

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1081

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S.P. 450

In Senate, March 9, 2023

**An Act to Impose a Fee on Commercial Water Withdrawn from  
Lakes and Ponds to Fund Conservation Efforts and Prohibit a Fee  
on the Sale of Water Withdrawn from a Lake or Pond**

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Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator POULIOT of Kennebec.  
Cosponsored by Representative SMITH of Palermo and  
Senator: BRENNER of Cumberland.

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

2 **Sec. 1. 10 MRSA c. 208-C** is enacted to read:

3 **CHAPTER 208-C**

4 **SALE OF WATER IN BULK**

5 **§1299. Sale of water in bulk**

6 A person selling water that is withdrawn from a lake or pond in this State may not  
7 charge a fee for water that is delivered in bulk. A person selling water that is withdrawn  
8 from a lake or pond in this State may charge a reasonable delivery fee for that water when  
9 it is delivered in bulk.

10 **Sec. 2. 38 MRSA §1844** is enacted to read:

11 **§1844. Lake conservation program**

12 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
13 following terms have the following meanings.

14 A. "Lake association" means a nonprofit organization incorporated under state law the  
15 corporate purpose of which includes maintenance or improvement of water quality or  
16 public safety on a lake or pond, management of water levels or other social,  
17 educational, stewardship or advocacy efforts to benefit users of or the natural  
18 environment of a lake or pond.

19 B. "Production fee" means the fee authorized by subsection 2.

20 C. "Program" means the program established under subsection 4.

21 **2. Production fee.** The department shall impose a production fee on water withdrawn  
22 from a lake or pond for commercial purposes at a rate of 10% of the retail price of the water  
23 withdrawn.

24 **3. Disposition of fees; account.** A production fee collected under this section must be  
25 deposited in a nonlapsing Other Special Revenue Funds account to be used only for the  
26 purposes of the program. This account may receive money from grants, gifts, bequests and  
27 donations.

28 **4. Lake conservation program.** The department shall develop and implement a  
29 program to provide grants to lake associations for conservation efforts. The department  
30 may give grants to lake associations in an amount equal to the total amount of the  
31 production fees collected for the water withdrawn from the lake or pond served by the lake  
32 association. Grant money awarded under this section may be used only for conservation  
33 efforts by the lake association.

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

**SUMMARY**

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This bill prohibits a person from charging a fee for water withdrawn from a lake or pond in the State and allows a delivery fee for that water. The bill requires the Department of Environmental Protection to impose a production fee on water withdrawn from a lake or pond for commercial purposes and directs the department to use the money collected to give grants to lake associations for conservation efforts.