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March 22, 2023

Honorable Stacy Brenner, Senate Chair  
Honorable Lorrie Gramlich, House Chair  
Committee on Environment and Natural Resources  
100 State House Station  
Augusta, ME 04333

RE: LD 928 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to a Clean and Healthy Environment

Dear Senator Brenner and Representative Gramlich:

The Maine Water Utilities Association (MWUA) appreciates the opportunity to provide the following testimony in opposition to LD 928, Resolution, Proposing An Amendment To The Constitution Of Maine To Establish A Right To A Clean And Healthy Environment.

**About MWUA.** The Maine Water Utilities Association 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 counts approximately 109 water utilities in Maine as members.

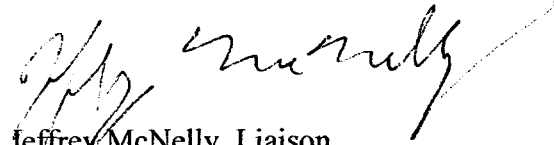
**Discussion.** Maine water utilities support the goals of a clean and healthy environment. However, establishing constitutional rights for every citizen to “a clean and healthy environment and to the preservation of the natural, cultural and healthful qualities of the environment” risks unintended consequences that could jeopardize existing land ownership rights that water utilities in Maine rely on to ensure the maintenance and protection of critical drinking water supplies for the public.

The regulation of water and groundwater in Maine is based on protection of the resource, sustainability of the extraction, protection of public health and protection of the environment. Regulatory agencies including the Department of Environmental Protection, Drinking Water Program, and the Public Utilities Commission employ professionals who very effectively implement the regulations. Because Maine’s regulatory structure is factually and scientifically based, we see far fewer issues in Maine than other states do. LD 489 would put Maine on the path to implement a political water allocation system, conflicting with the strong regulatory structure that has worked very effectively for many years. Long term consequences will likely be serious.

Safe and reliable supplies of drinking water is essential to public health and the economic vitality of our State. Under this proposal, the Maine Constitution would be amended in a manner that would give “all citizens” the right to “pure water,” which provision arguably could restrict the ability of water utilities to maintain drinking water supplies pursuant to legislative charter or other property rights. Consequently, if this proposal were to become part of the Maine Constitution, water utilities could lose access to historic water supplies resulting in higher costs to water users.

**Conclusion.** While water utilities in Maine support clean and healthy environments, we believe this bill poses a risk to the important ability of water utilities to maintain ownership and control of ground water supplies of drinking water. For this reason, MWUA strongly encourages the Committee to vote LD 928 out ought-not-to pass.

Yours for safe drinking water,

A handwritten signature in black ink, appearing to read "Jeffrey McNelly", written over a horizontal line.

Jeffrey McNelly, Liaison

Maine Water Utilities Association