

# MAINE STATE LEGISLATURE

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MINORITY

L.D. 1111

Date: 2/5/24

(Filing No. H- 739)

**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 707, L.D. 1111, "An Act Concerning Contracts and Agreement for Large-scale Water Extraction"

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

'Sec. 1. 35-A MRSA §6109-B, as amended by PL 2013, c. 381, Pt. B, §31, is further amended to read:

**§6109-B. Contracts for large-scale extraction and transportation of water**

Except as provided in subsection 5, this section governs any contract or agreement between a ~~consumer-owned~~ water utility and another entity that involves the large-scale extraction of water and the large-scale transportation of water.

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

A. "Large-scale extraction of water" means the extraction of water that is required to be permitted, certified, reported or approved pursuant to:

- (1) The in-stream flow provisions of Title 38, section 470-H;
- (2) The requirements for significant groundwater wells under Title 38, section 480-B;
- (3) The site location of development law requirements for a development of state or regional significance that may substantially affect the environment as provided in Title 38, section 482, subsection 2; or
- (4) The water withdrawal reporting program under Title 38, chapter 3, subchapter 1, article 4-B.

B. "Large-scale transportation of water" means the transportation of water for commercial purposes by pipeline or other conduit or by tank vehicle or in a container, greater in size than 10 gallons, beyond the boundaries of the municipality or township in which the water is naturally located or of any bordering municipality or township.

**COMMITTEE AMENDMENT**

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**1-A. Contract limitations; water utilities.** A water utility may not enter into a contract or agreement for the large-scale extraction of water and the large-scale transportation of water with a term longer than 10 years. Notwithstanding subsection 5, paragraph A, subparagraph (1), the requirements of this subsection apply when the entity entering into the agreement or contract with the water utility is an existing customer of the water utility.

**2. Public meeting required; consumer-owned water utility.** A consumer-owned water utility may not enter into a contract or agreement subject to this section until at least 30 days after holding a public meeting on the proposed contract or agreement in accordance with this subsection. The public meeting must include:

- A. A presentation by the consumer-owned water utility of the terms and conditions of the proposed contract or agreement and the criteria to be used by the utility to decide whether to enter into the contract or agreement; and
- B. An opportunity for public comment on the proposed contract or agreement.

**3. Public notice required; consumer-owned water utility.** The consumer-owned water utility shall, at least 30 days prior to the public meeting required under subsection 2, give written notice of the public meeting and the proposed contract or agreement in accordance with this subsection. The notice must include the date, time, place and purpose of the meeting.

- A. The consumer-owned water utility shall give one written notice to each of its customers.
- B. The consumer-owned water utility shall give written notice to the commission, the Office of the Public Advocate and the municipality or municipalities where the source of water is located.
- C. The consumer-owned water utility shall publish one notice in a newspaper of general circulation in the area served by the consumer-owned water utility.

**4. Copy available for inspection; consumer-owned water utility.** Prior to the public meeting required under subsection 2, the consumer-owned water utility shall make available for public inspection a copy of the proposed contract or agreement.

**5. Exceptions.** ~~This~~ Except as provided in subsection 1-A, this section does not apply to a contract or agreement between a ~~consumer-owned~~ water utility and another entity that involves the large-scale extraction of water and the large-scale transportation of water when:

- A. The entity entering into a contract or agreement with the ~~consumer-owned~~ water utility is:
  - (1) An existing customer of the ~~consumer-owned~~ water utility; or
  - (2) A water utility; or
- B. The large-scale transportation of water meets the exceptions provided in Title 22, section 2660-A, subsection 2, paragraph B, C or D.

**6. Rulemaking.** The commission may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

# COMMITTEE AMENDMENT

ROS

1 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
2 number to read consecutively.

3 **SUMMARY**

4 This amendment replaces the bill. It amends the laws concerning contracts for large-  
5 scale extraction and transportation of water to prohibit a water utility from entering into a  
6 contract or agreement for the large-scale extraction of water and the large-scale  
7 transportation of water for a term of more than 10 years and makes the prohibition  
8 applicable to existing customers of the water utility. The amendment also broadens the  
9 scope of this provision to apply to all water utilities rather than specifically to consumer-  
10 owned water utilities. The amendment clarifies certain headnotes for provisions that apply  
11 to only consumer-owned water utilities.