

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure the Availability of Public Drinking Water Supplies

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

Sec. 1. 38 MRS §470-G, as enacted by PL 2001, c. 619, §1 and amended by PL 2003, c. 689, Pt. B, §7 is further amended to read:

§ 470-G. Report to Legislature

The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on January 15, 2003, and annually thereafter, on all aspects of water use reporting, data aggregation and the development of water use standards required by this article. That report must summarize water use reporting data on a regional basis and in a manner that does not allow for the identification of any individual user. The report must compare cumulative water use and availability of water in watersheds and assess water use issues and priorities on a watershed basis. The report must also identify any impediments to implementing any of the requirements of this article and any undue impacts of water use policies on water-dependent uses, and must include recommendations for addressing those impediments and may include recommendations on any other aspect of the reporting or water use standards provisions of this article. In preparing these reports, the commissioner shall encourage and assist in establishing regional task forces with cooperating agencies to assess regional water use issues and options for addressing those issues. The commissioner shall also solicit input from the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation and, the Commissioner of Health and Human Services and the chair of the Public Utilities Commission on all aspects of the requirements of this article and shall include in the report all comments and recommendations received from those departments on these requirements.

Sec. 2. 38 MRS §470-H, as enacted by PL 2005, c. 330, §12, is amended to read:

§ 470-H. Water use standards; rules

TheBased on the information contained in the annual reports prepared pursuant to section 470-G, the board shall adopt rules that establish water use standards for maintaining in-stream flows and GPA lake or pond water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use. Standards adopted under this section must be based on the natural variation of flows and water levels, allowing variances if use will still be protective of water quality within that classification. Notwithstanding any other section of law, the withdrawal of water by a water utility from any water resource from which the utility is allowed to withdraw, including resources allowed by the utility's charter, is deemed protective of water quality and permitted under these rules, as long as such withdrawal is consistent with the sustainable yield for such resource as determined by the drinking water program of the Department of Health and Human Services in consultation with the department and the Public Utilities Commission. Rules adopted under this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

LD 2070, item 1122nd Maine State Legislature
An Act To Ensure the Availability of Public Drinking Water Supplies

This bill provides that water use standards adopted by the Board of Environmental Protection, as applied to authorized water resources of water utilities in the State, must be based on the sustainable yield of such resources as determined by the drinking water program of the Department of Health and Human Services.