

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 211

H.P. 132

House of Representatives, January 20, 2023

An Act to Amend the Laws Governing Water Supply Protection Funds

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 FAY of Raymond.
Cosponsored by Senator BENNETT of Oxford and
Representatives: BOYLE of Gorham, CARLOW of Buxton, KUHN of Falmouth, MILLETT
of Waterford, PRINGLE of Windham, SKOLD of Portland, TERRY of Gorham, Senator:
NANGLE of Cumberland.

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

2 **Sec. 1. 35-A MRSA §6113, sub-§3**, as enacted by PL 1993, c. 30, §1 and amended
3 by PL 2003, c. 689, Pt. B, §6, is further amended to read:

4 **3. Use of water supply protection fund.** Except as provided in subsection 4, a water
5 supply protection fund may be used by a consumer-owned water utility only for the
6 acquisition, by itself or by the holder of a conservation easement, of interests in real
7 property reasonably necessary for the protection of a public water supply, including, but
8 not limited to, the acquisition of conservation easements, access easements, other
9 permanent interests in land or long-term leases of at least 99 years and 3rd-party rights of
10 enforcement of a conservation easement. For purposes of this subsection, "protection of
11 public water supply" includes watershed protection, groundwater protection or wellhead
12 protection reasonably necessary to minimize the potential for contamination of the
13 consumer-owned water utility's water supply. If the consumer-owned water utility has
14 adopted a watershed control program pursuant to 40 Code of Federal Regulations, Section
15 141.71 and that program has been approved by the Department of Health and Human
16 Services, any expenditures from the water supply protection fund pursuant to this section
17 for the purposes of watershed protection must be in conformity with that watershed control
18 program. For purposes of this subsection, "conservation easement" has the same meaning
19 as in Title 33, section 476, subsection 1; "holder" has the same meaning as in Title 33,
20 section 476, subsection 2; and "3rd-party right of enforcement" has the same meaning as
21 in Title 33, section 476, subsection 4.

22 **SUMMARY**

23 This bill allows a water supply protection fund established by a consumer-owned water
24 utility to be used by the holder of a conservation easement. It also allows a water supply
25 protection fund to be used for the acquisition of 3rd-party rights of enforcement of a
26 conservation easement.