

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 422

H.P. 302

House of Representatives, February 7, 2017

**An Act To Facilitate the Creation of the Maine Water Trust To
Regulate and Protect Maine's Water Supply and To Ensure the
Quantity and Quality of Maine's Drinking Water**

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SYLVESTER of Portland.
Cosponsored by Senator CARSON of Cumberland and Representatives: ACKLEY of
Monmouth, HANDY of Lewiston, HARLOW of Portland, HICKMAN of Winthrop,
McCREIGHT of Harpswell, SPEAR of South Thomaston, Senators: CHIPMAN of
Cumberland, JACKSON of Aroostook.

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

2 **Sec. 1. 35-A MRSA §6109-C** is enacted to read:

3 **§6109-C. Moratorium on new contracts or agreements for large-scale extraction of**
4 **groundwater**

5 Notwithstanding any provision of law to the contrary, beginning November 1, 2017, a
6 consumer-owned water utility, municipality, state agency or other governmental entity
7 may not enter into a contract or agreement with another entity that involves the extraction
8 of more than 75,000 gallons of groundwater during any week or more than 50,000 gallons
9 of groundwater on any day, except if such groundwater is to be extracted solely for
10 agricultural use or storage for agricultural use. This section does not affect the validity or
11 operation of any contract or agreement entered into by a consumer-owned water utility,
12 municipality, state agency or other governmental entity prior to November 1, 2017.

13 This section is repealed October 31, 2019.

14 **Sec. 2. Working group to develop Maine Water Trust; Commissioner of**
15 **Environmental Protection report to Legislature.** Notwithstanding Joint Rule 353,
16 the Commissioner of Environmental Protection shall convene a working group to develop
17 and submit to the Legislature recommendations for the establishment of the Maine Water
18 Trust, referred to in this section as "the trust." No later than November 1, 2017, the
19 commissioner or the commissioner's designee shall convene the first meeting of the
20 working group.

21 **1. Members.** The working group consists of the following members:

- 22 A. The Commissioner of Environmental Protection or the commissioner's designee;
- 23 B. Two members of the Joint Standing Committee on Environment and Natural
24 Resources, one appointed by the President of the Senate and one appointed by the
25 Speaker of the House of Representatives;
- 26 C. A member of the Senate, appointed by the President of the Senate, and a member
27 of the House of Representatives, appointed by the Speaker of the House of
28 Representatives; and
- 29 D. Six members appointed by the Commissioner of Environmental Protection as
30 follows:
- 31 (1) A geologist or hydrologist not employed by the State;
- 32 (2) An individual with expertise in farming or agriculture;
- 33 (3) Two representatives of environmental advocacy organizations operating in
34 the State; and
- 35 (4) Two members of the general public with an interest in the development of a
36 statewide groundwater trust.

37 **2. Duties.** The working group shall develop the statutory and regulatory framework
38 necessary for the establishment of the trust, including laws establishing the absolute

1 control and dominion of the State, in the form of the trust, over all groundwater in the
2 State. The working group must ensure that the trust is designed to accomplish the
3 following purposes:

4 A. Determine and monitor the levels and quantities of groundwater necessary to
5 provide a safe and plentiful drinking water supply to all residents of the State;

6 B. Determine and monitor the quantities of groundwater that may be accessed by
7 private entities for commercial use;

8 C. Permit or otherwise regulate the use of groundwater for commercial purposes; and

9 D. Inventory and address issues with the water infrastructure of the State, including
10 municipal drinking water and wastewater pipelines and associated systems.

11 **3. Report.** On or before January 15, 2019, the Commissioner of Environmental
12 Protection shall report the recommendations of the working group, including any
13 proposals for statutory or regulatory changes necessary to establish the trust in
14 accordance with section 2, to the joint standing committee of the Legislature having
15 jurisdiction over environment and natural resources matters. After reviewing the report,
16 the committee may report out a bill to implement recommendations contained in the
17 report to the First Regular Session of the 129th Legislature.

18 SUMMARY

19 This bill imposes a 2-year moratorium, beginning November 1, 2017, on new
20 contracts or agreements by a consumer-owned water utility, municipality, state agency or
21 other governmental entity involving the extraction of more than 75,000 gallons of
22 groundwater during any week or more than 50,000 gallons of groundwater on any day.
23 The bill also directs the Commissioner of Environmental Protection to convene a working
24 group to develop the statutory and regulatory framework for the establishment of the
25 Maine Water Trust, which must be designed to ensure a safe and plentiful drinking water
26 supply to all residents of the State by regulating the use of groundwater for commercial
27 purposes under laws that establish the absolute control and dominion of the State over all
28 groundwater supplies in the State. The commissioner must, on or before January 15,
29 2019, report the recommendations of the working group to the joint standing committee
30 of the Legislature having jurisdiction over environment and natural resources matters,
31 which may report out a bill to implement those recommendations to the First Regular
32 Session of the 129th Legislature.