

MAINE STATE LEGISLATURE

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ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 477, L.D. 686, Bill, "An Act To Remove Restrictions on the Membership of Regional Water Councils"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 35-A MRSA §6801, as enacted by PL 2005, c. 209, §1, is amended to read:

§6801. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Regional water council. "Regional water council" means a nonprofit corporation established for the benefit of 2 or more ~~water utilities~~ water-related entities pursuant to this chapter, where at least one of the organizing members is a water utility.

2. Water-related entity. "Water-related entity" means a water utility or a municipal or quasi-municipal entity owning, controlling, operating or managing sewer, sanitary or storm water works.

Sec. 2. 35-A MRSA §6802, as enacted by PL 2005, c. 209, §1, is amended to read:

§6802. Regional water councils authorized

Two or more ~~water utilities~~ water-related entities may organize a regional water council by forming a nonprofit corporation under Title 13-B, ~~the~~ as long as one of the organizing members is a water utility. The membership of ~~which~~ a regional water council is restricted to ~~water utilities~~ water-related entities. A water utility is not required to become a member of a regional water council.

Sec. 3. 35-A MRSA §6803, as enacted by PL 2005, c. 209, §1, is amended to read:

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§6803. Council organization

The organizational documents of a regional water council must provide for representation of each member. The documents must specify the organizational structure, the method of withdrawal, the method of terminating the council and the grounds for suspension of ~~member water utilities~~ members.

Sec. 4. 35-A MRSA §6804, sub-§1, ¶D, as enacted by PL 2005, c. 209, §1, is amended to read:

D. Exercise its powers and authority as a nonprofit corporation under Title 13-B as necessary or desirable for dealing with issues of local or regional significance to its members, except that it may not exercise any power or authority that would cause the regional water council to become a ~~water utility~~ water-related entity within this State.

Sec. 5. 35-A MRSA §6807, as enacted by PL 2005, c. 209, §1, is amended to read:

§6807. Finances; annual report

1. Expenses. The ~~member water utilities~~ members of a regional water council may contribute funds to meet the expenses of the council. Services of personnel, use of equipment and office space and other necessary services may be accepted from members as part of their financial support.

2. Funds; limitation. A regional water council may accept funds, grants, gifts and services from:

- A. The Federal Government;
- B. The State or its departments, agencies or instrumentalities;
- C. Any governmental unit not specified in paragraph A or B, whether participating in the regional water council or not; and
- D. Private and public sources.

A fund, grant, gift or service of the State or its departments, agencies or instrumentalities otherwise available to ~~water utilities~~ water-related entities may not be made conditional on a ~~water utility's~~ water-related entity's membership in a regional water council.

3. Report. A regional water council shall make an annual report ~~of its~~ including a statement of financial activities to the member ~~utilities~~ water-related entities. The report must be filed with the Public Utilities Commission and the drinking water program of the Department of Health and Human Services.'

SUMMARY

This amendment strikes and replaces the bill. It defines "water-related entity" as a water utility or a municipal or quasi-municipal entity owning, controlling, operating or managing sewer, sanitary or storm water works. It allows for a water-related entity to be a member of a regional water council and requires that one of the members of a regional water council be a water utility. It requires that a regional water council provide a statement of its financial activities to the member water-related entities and requires that

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the statement must also be filed with the Public Utilities Commission and the drinking water program of the Department of Health and Human Services.