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To: Senator Lawrence, Representative Zeigler, and Members of the Committee for Energy Utilities and Technology

From: Bradley Sawyer, Deputy Director

Date: March 30, 2023

Re: Testimony in Opposition to L.D. 1111, An Act Concerning Contracts and Agreement for Large-scale Water Extraction

Senator Lawrence, Representative Zeigler, and Members of the Joint Committee for Energy Utilities and Technology, thank you for the opportunity to speak with you today. My name is Brad Sawyer, and I am the Deputy Director of the Maine Rural Water Association.

Our members believe L.D. 1111 is flawed legislation for several reasons. It is a bill that seeks to handcuff local water officials across Maine while failing to recognize their expertise and knowledge of the aquifers they protect. Maine water utilities are state-chartered entities that have publicly elected or appointed, by municipal officials, trustees. These trustees are public servants, just as you are, and are obligated to protect the utility and the customers they serve. They are subject to Freedom of Access Act requirements and must receive certification upon joining the Board. Their meetings are open to the public. These trustees answer to the public. Their terms expire, just as yours do, which serves as a mechanism to remove trustees should the community they serve not agree with their actions. The state can enter into contracts for almost a century, yet this legislation seeks to limit certain local contracts to three years. As legislatively chartered entities utility boards have the right to enter into contract and this bill represents an unreasonable limit to that right. I believe, as I hope you do, that our local officials should be trusted to serve the best interests of their constituents instead of receiving arbitrary limits from Augusta.

This bill seeks to set limitations on an issue that is already heavily regulated by industry experts, the Maine Public Utilities Commission, the Department of Environmental Protection, and the Maine Drinking Water Program (part of CDC, DHHS). Selling bulk water to a bottling entity is not as simple as a vote of the Board of Trustees and attaching a spigot to a water line. The Maine DEP must permit any significant groundwater well, and any water withdrawal that would alter natural flow or water levels. The Maine PUC has rules for property transfers, which must be approved, including in-stream water rights. They also have a complaint process in place that if ten ratepayers of the utility sign a complaint asking the PUC to review the utility's practices, they will do so. Maine DHHS has a Bulk Water Transport Law that regulates bulk water for commercial purposes beyond the municipality where the water is located. In "short" this is not the wild west; it is a topic that is looked at very carefully by experts in state government.

This legislation, should it become law, would apply statewide yet it is fair to assume we know who the bill is targeting. This is an attempt to create a block for a well-known bottling company that would unfortunately create harm for smaller, local bottlers and Maine consumer owned water utilities. While I understand the frustration some carry with large corporations, I assure you that this legislation is shortsighted and will cause harm to some citizens of our state. During a legislatively chartered drinking water commission in 2022 the members heard from natural experts that Maine an abundance of water.

Most predictions of the coming years include increased large scale rain events in Maine. Regardless of narrative, Maine has abundant water, and the bottling industry is not sucking the state dry. I urge you to vote ought not to pass on this legislation and trust that members of your communities are acting in their neighbors' best interests, just as you are.

Thank you for the opportunity to comment on this legislation and if you have any questions, please do not hesitate to contact me at Bradley.Sawyer@MaineRWA.org or 207-737-9014.