

## **The Maine Heritage Policy Center Testimony to Oppose LD 197**

### **“An Act To Convene a Working Group To Authorize a Public Trust for Maine's Groundwater and To Impose a 2-year Moratorium on Large-scale Groundwater Extraction”**

Senator Lawrence, Representative Berry, and distinguished members of the Committee on Energy, Utilities and Technology, my name is Adam Crepeau. I serve as the policy analyst for The Maine Heritage Policy Center. Thank you for the opportunity to provide testimony in opposition to LD 197.

The Maine Heritage Policy Center does not support the establishment of a working group to create the framework of the Maine Water Trust. This bill would allow the working group to give recommendations to the Committee on Environment and Natural Resources on how to give the state absolute control and dominion over groundwater supplies in Maine. This expansion of government authority is absolutely unnecessary as it pertains to groundwater.

As the law stands now, private property owners have “absolute dominion” over groundwater except when individuals withdraw groundwater in excess of household purposes for a single-family home in which it interferes with the pre-existing household use of groundwater. This bill would diminish private property rights by allowing the state to assume control of “all groundwater in the State.”

In addition, large groundwater withdrawals by commercial entities are already tightly regulated to ensure the water is extracted in a sustainable fashion and safe for consumption. All significant groundwater wells need permit approval from the Department of Environmental Protection. Also, the Maine Public Utilities Commission and the Department of Health and Human Services regulate both public and private entities that provide drinking water.<sup>1</sup> In short, there is already enough oversight of groundwater through science-based regulations put forth by the state.

Allowing the state to own all groundwater rather than regulate private ownership would open the door for extreme restrictions on groundwater extraction. Such restrictions could result in Maine becoming less competitive in attracting private entities that might want to begin operating in the state, thus driving business to other states.

Supporters of this bill may claim that large groundwater extraction operations will deplete groundwater levels in Maine. This claim is inaccurate because groundwater levels replenish over time. Approximately two to five trillion gallons of overall rainfall annually replenish the state's aquifers. The approximately 31 billion gallons of groundwater extracted in Maine<sup>2</sup> is almost negligible (less than 2%) compared to the two to five trillion gallons of rainfall that occurs and replenishes the supply.<sup>3</sup>

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<sup>1</sup> <https://legislature.maine.gov/legis/bills/getTestimonyDoc.asp?id=60625>

<sup>2</sup> <https://pubs.usgs.gov/circ/1441/circ1441.pdf>

<sup>3</sup> <https://www.maine.gov/dacf/mgs/explore/water/facts/water.htm>

*We the people of Maine...*

THE MAINE HERITAGE POLICY CENTER

The Maine Heritage Policy Center urges the committee to vote "Ought Not to Pass" on this bill. Thank you.