

Commission To Study the Role of Water as a Resource in the State of Maine

Monday, September 12, 2022

Time: 12:00 p.m. to 4:00 p.m.

Location: State House, Room 127 (TAX Committee Room) (Hybrid Meeting)

The meeting will be livestreamed at the following link: <https://legislature.maine.gov/Audio/#127>

AGENDA

- 12:00 p.m.** **Welcome, extended commission introductions**
- 12:45 p.m.** **Overview of authorizing legislation, commission duties and timeline**
Commission staff (OPLA/OFPR)
- 1:00 p.m.** **Presentation on water resources in Maine**
Ryan Gordon, Maine Geological Survey (DACF)
- 1:30 p.m.** **Review of selected case law and other guidance relating to water rights, ownership and use**
Scott Boak, Office of the Attorney General
- 2:00 p.m.** **Break**
- 2:15 p.m.** **Tribal perspectives on water resources**
William Longfellow, Sipayik Environmental Department (Passamaquoddy Tribe at Sipayik)
- 2:45 p.m.** **Commission member discussion regarding the charge and duties of the commission, commission goals and desired outcomes**
- 3:45 p.m.** **Next steps**
- 4:00 p.m.** **Adjourn**

Please note that times are approximate and subject to change

*Additional information and materials are available on the Commission's webpage at:
<https://legislature.maine.gov/role-of-water-as-a-resource-in-the-state>*

Commission To Study the Role of Water as a Resource in the State of Maine

Resolves 2021, Ch. 185

Membership List

Name	Representation
Senator Ben Chipman (Chair)	Member of the Senate
Representative Lori Gramlich (Chair)	Member of the House of Representatives
Senator Trey Stewart	Member of the Senate
Representative Jeffery Hanley	Member of the House of Representatives
Mark Soucy	Member of the public residing in northern Maine
Mark Dubois	Member representing the interests of persons who bottle or package water for commercial sale
Nickie Sekera	Member of the public residing in western Maine
Robert Wood	Member representing organizations involved in protection of the environment
Amy LaChance	Member representing the Department of Health and Human Services, Maine Center for Disease Control and Prevention, division of environmental health, drinking water program
Bruce Berger	Member representing the interests of municipal water utilities
Brian Hubbell	Member representing the Office of Policy Innovation and the Future
Scott Boak	Member representing the Office of the Attorney General with an interest in water rights law
Ryan Gordon	Member representing the State Geologist
Penelope Jordan	Member representing the interests of businesses that use water in manufacturing or the provision of items or services for sale
William Longfellow	Member who is a member of a federally recognized Indian nation, tribe or band in the State
Jan Paul	Member who is a member of a federally recognized Indian nation, tribe or band in the State

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-TWO

H.P. 1166 - L.D. 1569

**Resolve, Establishing the Commission To Study the Role of Water as a
Resource in the State of Maine**

Preamble. Whereas, water is an invaluable resource for the people and businesses in this State; and

Whereas, the use of water in the State for various purposes has raised questions regarding the continuing availability and quality of water resources; now, therefore, be it

Sec. 1. Commission established. Resolved: That the Commission To Study the Role of Water as a Resource in the State of Maine, referred to in this resolve as "the commission," is established.

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 16 members appointed as follows.

1. Four members appointed by the President of the Senate, including:
 - A. Two members of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
 - B. One member of the public residing in northern Maine; and
 - C. One member representing the interests of persons who bottle or package water for commercial sale.
2. Four members appointed by the Speaker of the House of Representatives, including:
 - A. Two members of the House of Representatives, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
 - B. One member of the public residing in western Maine; and
 - C. One member representing the interests of businesses that use water in manufacturing or the provision of items or services for sale.
3. Eight members appointed by and agreed upon by both the President of the Senate and the Speaker of the House, including:
 - A. One member representing the Office of Policy Innovation and the Future;

B. Two members who are members of federally recognized Indian nations, tribes or bands in the State based on the joint recommendation of the tribal governments of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. If the tribal governments do not make unanimous joint recommendations, the President of the Senate and the Speaker of the House shall appoint 2 members of a federally recognized Indian nation, tribe or band in the State;

C. One member representing the Department of Health and Human Services, Maine Center for Disease Control and Prevention, division of environmental health, drinking water program;

D. One member representing the interests of municipal water utilities;

E. One member representing the State Geologist;

F. One member representing organizations involved in protection of the environment; and

G. One member representing the Office of the Attorney General with an interest in water rights law.

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission.

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

Sec. 5. Duties. Resolved: That the commission shall study issues associated with the role of water resources in the State and the nature and extent of infrastructure involved in the use and delivery of water resources including:

A. The extent of water resources available in the State;

B. Legal principles regarding the ownership of water resources in the State;

C. The extent to which water resources will be needed in the State and nation in the future for household, government, business, commercial and other purposes;

D. The quality of available water resources and the need for measures to protect water quality;

E. The extent of transportation of water within the State and exportation of water from the State;

F. The sustainability of aquifers within the State;

G. The nature and use of natural resource extraction taxes in other states and the advantages and disadvantages of enacted natural resource extraction taxes in the State; and

H. The relationship between water resources and climate change in the State, including an analysis of what actions other states are taking on this issue.

The commission shall develop recommendations 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. The commission shall identify the need for additional state resources to implement its recommendations and shall make a recommendation regarding the positive and negative aspects of a tax on water extraction.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Report. Resolved: That, no later than November 2, 2022, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the joint standing committee of the Legislature having jurisdiction over taxation matters during the First Regular Session of the 131st Legislature. The committee may present legislation related to the report of the commission to the First Regular Session of the 131st Legislature.

