

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 854

H.P. 544

House of Representatives, February 23, 2023

**An Act to Fund the Protection and Restoration of Riparian and
Estuarine Ecosystems and to Impose an Excise Tax on Certain
Bottled Water Operators**

Reference to the Committee on Taxation suggested and ordered printed.

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

ROBERT B. HUNT

Clerk

Presented by Representative SAYRE of Kennebunk.
Cosponsored by Representatives: ANKELES of Brunswick, GRAMLICH of Old Orchard
Beach, JAUCH of Topsham, PERRY of Bangor, Senators: BEEBE-CENTER of Knox,
TIPPING of Penobscot.

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

2 **Sec. 1. 5 MRSA §6203, sub-§3, ¶A-1** is enacted to read:

3 A-1. Acquire, restore or protect riparian or estuarine lands in the State that are essential
4 to protecting aquifers, surface waters or intertidal waters on which human and natural
5 communities depend;

6 **Sec. 2. 36 MRSA c. 368** is enacted to read:

7 **CHAPTER 368**

8 **EXTRACTION OF WATER FOR COMMERCIAL BOTTLING**

9 **§2731. Bottled water operator defined**

10 As used in this chapter, unless the context otherwise indicates, "bottled water operator"
11 means a person engaged in the business of bottling or packaging water for sale.

12 **§2732. Excise tax**

13 **1. Imposition of tax.** Beginning with the extraction of water occurring on or after
14 November 1, 2023, an excise tax is imposed for the privilege of engaging in the business
15 of extracting water on each bottled water operator that extracted more than 1,500,000
16 gallons of groundwater or surface water from springs or other underground sources within
17 the State in the previous calendar year for commercial bottling for sale.

18 **2. Rate of tax.** The excise tax under subsection 1 is imposed at a rate of 5¢ per gallon
19 of water extracted in the State.

20 **3. Payment.** Each bottled water operator shall prepare and submit to the assessor by
21 the 15th of each month a return according to procedures and schedules specified by the
22 assessor reporting the total gallons of water extracted for bottling during the preceding
23 month and other information required by the assessor and shall pay the excise tax under
24 this section each month to the assessor at the time the report is submitted.

25 **4. Transfer; purpose.** On the 15th of each month, the assessor shall transfer the total
26 funds received under subsection 3 to the Land for Maine's Future Fund established in Title
27 5, section 6203. The funds transferred pursuant to this subsection must be used for the
28 purposes identified in Title 5, section 6203, subsection 3, paragraph A-1.

29 **5. Records.** A bottled water operator shall preserve for a period of at least 3 years a
30 record of the amount of all water extracted in this State by that bottled water operator during
31 that period.

32 **§2733. Rules**

33 The department may adopt rules to implement this chapter. Rules adopted pursuant to
34 this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

35 **Sec. 3. Application.** That section of this Act that enacts the Maine Revised Statutes,
36 Title 36, chapter 368 applies to bottled water operators that extracted more than 1,500,000
37 gallons of water in the State in a calendar year beginning with 2022.

SUMMARY

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This bill creates an excise tax of 5¢ per gallon on the extraction of groundwater or surface water for commercial bottling for sale and allocates the funds to the Land for Maine's Future Fund to acquire, restore or protect riparian or estuarine lands in the State that are essential to protecting aquifers, surface waters or intertidal waters on which human and natural communities depend.