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To: Senator Talbot-Ross, Representative Pluecker, and Members of the Committee on Agriculture, Conservation, and Forestry

From: Bradley Sawyer, Deputy Director

Date: February 6, 2025

Re: Testimony Neither For Nor Against L.D. 183, An Act to Cap Publicly Owned Land Area at No More than 50 Percent of Any County

Senator Talbot-Ross, Representative Pluecker, and Members of the Committee on Agriculture, Conservation, and Forestry, thank you for the opportunity to submit testimony today. The Maine Rural Water Association (MRWA) is a member-driven nonprofit organization based in Richmond, dedicated to providing training, technical assistance, and advocacy on behalf of our approximately three hundred members. Much of our membership consists of water and wastewater utilities from across the state, all of whom are deeply committed to ensuring clean, safe drinking water and protecting the environment through the proper treatment of wastewater.

While we take no position for or against this legislation, we wish to highlight potential unintended consequences that could impact Maine's water and wastewater utilities, specifically in relation to source water protection, wellhead protection, and the ability of utilities to obtain and maintain easements for critical infrastructure. Additionally, we are concerned about how the provisions of this bill could affect land ownership dynamics when governmental entities collectively exceed 50% ownership of a given area.

Maine's water utilities are entrusted with the responsibility of ensuring safe and reliable drinking water for communities across the state. A critical part of this responsibility involves protecting drinking water sources from contamination and degradation. Source water protection and wellhead protection areas are carefully managed to safeguard the quality of drinking water before it reaches treatment plants and distribution systems.

Any legislative changes that alter land use policies, impact ownership rights, or introduce new regulatory challenges must be considered in light of their potential effects on these protections. If utilities or municipalities are restricted in their ability to manage land designated for drinking water protection, it could lead to increased risks of contamination, which in turn could necessitate expensive treatment measures or regulatory noncompliance. These concerns should be carefully weighed when evaluating the potential consequences of this bill.

Water and wastewater utilities frequently rely on easements to access and maintain their infrastructure, including treatment facilities, reservoirs, and distribution systems. Easements are fundamental to the long-term stability of utilities, ensuring access for maintenance, upgrades, and emergency repairs. If the provisions in this legislation introduce new barriers to obtaining or retaining easements, utilities may face significant challenges in fulfilling their mission to provide clean and safe drinking water. Additionally, if this bill alters the legal standing of easements or

the priority of land use rights, it could lead to uncertainty and disputes over critical infrastructure access. It is essential that our member utilities have clear and reliable rights to maintain their assets without unnecessary legal or administrative burdens.

Another issue raised by this legislation is the provision that may require the relinquishment of land if governmental entities collectively own more than 50% of a given area. Water utilities often acquire land for source water protection, wellhead protection, and infrastructure development — actions that serve the public good by ensuring a clean and sustainable drinking water supply.

Given that safe drinking water is a fundamental public necessity, it is vital that the Committee ensure that utilities are not put in a position where they must surrender land or easements that are critical for drinking water protection. Without clear safeguards, this bill could inadvertently weaken long-standing water protection efforts and jeopardize water quality.

We appreciate the intent of this legislation but urge the Committee to carefully consider its potential unintended consequences on Maine's water and wastewater utilities. Source water protection, wellhead protection, and easement rights are crucial to maintaining a safe and reliable drinking water supply. Additionally, the provisions related to land relinquishment raise important questions that should be addressed to ensure that utilities are not placed at risk.

We welcome the opportunity to work with legislators and stakeholders to address these concerns while balancing the objectives of the legislation. Thank you for your time and consideration.