

## MEMORANDUM

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

**From:** Senator Ben Chipman, Chair  
Representative Lori Gramlich, Chair  
Commission To Study the Role of Water as a Resource in the State of Maine

**Date:** November 1, 2022

**Re:** Report recommendations; proposal for discussion

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At the Commission's third meeting on October 19th, we reviewed a variety of recommendations, suggested by different Commission members, for potential inclusion in our final report. To help frame the discussion of our final report at the fourth meeting, we would propose the following slate of recommendations for inclusion in that report.

- 1. Establishment of new study commission:** recommend enactment of a legislative resolve that reestablishes the Commission To Study the Role of Water as a Resource in the State of Maine.

This commission would have a more focused scope of study that would reflect the general categories of recommendations identified by Commission members at the October 19th meeting (oversight, data collection, data reporting; drought planning, agricultural issues; water rights and ownership; water quality/PFAS; and water extraction, contracts and permitting).

- 2. Changes to Water Resources Planning Committee:** recommend amendment of the authorizing statute of the Water Resources Planning Committee (5 MRSA §6401) to incorporate the following changes.
  - Amend the charge of that committee to include identification of measures to promote public access to information about Maine's water resources, including, but not limited to, measures to consolidate within a single state agency all relevant data on water use and water resources that is currently collected by state, federal and other entities.
  - Amend the charge of that committee to include identification of measures to enhance or supplement state monitoring and data collection regarding water use and water resources, the analysis of all such collected data and, where necessary, funding opportunities to support those measures.
  - Amend that committee's statute to require annual reporting, including any proposals for necessary legislation, to the ACF, ENR, EUT and HHS Committees, with authority to those committees for legislation related to the report.

3. **Changes to Maine Agricultural Water Management Board:** recommend amendment of the authorizing statute of the Maine Agricultural Water Management Board (7 MRSA §352) to incorporate the following changes.
  - Amend the charge of that board to include identification of measures to enhance drought preparedness and drought resilience by agricultural producers, including, but not limited to, improved water capture and storage measures, enhanced irrigation opportunities and identification of low-flow areas and low-flow occurrences and development of a notification system to producers located in those areas.
  - Amend that board's statute to require annual reporting, including any proposals for necessary legislation, to the ACF and ENR Committees, with authority to those committees for legislation related to the report.
4. **Further study of groundwater rights:** recommend further study by the Legislature of the legal status of groundwater rights and ownership in Maine, including, but not limited to, further review of the Law Court's opinion in *Maddocks v. Giles*, 1999 ME 63 and the approaches to this issue taken by other states.
5. **Consideration of PFAS testing requirement for commercial water bottling:** Recommend that the Legislature consider the enactment of measures to require testing and reporting on the levels of PFAS contaminants in water extracted and used for commercial bottling purposes.