

MAINE STATE LEGISLATURE

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Date: 5/27/19

NATURAL RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 913, L.D. 1310, "Resolve, To Establish the Blue Ribbon Commission To Examine the Legal and Policy Implications of Groundwater Extraction"

Amend the resolve by striking out the title and substituting the following:

'Resolve, Relating to a Review of International Trade Agreements and the Management of Groundwater Resources'

Amend the resolve by striking out everything after the title and before the summary and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, obligations under international trade agreements may compromise the ability of the State to manage its groundwater resources; and

Whereas, an examination of the potential legal impacts of international trade agreements on the State's ability to manage its groundwater resources will enable the Legislature to make informed and timely decisions; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Review established. Resolved: That the Water Resources Planning Committee, of the Land and Water Resources Council, established pursuant to the Maine Revised Statutes, Title 5, section 3331, subsection 8, in coordination with the Office of the Attorney General and the Citizen Trade Policy Commission established in Title 5, section 12004-I, subsection 79-A, shall conduct an examination of the potential legal impacts of international trade agreements on the State's ability to manage its groundwater resources, including, but not limited to, the potential consequences of permitting foreign companies to extract groundwater. The examination may include a review and

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R. G. S.

COMMITTEE AMENDMENT "A" to H.P. 913, L.D. 1310

1 assessment of the following subjects as they relate to or impact international trade
2 agreement issues and the State's regulation of its groundwater:

- 3 1. Property rights related to the ownership of groundwater;
- 4 2. The various common law doctrines relating to the use of groundwater, including
5 the absolute dominion rule and the reasonable use rule; and
- 6 3. Natural resources other than groundwater; and be it further

7 **Sec. 2. Experts. Resolved:** That outside funding accepted by the Citizen Trade
8 Policy Commission pursuant to the Maine Revised Statutes, Title 10, section 11,
9 subsection 10 may be used to contract with experts in the field of international trade
10 agreements; and be it further

11 **Sec. 3. Report. Resolved:** That, by January 1, 2010, the Water Resources
12 Planning Committee, in coordination with the Office of the Attorney General and the
13 Citizen Trade Policy Commission, shall submit a report related to the review to the Joint
14 Standing Committee on Natural Resources. The report must include findings,
15 recommendations and any legislation necessary to implement the recommendations. The
16 Joint Standing Committee on Natural Resources is authorized to report out legislation to
17 the Second Regular Session of the 124th Legislature; and be it further

18 **Sec. 4. Appropriations and allocations. Resolved:** That the following
19 appropriations and allocations are made.

20 **LEGISLATURE**

21 **Legislature 0081**

22 Initiative: Provides a base allocation in the event that the Citizen Trade Policy
23 Commission receives outside funding to contract with experts in the field of international
24 trade agreements.

25	OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
26	All Other	\$500	\$0
27			
28	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$500</u>	<u>\$0</u>

29 **Emergency clause.** In view of the emergency cited in the preamble, this
30 legislation takes effect when approved.'

31 **SUMMARY**

32 This amendment replaces the resolve and changes the title. The amendment directs
33 the Water Resources Planning Committee of the Land and Water Resources Council, in
34 coordination with the Office of the Attorney General and the Citizen Trade Policy
35 Commission, to conduct an examination of the potential legal impacts of international
36 trade agreements on the State's ability to manage its groundwater resources. The
37 examination may include a review and assessment of property rights related to the
38 ownership of groundwater, the various common law doctrines relating to groundwater

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1 and issues related to natural resources other than groundwater, as those subjects relate to
2 or impact international trade agreement issues. The amendment authorizes outside
3 funding accepted by the Citizen Trade Policy Commission, pursuant to its current
4 statutory authority to accept outside funding, to be used to contract with experts in the
5 field of international trade agreements. The amendment requires the Water Resources
6 Planning Committee, in coordination with the Office of the Attorney General and the
7 Citizen Trade Policy Commission, to submit a report related to the review to the Joint
8 Standing Committee on Natural Resources by January 1, 2010, and the committee is
9 authorized to report out legislation to the Second Regular Session of the 124th
10 Legislature. The amendment also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 1310

LR 1819(02)

Resolve, To Establish the Blue Ribbon Commission To Examine the Legal and Policy Implications of Groundwater Extraction

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Natural Resources
Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Appropriations/Allocations				
Other Special Revenue Funds	\$500	\$0	\$0	\$0

Fiscal Detail and Notes

This Resolve authorizes the Citizen Trade Policy Commission to use outside funding to contract with experts in the field of international trade agreements to assist in the review of certain international trade agreements. A base allocation is included to authorize the expenditure of any outside funding received by the commission.

The additional costs to the Department of the Attorney General and the Water Resources Planning Committee related to the review of international trade agreements and other administrative duties can be absorbed by these agencies utilizing existing budgeted resources.