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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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COMMISSIONER

**TESTIMONY OF  
ROB WOOD, DIRECTOR, BUREAU OF LAND RESOURCES  
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**SPEAKING IN OPPOSITION TO L.D. 757  
Resolve, to Study and Oversee Water in the State of Maine  
PRESENTED BY SEN. BENNETT**

**AND**

**SPEAKING NEITHER FOR NOR AGAINST L.D. 1696  
Resolve, to Study Maine's Absolute Dominion and Beneficial Use Laws Relating  
to Water Rights  
PRESENTED BY REP. GRAMLICH**

**BEFORE THE JOINT STANDING COMMITTEE  
ON  
ENVIRONMENT AND NATURAL RESOURCES**

**DATE OF HEARING:**

**APRIL 29, 2025**

Senator Tepler, Representative Doudera, and members of the Committee, my name is Rob Wood and I am the Director of the Bureau of Land Resources at the Department of Environmental Protection. I am speaking in opposition to L.D. 757 and neither for nor against L.D. 1696.

The Department believes that the scope of the proposed commission in L.D. 757 is too broad. It covers multiple topics that are currently being addressed through other laws, rules and actions. For example, to enhance drought preparedness for agricultural producers, the Legislature established the Maine Farmers Drought Relief Grant

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L.D. 757: Resolve, to Study and Oversee Water in the State of Maine

L.D. 1696: Resolve, to Study Maine's Absolute Dominion and Beneficial Use Laws Relating to Water Rights

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Program in 2022 (7 M.R.S. §220-A). The program will help farmers pay to develop sustainable sources of water, and the first request for applications should be available from the Department of Agriculture, Conservation and Forestry (DACF) later this year. Similarly, the Legislature and the DEP have taken many actions over the past several years to address PFAS in drinking water.

The Department likewise does not see any significant gaps in the current laws and rules regulating large-scale groundwater extraction. There is a common regulatory standard that applies to large-scale groundwater extraction across the state, whether regulated by the DEP, the Land Use Planning Commission (LUPC), or the Department of Health and Human Services (DHHS). Unless the extraction is necessary for public water supplies or agricultural use, this common regulatory standard requires consideration of the effects of the proposed withdrawal on waters of the State, water-related natural resources, and existing uses including but not limited to public or private wells. Additionally, Title 38, section 404 establishes that when groundwater withdrawal beyond that which is necessary for beneficial domestic use interferes with a preexisting beneficial domestic use of groundwater, such interference creates a cause of action that allows for recovery of damages. Because large-scale groundwater extraction is regulated under a common standard statewide, regardless of the agency of jurisdiction, the Department also does not see any need to consolidate oversight into a single agency.

Section 2 of L.D. 757 would require major substantive rulemaking by the Maine Public Drinking Water Commission. While the Department cannot speak to the merits of this proposal, we urge the Committee to seek and consider the input of DHHS.

The Department is neither for nor against L.D. 1696. This proposed resolve is more targeted and sets out duties that are achievable in the timeline allotted for the commission. The subject of absolute dominion and the underlying legal status of groundwater rights and ownership in Maine was a substantial focus of the previous

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Commission to Study the Role of Water as a Resource in the State, and this subject would likely benefit from additional focused discussion and consideration.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions from the Committee, both now and at the work session.