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March 7, 2022

Honorable Matthew Daughtry, Senate Chair  
Honorable Mike Sylvester, House Chair  
Joint Legislative Committee on Labor and Housing  
100 State House Station  
Augusta, ME 04333

Re: Testimony Neither for Nor Against LD 2003 – An Act to Implement the  
Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying  
Zoning and Land Use Restrictions

Dear Senator Daughtry and Representative Sylvester:

The Maine Water Utilities Association (MWUA) appreciates the opportunity to provide  
testimony neither for nor against LD 2003.

**About MWUA.** The Maine Water Utilities Association is a nonprofit association based in Augusta that provides support for water works 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 level. The Association was formed in 1925 and counts approximately 109 water utilities in Maine as members.

**Discussion.** The Association recognizes that the lack of affordable housing in Maine must be addressed and commends the Committee for exploring ways to address this difficult situation. Water utilities appreciate LD 2003's language requiring developers of housing to provide verification that adequate water and wastewater services exist to serve proposed developments. Water utilities prefer to work with developers at the beginning of the development process, to assure water needs can be met, rather than at the end of the process when designs are completed and building permits are granted. Water utilities do not seek to be obstacles to development but want to ensure adequate water and wastewater services are available to serve the developments.

**Suggested amendment to Section 3 of the bill.** However, the Association is concerned that Section 3 of LD 2003 could limit the ability of municipalities to safeguard water resource protection areas. As currently drafted, any local ordinance that restricts housing development based on population density or land overcrowding is considered a violation of Maine's Human Rights Act. The bill does not provide any exceptions for resource protection, such as drinking water supplies. To address this issue, we respectfully suggest that LD 2003 be amended to

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provide consideration of the protection of public water sources as an acceptable criterion for ordinances restricting construction or development. Without such statutory protection, public water sources throughout the State may be at risk if municipalities are unable to enact ordinances that protect drinking water resources.

**Conclusion.** The Maine Water Utilities Association urges the Committee to amend Section 3 of LD 2003 to enable municipalities to maintain to limit development in water resource protection areas used by public water systems.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to read "Roger Crouse".

Roger Crouse,  
Legislative Committee Chair, Maine Water Utilities Association  
General Manager, Kennebec Water District

cc: Bruce Berger, Executive Director (MWUA)  
James I. Cohen, Verrill Dana, LLP, Legislative Counsel