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An Act To Regulate Hydraulic Fracturing To Prevent Threats to Maine's Drinking Water

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Maine's drinking water is an important resource for the citizens of the State; and

Whereas, hydraulic fracturing has the potential to affect drinking water resources; and

Whereas, it is necessary to enact regulations immediately that preserve Maine's drinking water resources; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 38 MRSA c. 3, sub-c. 1, art. 10 is enacted to read:

ARTICLE 10

HYDRAULIC FRACTURING

§ 490-WW. Administration; rules

The department shall adopt rules regulating hydraulic fracturing in order to prevent threats to drinking water resources from hydraulic fracturing. Rules adopted or amended pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. A person may not engage in hydraulic fracturing in violation of rules adopted under this section.

For the purposes of this section, "hydraulic fracturing" means a stimulation technique used to increase production of oil and gas involving the injection of fluids under pressures great enough to fracture the oil-producing and gas-producing rock formations.

Sec. 2. Rules. The Department of Environmental Protection shall provisionally adopt rules pursuant to the Maine Revised Statutes, Title 38, section 490-WW and submit those rules to the Legislature by December 31, 2017.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill requires the Department of Environmental Protection to provisionally adopt major substantive rules by December 31, 2017 regulating hydraulic fracturing in order to prevent threats to drinking water resources from hydraulic fracturing.