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MWUA

MAINE WATER UTILITIES ASSOCIATION

Organized in 1925

February 10, 2026

Honorable Chip Curry, Chair

Honorable Traci Gere, Chair

Joint Standing Committee on Housing & Economic Development

Maine State Legislature

100 State House Station

Augusta, ME 04333

Re: Testimony in Opposition to LD 2173, "An Act to Update the Laws Regarding Housing Developments and Accessory Dwelling Units"

Dear Senator Curry, Representative Gere, and Members of the Committee on Housing and Economic Development:

The Maine Water Utilities Association (MWUA) appreciates the opportunity to provide testimony in respectful *opposition* to LD 2173. In noting our opposition, our focus relates to the language in LD 2173 that removes existing municipal authority to create subsurface wastewater disposal ordinances more restrictive than Statewide standards established by the Maine Department of Health & Human Services.

About MWUA — MWUA is a nonprofit association, based in Augusta, that provides support for water works professionals throughout the State of Maine in advocating for safe, reliable drinking water through educational and technical programming, as well as related advocacy on the local, state, and national levels. The Association was formed in 1925 and now consists of 89 utility and 71 associate members. Maine's water utilities provide service to approximately 700,000 Maine residents, thousands of Maine businesses and public institutions, and millions of visitors to Maine every year.

Discussion — MWUA and Maine's water utilities support the Legislature's efforts to create more housing units in Maine. However, any efforts that may reduce a public water system's ability to protect the quality of water in its source of supply are of concern to us. While this bill is a laudable effort to improve affordable housing capacity for the people of Maine, our Association is concerned that an unintended consequence could actually be driving up costs for existing AND new homeowners in areas that might take advantage of the groundwater loophole this bill currently proposes to introduce.

Public water systems use groundwater, surface water, or a combination of both as sources of water supply. Universally, protecting a source of water from contamination is better than attempting to purify the water after the contaminant has entered the supply. Maine has adopted numerous laws and regulations designed to protect public water sources or give owners and operators of public water systems tools to better protect their sources of supply. These laws and regulations are intended to protect the public's health. The potential of increased water contamination rates also means increasing the risk of having to treat that contaminated water to render it safe for public consumption — requiring the purchase and installation of costly treatment equipment, new facilities, related ongoing energy costs, and more.



Testimony of MWUA re LD 2173

February 10, 2026

Page 2

Maine law currently allows municipalities and some quasi-municipal entities to create subsurface wastewater disposal standards that are more stringent than the State minimum standards. Adopting more stringent standards can reduce the risk of contamination from a subsurface wastewater disposal system entering the groundwater and nearby surface water. While all groundwater and surface water should be afforded protections from contamination, the protection of sources of drinking water should remain of paramount importance to Maine's policymakers.

It is for the reasons above that MWUA requests that LD 2173 be modified to either: (1) remove the language that prohibits municipalities from creating more stringent ordinances; or (2) limit the prohibition to areas outside source water protections area. While LD 2173's current language is well intended, reducing source water protections as proposed in this bill runs the risk of lowering water quality while increasing the cost of water treatment — the net effect of which would be higher household costs, not lower costs.

Thank you for your consideration,



Roger Crouse, P.E., *President, Board of Directors*
Maine Water Utilities Association

cc: Michael Cummons, MWUA, Chair, Legislative & Regulatory Affairs Cmte.
Edward Molleo IV, MWUA, Executive Director
James I. Cohen, Verrill Dana, LLP, Legislative Counsel