

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Provide for Municipal Oversight and Authority over Groundwater Extraction

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §2642, as amended by PL 1995, c. 664, §1, is further amended to read:

§ 2642. Municipal regulation authorized; ordinance; penalty

1. Municipal regulations authorized. The municipal officers of each municipality, after notice and public hearing, may adopt regulations governing the surface uses of ~~sources of public water supply, portions thereof, the extraction and the removal from the municipality for commercial purposes of public water sources, groundwater, spring water or water from aquifers~~ or the surface uses of land overlying ~~ground-water~~groundwater aquifers and their recharge areas used as public water sources of public water supply or as sources for private wells for domestic purposes that are located within that municipality in order to protect the quality of such sources of ~~public water supply, the long-term sustainability of such supplies~~ and the health, safety and welfare of persons dependent upon such supplies.

At least 15 days prior to public hearings held under this section, notice of the hearing must be published in a newspaper of general circulation in the county in which the municipality is located and mailed by certified mail to each owner of land ~~over or bordering the source of public water supply~~water source within that municipality. Regulations adopted pursuant to this section become void upon the expiration of one year from the date of the adoption unless sooner ratified by vote of the legislative body of the municipality.

1-A. Ordinance. If a regulation adopted pursuant to subsection 1 is ratified by vote of the legislative body of the municipality, the municipal officers shall, within one year from the vote of ratification, submit an ordinance governing the pumping or extraction of groundwater, spring water or water from aquifers for approval by the legislative body in accordance with the municipal charter or Title 30-A, section 3002.

2. Penalty. Whoever willfully violates any regulation or ordinance established or adopted under the authority of this section must, upon conviction, be penalized in accordance with Title 30-A, section 4452.

SUMMARY

This bill amends the law governing the authority of municipal officers to adopt regulations governing the surface uses of public water sources. It adds the authority to adopt regulations governing the extraction and removal of groundwater, spring water or water from aquifers. It also amends current law

by authorizing municipal officers to regulate surface uses of land overlying groundwater aquifers and their recharge areas used as sources for private wells for domestic purposes.

The bill also provides that if such a regulation is ratified by the legislative body of a municipality, the municipal officers must submit for approval an ordinance governing the pumping or extraction of groundwater, spring water or water from aquifers.