



Maine Forest Products Council

The voice of Maine's forest economy

Companies represented
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American Forest Mgmt.
Baskahegan Co.
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Columbia Forest Prod.
Cross Insurance
Family Forestry
Farm Credit East
Fontaine Inc.
H.C. Haynes
Huber Resources
INRS
J.D. Irving
Katahdin Forest Mgmt.
Key Bank
Kennebec Lumber
LandVest Inc.
Louisiana Pacific
Maibec Logging
ND Paper
Nicols Brothers
Pingree Associates
Prentiss & Cartisle
ReEnergy
Richard Wing & Son
Robbins Lumber
Sappi North America
Southern Maine Forestry
Stead Timberlands
St. Croix Tissue
St. Croix Chipping
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Timber Resource Group
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Wadsworth Woodlands
Wagner Forest Mgt.
Weyerhaeuser
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Testimony in Opposition to LD 1111

“An Act Concerning Contracts and Agreement for Large-scale Water Extraction”

March 30, 2023

Pat Strauch, Executive Director

Senator Lawrence, Representative Zeigler and members of the Committee on Energy, Utilities and Technology, my name is Patrick Strauch, and I am here today to present testimony on behalf of the Maine forest Products Council in opposition to LD 1111, “An Act Concerning Contracts and Agreement for Large-scale Water Extraction.”

The Council opposes LD 1111 for many reasons. Before we talk about our issues with the bill, we feel that it is important to provide some context.

Last fall, the Commission to Study the Role of Water as a Resource met five times to discuss the management of our water resources. At the first meeting, Ryan Gordon, a hydrogeologist with the Maine Geological Survey, broke down our current water availability/water use by user group for context. What the Commission learned is that each year, 26 trillion gallons of water are precipitated in Maine. Of that volume, 4 trillion gallons of water penetrates the ground. Human use is 146 billion gallons (0.6%). Of the 146 billion gallons used per year, only 1 billion is used for bottled water. The water bottling industry, which supports many high-paying jobs in our state, among other important economic opportunities, is literally a drop in the bucket.

With these facts in mind, it is hard to fathom how erecting a political barrier to the management of water resources by water districts, as suggested by LD 1111, is appropriate. Our water resources are closely monitored in this state, and despite recent global trends, this resource is abundant.

From the private forest landowner's view, there is an opportunity to supplement income with revenue from water contracts from sustainably managed aquifers located on their lands. Just like mineral rights, water is an important economic resource, and this legislation interferes with this right, and therefore, the value of that land.

Current law in Maine regulates groundwater under the absolute dominion doctrine, with some limitations for large-scale extraction which is regulated and closely monitored by the State. While LD 1111 does not seek to change the absolute dominion doctrine, it is intended to limit consumer-owned water utilities' ability to enter large-scale water

withdrawal contracts for terms greater than three years. This would limit the ability of certain companies to ensure long-term investments in our rural communities.

Of greater concern is the provision of this bill to require a vote of the legislative body of each municipality and township “within the watershed” to approve a contract. The term “watershed” is not defined in the legislation, leaving it open to broad interpretation. Further this legislation would allow voters (who aren’t necessarily landowners) in distant towns not served by a water utility to stop water withdrawals, even though they have no interest in the water district. Similarly, landowners in the watershed have no say unless they are voters.

Taking water resource management decisions out of the hands of consumer-owned utilities (and the Public Utilities Commission, which is charged with approving these contracts) and placing them in the hands of the general public will make them political rather than science-based, and it sets a dangerous precedent for managing other important resources in a similar way. Under current law (35-A MRSA § 6109-B), the public already has the opportunity for input on these contracts. We find this opportunity for input to be sufficient.

LD 1111 is crafted in a way to burden one particular business with an unreasonable level of red tape despite the fact that the resource in question is abundant and closely monitored. This heavy-handed approach should be soundly rejected. Please vote ‘ought not to pass’ on LD 1111.

Thank you for your consideration. I would be happy to answer any questions the committee may have.