

131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1641

H.P. 1051

House of Representatives, April 12, 2023

Resolve, to Further Study the Role of Water as a Resource

Reference to the Committee on Taxation suggested and ordered printed.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative SAYRE of Kennebunk. Cosponsored by Senator CHIPMAN of Cumberland and Representatives: BELL of Yarmouth, GRAMLICH of Old Orchard Beach, JAUCH of Topsham, OSHER of Orono.

- **Sec. 1. Commission established. Resolved:** That the Commission to Study the Role of Water as a Resource in the State of Maine, referred to in this resolve as "the commission," is established.
 - **Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule 353, the commission consists of 17 members:
 - 1. Seven members appointed by the President of the Senate as follows:
 - A. Two members of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
 - B. One member of the public residing in northern Maine;

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- 10 C. One member representing the interests of persons who bottle or package water for commercial sale;
 - D. One member representing the interests of municipal water utilities; and
- E. Two members who are members of federally recognized Indian nations, tribes or bands in the State based on the joint recommendation of the tribal governments of the Mi'kmaq Nation, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. If the tribal governments do not make unanimous joint recommendations, the President of the Senate shall appoint 2 members of federally recognized Indian nations, tribes or bands in the State;
 - 2. Six members appointed by the Speaker of the House of Representatives as follows:
- A. Two members of the House of Representatives, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
 - B. One member of the public residing in western Maine;
 - C. One member representing the interests of businesses that use water to irrigate agricultural products;
 - D. One member representing organizations involved in the protection of the environment; and
 - E. One member with general legal expertise in water rights and water ownership;
- 29 3. The Commissioner of Environmental Protection or the commissioner's designee;
 - 4. The State Geologist or the State Geologist's designee;
 - 5. The director of the drinking water program within the Department of Health and Human Services, Maine Center for Disease Control and Prevention, division of environmental health or the director's designee; and
 - 6. The chair of the Public Utilities Commission or the chair's designee.
 - **Sec. 3. Chairs; quorum. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission. A quorum is 9 members and a quorum must be present to start a meeting but is not required to continue a meeting.

- **Sec. 4. Appointments; convening of commission. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.
- **Sec. 5. Duties. Resolved:** That the commission shall review the report submitted to the Legislature by the Commission to Study the Role of Water as a Resource in the State of Maine pursuant to Resolve 2021, chapter 185. The commission shall develop findings and recommendations, including any suggested legislation, to ensure that there is adequate clean, safe and accessible drinking water for the State's residents and to meet the needs of commercial and business interests now and in the future, which may include, but are not limited to, consideration of the following matters:
- 1. Promoting public access to information about the State's water resources; consolidating and centralizing access to existing water use and water resources data; and enhancing or supplementing water use and water resources monitoring and data collection and the analysis of that data;
- 2. Enhancing drought preparedness and drought resilience by agricultural producers and others;
- 3. Reviewing the legal status of groundwater rights and ownership in Maine, including, but not limited to, further review of the Law Court's opinion in *Maddocks v. Giles*, 1999 ME 63, 728 A.2d 150, and the approaches to this issue taken by other states;
- 4. Protecting public and private drinking water sources from perfluoroalkyl and polyfluoroalkyl substances contamination and other contaminants; and
- 5. Identifying any changes to state laws or rules regulating the large-scale extraction of groundwater for public or private use that may be necessary to ensure adequate supply for all users.
- **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.
- **Sec. 7. Report. Resolved:** That, no later than December 15, 2023, the commission shall submit a report that includes its findings and recommendations, including any suggested legislation, to the joint standing committee of the Legislature having jurisdiction over taxation matters. After reviewing the report, the joint standing committee may report out legislation related to the report to the Second Regular Session of the 131st Legislature.

38 SUMMARY

This resolve establishes the Commission to Study the Role of Water as a Resource in the State of Maine to develop findings and recommendations, including any suggested legislation, to ensure that there is adequate clean, safe and accessible drinking water for the State's residents and to meet the needs of commercial and business interests now and in the future. This study is designed to build off the work of the Commission to Study the Role

1 2	of Water as a Resource in the State of Maine that was established pursuant to Resolve 2021, chapter 185.