



THE MAINE SENATE
131st Legislature

Testimony of Senator Richard A. Bennett

In Presenting of LD 1723, “An Act to Prevent the Automatic Transfer of Permits and Contracts in a Sale of Assets of a Water Export Company Without Review and to Amend the Membership of the Water Resources Planning Committee and the Maine Public Drinking Water Commission”

1 May 2023

Good morning Senator Brenner, Representative Gramlich and honorable members of the Joint Standing Committee on the Environment and Natural Resources. I am Senator Rick Bennett of Oxford, and I have the honor of serving 14 communities in Western Maine in the State Senate. I am here to present LD 1723, “An Act to Prevent the Automatic Transfer of Permits and Contracts in a Sale of Assets of a Water Export Company Without Review and to Amend the Membership of the Water Resources Planning Committee and the Maine Public Drinking Water Commission.”

As we all know, our waters are one of the most distinctive and important resource in our state, and protecting this asset is of critical importance to the future of Maine people. We are specially blessed in Maine to have reliably pure and abundant water – something that is not available in many other parts of the world. LD 1723 proposes several initiatives to ensure that this resource is protected for generations to come.

Most of this bill is based on the December 2022 recommendations by the Commission to Study the Role of Water as Resource in Maine. There are additional provisions as well.

Specifically, this bill does the following. First, it amends the membership of the Water Resources Planning Committee and the Maine Public Drinking Water Commission by prohibiting a person who has received income from an entity engaged in the export from the State of water extracted in the State or has an immediate family member who has received income from such an entity from serving as a member.

Second, it amends the duties of the Water Resources Planning Committee to include planning for the sustainable use of water resources by encouraging the consolidation and centralization of collected state water resources information within a single state agency, ensuring public access to that information and identifying opportunities and resources to enhance or supplement the collection of state water resources information. It requires the Water Resources Planning Committee to submit a report to relevant joint standing committees of the Legislature including a summary of the Water Resources Planning Committee's activities during the prior calendar year and any findings and recommendations.

Third, it amends the duties of the Maine Agricultural Water Management Board to include

recommendations for measures to enhance drought preparedness and drought resilience by agricultural producers and requires the board to submit a report to the Joint Standing Committee on Taxation including a summary of the board's activities during the prior calendar year and any findings and recommendations.

Fourth, it re-establishes the Commission to Study the Role of Water as a Resource in the State of Maine – per the commission's own recommendation – to develop findings and recommendations, including any suggested legislation, to ensure that there is adequate clean, safe, and accessible drinking water for the State's residents and to meet the needs of commercial and business interests now and in the future. This study is designed to build off the work of the Commission to Study the Role of Water as a Resource in the State of Maine that was established pursuant to Resolve 2021, chapter 185. The commission is also required to review proposed major substantive rules regarding the transfer of a permit or contract in the sale of assets of an entity engaged in the exporting from the State of water extracted in the State and making recommendations, if any.

Fifth, it requires the Maine Drinking Water Commission to adopt major substantive rules regarding the transfer of a permit or contract in the sale of assets of an entity engaged in the exporting from the State of water extracted in the State and to submit the proposed rules to the Commission to Study the Role of Water as a Resource in the State of Maine established under this bill for review before submitting the proposed rules for legislative review."

I have read Maine CDC's testimony on this bill and agree with their regarding the adoption of the rules related to water extraction permits. I agree this Commission is not the proper entity to propose these rules. Whereas permitting of significant groundwater wells is conducted by the Maine Department of Environmental Protection (DEP), that department is much better positioned to add this rulemaking to their existing authority.

I believe these changes will ensure that policymakers have the data, the analysis, the disclosure, and other tools necessary for Maine to protect our waters well into the future. Thank you.