

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1441

H.P. 937

House of Representatives, March 30, 2023

An Act to Enhance State Oversight of Water Use and Water Resources

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative SAYRE of Kennebunk.
Cosponsored by Representative BELL of Yarmouth, Senator CHIPMAN of Cumberland and Representatives: ANKELES of Brunswick, COLLINGS of Portland, GRAMLICH of Old Orchard Beach, JAUCH of Topsham, MALON of Biddeford.

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

2 **Sec. 1. 5 MRSA §6401, sub-§1, ¶B**, as enacted by PL 2019, c. 67, §1, is amended
3 to read:

4 B. The committee shall meet at least quarterly and ~~report annually to the Department~~
5 ~~of Agriculture, Conservation and Forestry, beginning in August 2020. The committee~~
6 shall plan for the sustainable use of water resources. ~~The committee shall focus on by:~~

- 7 (1) Collecting and reviewing information regarding water withdrawal activities;
- 8 (2) Coordinating state water resources information, developing measures to
9 provide for the consolidation and centralization of collected state water resources
10 information within a single state agency, ensuring public access to that information
11 and identifying opportunities and resources to enhance or supplement the
12 collection of state water resources information; and
- 13 (3) Identifying watersheds at risk by refining the most recent analysis of
14 watersheds at risk performed by the Bureau of Resource Information and Land Use
15 Planning, Division of Geology, Natural Areas and Coastal Resources, Maine
16 Geological Survey, including:
- 17 (a) Conducting appropriate water resources investigations in watersheds at
18 risk;
- 19 (b) Considering projected increased water use by population, agricultural
20 irrigation, commercial users, industrial users and other users;
- 21 (c) Considering seasonal use;
- 22 (d) Considering potential effects of climate change;
- 23 (e) Considering the effects of anticipated future water quality classification
24 changes on the availability of water for withdrawal;
- 25 (f) In establishing priorities for further investigations, seeking input from the
26 user community, from towns dealing with multimunicipal aquifers and from
27 towns with significant local aquifers; and
- 28 (g) Developing guidelines for consistency in further investigations; and
- 29 (4) Identifying measures to enhance or supplement the State's monitoring of and
30 data collection regarding water use and water resources and the support of that data
31 and, as necessary, identifying funding opportunities to support those measures.

32 **Sec. 2. 5 MRSA §6401, sub-§1, ¶E** is enacted to read:

33 E. Beginning January 15, 2024, and annually thereafter, the committee shall submit a
34 report to the Department of Agriculture, Conservation and Forestry and to the joint
35 standing committees of the Legislature having jurisdiction over agriculture,
36 conservation and forestry matters; environment and natural resources matters; energy
37 and utilities matters; and health and human services matters. The report must include a
38 summary of the committee's activities during the prior calendar year and any findings
39 and recommendations, including any suggested legislation, relating to the committee's
40 duties under paragraphs B and C. After reviewing the report, each joint standing

1 committee may report out legislation to implement any of the recommendations
2 included in the report.

3 **Sec. 3. 7 MRSA §352, sub-§2, ¶D**, as enacted by PL 2005, c. 559, §2, is amended
4 to read:

5 D. Use data generated by water withdrawal reports under Title 38, section 470-D and
6 other available information to prioritize watersheds needing alternative water sources
7 for agricultural use and the allocation of funding; ~~and~~

8 **Sec. 4. 7 MRSA §352, sub-§2, ¶E**, as enacted by PL 2005, c. 559, §2, is amended
9 to read:

10 E. Facilitate the implementation of the sustainable agricultural water source program
11 under section 353-: and

12 **Sec. 5. 7 MRSA §352, sub-§2, ¶F** is enacted to read:

13 F. Develop recommendations for measures to enhance drought preparedness and
14 drought resilience by agricultural producers, including, but not limited to, improved
15 water capture and storage measures, enhanced irrigation opportunities and measures to
16 better identify and notify agricultural producers about areas where there is low flow
17 and occurrences of low flow. For the purposes of this paragraph, "low flow" means
18 the flow of water in a stream is low due to prolonged dry weather.

19 **Sec. 6. 7 MRSA §352, sub-§8** is enacted to read:

20 **8. Report.** Beginning January 15, 2024, and annually thereafter, the board shall
21 submit a report to the joint standing committees of the Legislature having jurisdiction over
22 agriculture, conservation and forestry matters and environment and natural resources
23 matters. The report must include a summary of the board's activities during the prior
24 calendar year and any findings and recommendations, including any suggested legislation,
25 relating to the board's duties under subsections 2 and 3. After reviewing the report, each
26 joint standing committee may report out legislation to implement any of the
27 recommendations included in the report.

28 **SUMMARY**

29 This bill amends the duties of the Water Resources Planning Committee within the
30 Department of Agriculture, Conservation and Forestry to include developing measures for
31 the consolidation and centralization of collected state water resources information within a
32 single state agency, ensuring public access to that information, identifying opportunities
33 and resources to enhance or supplement the collection of state water resources information
34 and enhancing or supplementing the State's monitoring of and data collection regarding
35 water use and water resources. It also requires the committee, beginning January 15, 2024,
36 to annually submit a report to the department and to the joint standing committees of the
37 Legislature having jurisdiction over agriculture, conservation and forestry matters;
38 environment and natural resources matters; energy and utilities matters; and health and
39 human services matters. The report must include a summary of the committee's activities
40 during the prior calendar year and any findings and recommendations, including any
41 suggested legislation, and each joint standing committee may report out legislation to
42 implement any of the recommendations included in the report.

1 The bill also amends the duties of the Maine Agricultural Water Management Board
2 within the department to include developing recommendations for measures to enhance
3 drought preparedness and drought resilience by agricultural producers. It also requires the
4 board, beginning January 15, 2024, to annually submit a report to the joint standing
5 committees of the Legislature having jurisdiction over agriculture, conservation and
6 forestry matters and environment and natural resources matters. The report must include a
7 summary of the board's activities during the prior calendar year and any findings and
8 recommendations, including any suggested legislation, and each joint standing committee
9 may report out legislation to implement any of the recommendations included in the report.