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May 1, 2023

Honorable Stacy Brenner, Senate Chair
Honorable Lori Gramlich, House Chair
Joint Standing Committee on Environment & Natural Resources
100 State House Station
Augusta, ME 04333

RE: *Letter of Opposition to LD 1641, Resolve to Further Study the Role of Water as a Resource*

Dear Senator Brenner and Representative Gramlich:

Maine Water Utilities Association (MWUA) would like to submit testimony in opposition to LD 1641. Our Association is comprised of drinking water professionals dedicated to the mission of safe drinking water for Maine people. In this regard, we appreciated the opportunity to participate as part of last year's Commission to Study the Role of Water as a Resource in the State of Maine (Commission). LD 1641 seeks to implement the recommendation of a majority of the Commission to continue studying drinking water in Maine. However, we respectfully believe that existing resources and policies of Maine state government are more than adequate to protect the State's drinking water we are charged with delivering, and for this reason, we speak in opposition to LD 1641. Overall, we believe the limited resources of state government are better allocated elsewhere. .

About MWUA. The Maine Water Utilities Association is a non-profit association based in Augusta. We provide support for waterworks 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 levels. The Association was formed in 1925 and counts approximately 109 separate water utilities in Maine as members.

Background. The role of water as a resource in the State of Maine has been studied on many occasions over many years. Our Association has been directly or indirectly part of nearly every one of these studies given our front-line role in protecting Maine's drinking water resources, and our basic role in delivering clean drinking water to Maine people. We take our role very seriously, and we work very closely with our customers and with state regulators to ensure our important role in providing safe drinking water is accomplished.

Last year, we participated in yet another study of Maine’s drinking water through the Commission, and Commission members received substantial information about the unique hydrogeology of Maine’s water resources, the multiple state agencies who are responsible for protecting such resources, and why Maine’s water resources differ significantly – in a positive way -- from those resources of other states. We thought the information provided by some of the State’s foremost experts in water resource law and management was excellent, and reliable. At the conclusion of the Commission’s work, the primary recommendation was more study, which our Association did not feel was warranted and we voted against further study. A number of state regulators abstained from voting on this recommendation, and a majority of the remaining members voted to support further study.

Discussion. At this point in time, we feel establishing yet another Commission to study the role of water as a resource in the State of Maine to be duplicative of the work being undertaken by a range of State agencies tasked with the exact stated focus of the proposed commission. The Maine CDC Drinking Water Program, the Maine Department of Environmental Protection, the Department of Agriculture, Conservation, and Forestry and the Maine Public Utilities Commission all play major roles in assuring that there is “adequate clean, safe and accessible drinking water for the States residents and to meet the needs of the commercial and business interests now and in the future.” On the local level, our members are engaged in this mission on a daily basis throughout every corner of the State.

In 2022, the Commission to Study the Role of Water as a Resource in the State of Maine held several meetings to review Maine’s water resources. A report summarizing the work of the Commission was published in December 2022. Repeatedly during the meetings of the Commission, technical, regulatory, and legal experts provided information to the Commission indicating:

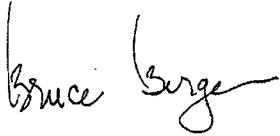
1. Overall, Maine has abundant supplies of water
2. Availability of Maine’s water resources has had not appreciable change in the past 100 years
3. Predictions regarding climate change suggest an increase in water availability in Maine
4. Maine’s water right doctrine of “regulated” absolute dominion protects Maine’s water resources and landowner rights

The experiences of water utilities in Maine mirror what these experts presented to the Commission. While there are pockets of water quantity concerns in Maine, overall, water utilities continue to have access to ample supplies of water to meet the needs of their customers. Therefore, the re-establishment of the Commission as proposed by LD 1641 is not only unnecessary, but given the relative effectiveness of our current regulatory model, continued study is more likely to undermine than improve Maine’s successful model.

As a final note, one observation we did make during last year’s Commission process was that Maine’s successful model for regulating water had not been well-communicated to legislators and other stakeholders. In this regard, our positive recommendation is that the Legislature and other groups would be well-served to provide opportunities for our regulators to present information regularly to key legislative committees and other groups. This step does not require further study, just a commitment to public outreach. We would support such efforts, and would be happy to assist in helping to educate the public.

Conclusion. We urge this committee to vote **ought not to pass** on LD 1641 "*Resolve to Further Study the Role of Water as a Resource.*" It is time to let our system work.

Thank you for your consideration,

A handwritten signature in black ink that reads "Bruce Berger". The signature is written in a cursive style with a large, prominent initial "B".

Bruce Berger, Executive Director Maine Water Utilities Association

Ec: Roger Crouse Chair Of MWUA Legislative and Regulatory Committee
James I. Cohen, Verrill Law, LLP, Legislative Counsel