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Date: (Filing No. H-)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 132, L.D. 211, “An Act to Amend the Laws Governing Water Supply Protection Funds”

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

'Sec. 1. 35-A MRSA §6113, sub-§3, as enacted by PL 1993, c. 30, §1 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

3. Use of water supply protection fund. Except as provided in subsection 4, a water supply protection fund may be used by a consumer-owned water utility only ~~for the acquisition of interests in real property reasonably necessary~~ for the protection of a public water supply in accordance with this subsection. A consumer-owned water utility may use a water supply protection fund to acquire interests in real property reasonably necessary for the protection of the public water supply, including, but not limited to, the acquisition of conservation easements, access easements, other permanent interests in land or long-term leases of at least 99 years. A consumer-owned water utility may also use a water supply protection fund to assist a holder in acquiring a fee interest in real property or a conservation easement if that acquisition is reasonably likely to result in or contribute to the protection of a public water supply. If a consumer-owned water utility assists a holder in acquiring a conservation easement and the utility does not acquire through the transaction a fee interest in the property, consumer-owned water utility shall obtain a 3rd-party right of enforcement with respect to that easement. If a consumer-owned water utility assists a holder in acquiring a fee interest in real property, the utility shall acquire a conservation easement unless the holder conveys a conservation easement to another holder, in which case the utility shall obtain a 3rd-party right of enforcement with respect to that conservation easement. For purposes of this subsection, "protection of public water supply" includes watershed protection, groundwater protection or wellhead protection reasonably necessary to minimize the potential for contamination of the consumer-owned water utility's water supply. If the consumer-owned water utility has adopted a watershed control program pursuant to 40 Code of Federal Regulations, Section 141.71 and that program has been approved by the Department of Health and Human Services, any

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1 expenditures from the water supply protection fund pursuant to this section for the purposes
2 of watershed protection must be in conformity with that watershed control program. For
3 purposes of this subsection, "conservation easement" has the same meaning as in Title 33,
4 section 476, subsection 1; "holder" has the same meaning as in Title 33, section 476,
5 subsection 2; and "3rd-party right of enforcement" has the same meaning as in Title 33,
6 section 476, subsection 4.'

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

9 **SUMMARY**

10 This amendment replaces the bill. It provides that a consumer-owned water utility may
11 use water supply protection funds to assist a holder to acquire interests in real property if
12 that acquisition is reasonably likely to result in or contribute to the protection of a public
13 water supply. If a consumer-owned water utility assists a holder in acquiring a conservation
14 easement and the utility does not acquire through the transaction a fee interest in the
15 property, the amendment requires the utility to obtain a 3rd-party right of enforcement with
16 respect to that easement. If a consumer-owned water utility assists a holder in acquiring a
17 fee interest in real property, the utility must acquire a conservation easement unless the
18 holder conveys a conservation easement to another holder, in which case the utility must
19 obtain a 3rd-party right of enforcement with respect to that conservation easement.