

Greetings Senator Lawrence, Representative Ziegler and EUT Committee Members,

My name is Nickie Sekera and I am a resident of Fryeburg, ME. I recently had the privilege of being appointed by the state to serve on the State Commission to Study The Role of Water As A Resource in Maine, representing the public. I am testifying in support of LD 1111 "An Act Concerning Contracts and Agreement for Large-Scale Water Extraction"

When the Maine Public Utilities Commission approved a contract between the privately held Fryeburg Water Company and Poland Spring in 2012 that would last for a total of 45 years, there was such overwhelming local opposition against it that the news traveled nationwide. This was a U.S. precedent setting contract at the time and set a high-risk precedent for Maine. Upon challenging this contract in the Maine Supreme Court, the Court ruled on the side of the water exporters because the PUC had no legal limit set on how long a contract could last.

Since this contract was negotiated in 2012, and approved by the Supreme Court in 2016, the conflict continues. With no community input opportunities that a shorter term contract renewal would allow, we have been experiencing aquifer levels that have not rebounded to normal levels and diminishing surface waters. This problem has recently been compounded with the discovery of PFAS contamination in our aquifer. With long-term contracts between 2 private companies, there is a lack of transparency and a lack of democratic process, and I see greater concerns on the horizon with an increase of privatized water systems expanding in Maine.

The Legislature has not acted upon updating the current "Absolute Dominion" groundwater law to a "beneficial use" nor "reasonable use" law, and has allowed water "takings" to exponentially grow in the past few decades. This gives the private sector a significant legal advantage over local communities' public water sources that we depend upon for our well being. In manufacturing, agriculture or most industrial situations, they use the water then return it to the land or waterways within the watershed for potential further usefulness. We lose that advantage with water exports. One big problem that the west is facing in its water crisis and what we here in Maine need to address and prevent is underregulated, over-pumping of groundwater.

And with the recently enshrined Right To Food in Maine's constitution, this bill further supports this constitutional right. Our rural farms cannot afford to compete with the deep pockets of multinational corporations for the groundwater needed to produce and expand upon our local food systems.

It appears that nearly 97% of the bulk water bottling market for export in the State of Maine is controlled by one company (the lack of public access to information on this subject poses a challenge). This potential market capture occurred rapidly between 2000 and 2006, immediately following the 1999 Maddocks vs. Giles court ruling, upholding "absolute dominion". Again, the Maddocks vs. Giles' ruling was based upon the inaction of the Maine legislature regarding groundwater protection at that time. There still has been no action to date. This is where this committee can take meaningful action toward the protection of Maine's most vital groundwater sources with support of this bill, LD 1111.

Thank you for your time,

Nickie Sekera  
Fryeburg, ME  
April 12, 2023