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)

STATE LAW LIBRARY
AUGUSTA, MAINE

124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document **No. 663**

H.P. 477 House of Representatives, February 19, 2009

An Act To Clarify A Municipality's Authority To Pass Ordinances That Govern the Extraction of Groundwater

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SCHATZ of Blue Hill.
Cosponsored by Representative CASAVANT of Biddeford, Senator BOWMAN of York and Representatives: CAMPBELL of Newfield, CORNELL du HOUX of Brunswick.

Printed on recycled paper

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

Sec. 1. 22 MRSA §2660-A, sub-§6 is enacted to read:

6. Municipal ordinances. Nothing in this section limits the authority of a municipality to adopt an ordinance pursuant to Title 30-A, section 3013 regulating the extraction of groundwater within the municipality, even if the requirements of the ordinance are more stringent than the requirements of this section.

Sec. 2. 30-A MRSA §3013 is enacted to read:

§3013. Ordinances relating to groundwater extraction

1. Ordinances. In accordance with the provisions of this chapter, a municipality may adopt an ordinance that regulates the extraction of groundwater within the municipality to protect the health, safety and welfare of the residents of the municipality and to protect the natural resources in the municipality. Nothing in Title 22 or Title 38 limits the authority of a municipality to adopt an ordinance pursuant to this section, even if the requirements of the ordinance are more stringent than the requirements of Title 22 or Title 38.

2. Enforcement. Ordinances adopted pursuant to this section to regulate the extraction of goundwater may be enforced in accordance with the provisions of this chapter.

Sec. 3. 38 MRSA §480-C, sub-§4, as enacted by PL 2007, c. 399, §11, is amended to read:

4. Significant groundwater well. A person may not perform or cause to be performed the establishment or operation of a significant groundwater well without first obtaining a permit from the department. Nothing in this subsection limits the authority of a municipality to adopt an ordinance pursuant to Title 30-A, section 3013 regulating the extraction of groundwater within the municipality, even if the requirements of the ordinance are more stringent than the requirements of this section.

SUMMARY

This bill authorizes municipalities to adopt ordinances regulating groundwater extraction and makes it clear that the laws regarding the transport of water and the establishment of significant groundwater wells do not limit the authority of a municipality to adopt a groundwater extraction ordinance that is more stringent than state law.