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MWUA

MAINE WATER UTILITIES ASSOCIATION

Organized in 1925

February 6, 2025

Honorable Rachel Talbot Ross, Senate Chair
Honorable Bill Pluecker, House Chair
Committee on Agriculture Conservation and Forestry
100 State House Station
Augusta, ME 04333

Re: *Testimony in opposition to LD 183 An Act to Cap Publicly Owned Land Area at No More than 50 Percent of Any County*

Dear Senator Talbot Ross and Representative Pluecker and members of the Committee on Agriculture, Conservation, and Forestry:

The Maine Water Utilities Association (MWUA) appreciates the opportunity to provide the following testimony in opposition to LD 183 An Act to Cap Publicly Owned Land Area at No More than 50 Percent of Any County.

About MWUA. MWUA is a nonprofit association based in Augusta that provides support for water works professionals throughout the State of Maine in advocating for safe drinking water through educational and technical programming as well as advocacy on the local, state, and national level. The Association was formed in 1925 and consists of approximately 86 utility and 60 associate members. Maine's water utilities provide service to approximately 700,000 Maine residents, thousands of Maine businesses and public institutions, and millions of visitors to Maine every year.

Discussion. As drafted, this bill would limit the ability of government entities to acquire interests in land in a given Maine county in situations where the collective ownership interests exceed 50% of the land in a county. When this threshold is reached, no new property interests could be obtained without the support of 2/3 of each house of the Maine legislature, regardless of the reason for the property acquisition, and regardless of the size of the acquisition. The bill covers municipalities, counties, state government, and the federal government.

Our concern with this bill is that units of government acquire property when it is in the public interest, including for new roads and bridges, municipal and state facilities, or new state parks. Something as small as an expanded right of way to improve the safety of a road would be covered under this bill.

In the case of water utilities, some utilities are part of municipal government, some are stand-alone special purpose districts, and some are private companies. Of these three types of systems, only municipal water departments would be impacted under the current wording of the bill. Yet, all three systems need to acquire property from time to time for important purposes, including new or

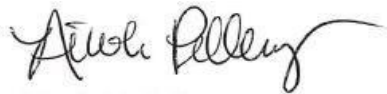


expanded reservoirs, new or expanded water tanks, easements for existing or new water transmission facilities, or new or expanded water treatment plants. Many water utilities actively seek to purchase land around their water sources, whether ground water or surface water, to reduce the risk of contamination entering the water source. When a water system needs to improve or build such important public facilities, or protect its supplies, it would add tremendous cost and uncertainty to need 2/3 support of both houses of the Maine Legislature. And it is not clear why representatives from communities outside a water system should have veto power over property acquisitions that could be hundreds of miles away with no impact whatsoever on the communities served by the representatives voting on the acquisition. of local governments to exercise local control in the interests of their community.

If LD 183 were to pass, land purchase opportunities would likely be lost if a water utility had to wait for legislative approval, and if a supermajority is not obtained, the ability to purchase property would be extinguished regardless of how long it took the Legislature to vote.

Conclusion. This bill unnecessarily jeopardizes water utilities' core mission of providing adequate supplies of safe drinking water. MWUA strongly encourages the Committee to vote LD 183 out ought-not-to pass.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Nicki Pellenz", with a stylized, cursive script.

Nicki Pellenz
Executive Director

cc: Roger Crouse, Chair, MWUA Legislative & Regulatory Affairs Committee
James I. Cohen, Verrill Dana, LLP, Legislative Counsel