, Title 38, section 470-G;

29 F. Determine the availability of existing sources of water for public water systems
30 and residential, agricultural, commercial and industrial water users based on criteria
31 and standards established for watersheds at risk from cumulative water use;

32 G. Identify alternative sustainable sources of water supply that need to be developed
33 to meet current needs and needs 50 years into the future of public water systems and
34 residential, agricultural, commercial and industrial water users;

35 H. Estimate the costs of developing sustainable sources of water supply necessary to
36 meet current and future needs for the next 50 years of public water systems and
37 residential, agricultural, commercial and industrial water users;

1 I. Identify policy recommendations that support surface water and groundwater
2 stewardship and conservation including an assessment of the cost, effectiveness and
3 practicality of various water conservation measures;

4 J. Identify potential regional sources of water supply that could be used to
5 accommodate future needs of public water systems and residential, agricultural,
6 commercial and industrial water users;

7 K. Estimate the cost and feasibility of developing regional sources of water supply
8 that could be used to accommodate future needs of municipal water systems and
9 residential, agricultural, commercial and industrial water users;

10 L. Provide recommendations as to how the State should identify and develop
11 incentives for the protection of high-yield aquifers and high-quality surface water
12 sources of supply for future generations;

13 M. Provide an assessment of existing state and local land use and growth
14 management policies to ensure they do not provide disincentives for stewardship;

15 N. Identify additional measures that could be adopted in order to promote
16 stewardship actions that protect future sources of water supply; and

17 O. Develop a total water management plan on a watershed basis.

18 **Sec. 4. Staffing. Resolved:** That the Department of Conservation, Maine
19 Geological Survey shall provide staff assistance to the steering committee and serve as
20 the lead agency on the steering committee; and be it further

21 **Sec. 5. Report. Resolved:** That the Land and Water Resources Council shall
22 submit a final report to the joint standing committee of the Legislature having jurisdiction
23 over natural resources matters no later than January 15, 2009. The final report must
24 include the consultant's recommended comprehensive water use plan developed pursuant
25 to section 3 and any draft legislation necessary to implement the plan. The joint standing
26 committee of the Legislature having jurisdiction over natural resources matters may
27 submit legislation to the First Regular Session of the 124th Legislature in connection with
28 the final report.

29 **SUMMARY**

30 This resolve directs the Land and Water Resources Council to convene the
31 Comprehensive Water Use Plan Steering Committee and to enter into a contract with a
32 consultant selected by the steering committee to develop a comprehensive water use plan.
33 The resolve designates the membership of the committee and the duties that the
34 consultant is required to undertake. The Maine Geological Survey is directed to provide
35 staff assistance to the steering committee and is designated as the lead agency of the
36 steering committee. The Land and Water Resources Council is directed to submit a final
37 report to the Joint Standing Committee on Natural Resources by January 15, 2009. The
38 report must include the consultant's recommended comprehensive water use plan and any
39 draft legislation necessary to implement the plan.