

TESTIMONY IN SUPPORT**LD 1111 An Act Concerning Contracts and Agreement for Large-scale Water
Extraction****Joint Committee on Energy, Utilities and Technology****Public Hearing****March 30, 2023**

Chair Senator Lawrence; Chair Representative Zeigler; and Honorable Committee Members:

Thank you for the opportunity to submit testimony **IN SUPPORT of LD 1111** An Act Concerning Contracts and Agreement for Large-scale Water Extraction. My name is Jacquelyn Elliott and I live in Waterboro. My wheelhouse is waste management policy. For almost thirty years I have advocated for policy that protects the environment, public health, and the rights of impacted communities. Waste is a verb and something we choose to do – whether it be what we throw away or how we use our water resources. Clean water resources are of primary importance. Water sustains life and the supply is not infinite and is increasingly fragile due to continued abuse.

Recurring themes in my advocacy over the decades have been the failures of legislation and regulation. In part, that can be attributed to lack of foreknowledge and unforeseen consequences. However, we are gaining knowledge and ignorance can no longer provide an excuse. Looking forward, regulators cannot do what they have no legal basis for doing. Laws provide the necessary structure for how we function together in mutually beneficial ways. Regulations and rules refine the application of those laws. We can allow we are living the reality that our choices matter. As relates to water resources, Maine citizens are experiencing the unfolding nightmare of water contaminated with PFAS forever toxic chemicals. There is a scramble to discover if there are effective ways to reclaim those poisoned waters. That remains an unanswered question. Decision

makers ignored [warnings](#)¹ more than two decades ago to stop spreading waste sludge on our farmlands above our aquifers and groundwater sources. The concerns then were heavy metals such as mercury and lead and pathogens. Even today, we continue to discharge millions of gallons of effluent poisoned with PFAS and other toxics into our rivers with the expectation that we will have a future with clean water resources sufficient to sustain life.

Our precious water resources need our care. Maine is facing periods of drought where wells are going dry and farmers are suffering the hardships of crop failures and challenges to provide water for their livestock. Municipal water supplies have had to institute conservation measures and some communities have been forced to rely on trucked-in water to meet their needs. Large water withdrawals and exportation of Maine's resources are having negative impacts across the State and region and current law does not provide an effective mechanism for municipalities and abutters to have meaningful participation in permitting decisions. The result of current law has been outcomes that are exploitive of Maine's valuable water resources and disregard the rights of many. Adding to the concerns, evidence supports that large withdrawal activities approach near monopolistic status.

Maine should follow the admonition of our motto DIRIGO and consider the future with an informed precautionary and preventative approach. The stakeholder table must represent shared rights directed at sustainability and equality. LD 1111 moves us in a direction where we view our aquifers and groundwater as a shared resource unconstrained by lines on a map or property boundaries. The framework that LD 1111 proposes encourages a democratic process that is locally accountable; engenders

¹ Parnell, Harris K., October 2001, *Toxic Sludge in Our Communities: Threatening Public Health and Our Farmlands*, <https://communityactionworks.org/wp-content/uploads/toxic-sludge-in-our-communities.pdf>

cooperation in a more inclusive management approach; and accommodates the realities of climate disruption.

Decision makers with the power and responsibility have not yet met the challenge of conserving and stewarding Maine's valuable and irreplaceable water resources. Current laws and regulations do not have authority to consider long-term effects of bulk water extraction contracts and leave important unresolved issues unaddressed. Rights of municipalities and abutters are being unreasonably dominated by powerful vested interests. That can no longer be endured. LD 1111 begins the process of shifting the paradigm as well as resolving conflicts of interest involved with the present entities having oversight and regulatory authority and moves them to compliance with federal law.

Thank you for considering my comments and I ask that The Committee vote **OUGHT TO PASS on LD 1111.**

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