

# Maine Water News

A Publication of the Maine Water Utilities Association

July 2011, Number 158

## A Successful Legislative Session

*Steve Cox, President*

I am sitting down to write this the day after Maine's legislative session ended. Consequently, I think many Mainers and Maine water utilities feel a little more at ease now that lawmakers are on break. The economic uncertainty along with the new administration has kept many of our water utility leaders busy in Augusta for the last six months. Jeff has done a great job as acting chair of our legislative committee, by setting up meetings with key state leaders and lawmakers to assure our interests are represented in a clear and unified voice.

The association monitored over four pages of bills and testified at approximately a dozen hearings to assure MWUA's interests were considered. As I attended a handful of hearings and observed many of you testifying on behalf of the association, it opened my eyes as to how unpredictable state politics and the legislative process can be while, at the same time, it also confirmed to me that the Maine Water Utilities Association is the well respected authority on public drinking water in the State of Maine.

A huge success for the Maine water utilities that came out of this legislative session was securing the SRF match. Clearly we were up against a poor economic environment and a determined administration looking to eliminate unnecessary spending; therefore, a strong, clear and credible case was needed.

Many thanks to Roger Crouse and Norm Lamie for their leadership in providing that clear financial impact analysis of the SRF program. We were able to present this to leadership in DHHS and DEP as well as key house and senate members and they quickly became strong advocates, even as all state departmental budgets were on the chopping block.

Representative Patrick Flood was instrumental in securing the 2011 unmet match in the state budget. In

addition, his amendments initiated a 10 year funding match for 2014-2023. Page six of this publication details the progress made on funding the annual SRF state match requirement.

As I look back over the last legislative session, all of our successes were largely due to ongoing communications with key state leaders and the strong consistent message from water utilities of all sizes. Even though Jeff has done a wonderful job... ideally the association looks for committee leadership to come from members, so we are still looking for one or two individuals to chair the legislative committee; please consider it.

We will always need to educate political leaders and policy makers, as evident by a well known politician's scientific reason. *"If there is water, that means there is oxygen. If there is oxygen, that means we can breathe."*



*Passamaquoddy Water District's roughing filter*

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Jeffrey L. McNelly, Editor  
150 Capitol Street, Suite 5  
Augusta, Maine 04330  
(207) 623-9511 TEL  
(207) 623-9522 FAX  
website: [www.mwua.org](http://www.mwua.org)

Material of interest to the water supply profession  
will be considered for publication. Copy deadline is  
the 15<sup>th</sup> day of month preceding publication.

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## The June Meeting

The June Meeting was an excellent opportunity to go Down East and take in some beautiful scenery, and a great technical program.

During the day on Wednesday, some caught trout while others played golf. That night featured a relaxing cookout on the shore. Thursday morning the early risers had breakfast at the Waco Diner, and then went to the meeting at the Eastport Chowder House.

Nancy Seeley, Superintendent of Passamaquoddy Water District, welcomed us to Eastport, and provided us with an overview and history of the water system. She was aided by George Peters who told stories of when he worked there, the most notable being the account of repairing the water main in the mud flats during low tide. On many occasions.

Larry Girvan of the Drinking Water Program made the drive from the County to provide an interesting and informative regulatory update.

The technical program featured three presentations. Al Hodsdon provided an excellent summary of all that has been done to quantify the flashy and unpredictable source water quality conditions. He also reviewed the modifications made to the treatment process in order to provide effective treatment.

Craig Douglas then walked the audience through a process that can be used to develop an asset management and GIS program, without breaking the bank. This presentation was beneficial and showed that systems can start small, and build on progress as time and money allow.

Rebecca Reynolds of RCAP Solutions finished the technical program with an account of the improvements that have been made to Eastport's wastewater system. Not unlike the first two presentations, this again was a situation where due diligence, incremental improvements and a well thought out plan all worked together to produce the desired result.

Following the delicious luncheon, attendees had an opportunity to tour the water treatment plant and view an innovative roughing filter, along with other components, which the District relies on for providing quality water to its customers.

## Group to Assess Fire Protection Issues

There have been a number of discussions recently, most notably at Board meetings, concerning fire protection service and associated charges. One of the items of discussion is the fact that at least a few communities are requiring that residential sprinklers be installed in new construction. It has been determined that it would be beneficial to have a discussion of all aspects of fire protection service. This group would review the work of the Private Fire Protection Taskforce of 1995, the April 2009 presentation at the Richmond bimonthly meeting and more recent happenings. A few directors have offered to spearhead this effort and are looking for interested parties from other systems.



*Washington County  
sentry keeping an eye on  
things as water suppliers  
descend on Eastport.*

Anyone interested in taking part should contact the MWUA office by August 1<sup>st</sup>. It is expected that this group will meet in August and September, and wrap up with a report and recommendations in the fall.

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**125<sup>th</sup> Set to Wrap up Business Before the 4<sup>th</sup>**

It's the last week of June as this issue of the newsletter is being made ready for printing and distribution. The Maine Legislature is intent on finishing their business and adjourning. The association has been busy for the past two months dealing with water resource issues, customer deposits, bonded indebtedness, the SRF match and other issues.

Below is a brief synopsis of outcomes. A separate article provides a summary of very encouraging news on the SRF front. A complete summary of legislation that was monitored by the association is being prepared for publication in the Journal. We expect that the Journal will be published and mailed to members within the next couple of months.

LD 1077 An Act To Enhance Public Participation in Decisions Relating to the Large-scale Extraction and Transportation of Water is a bill the association strongly opposed, because of the adverse impact it would have had. The bill would have required municipal ratification for any contract or agreement between a consumer-

owned water utility and another entity that involves the large-scale extraction of water or the large-scale transportation of water. Serious implications included, among other things, the ability of utilities to install new commercial water service, emergency or routine interconnections between water utilities and it would have undermined Maine's "absolute dominion" rule governing water rights. Ultimately the bill was reported out of the Energy, Utilities and Technology Committee with a 12 – 1 Ought Not to Pass vote. That bill is dead.

LD 1216 An Act To Impose an Excise Tax on the Extraction of Water for Bottling would have imposed an excise tax on targeted businesses for the privilege of extracting groundwater. The bill received a unanimous Ought Not to Pass vote from the Taxation Committee. LD 1216 is also dead.

LD 1153: An Act To Regulate the Bonded Indebtedness of the State would have required that any indebtedness of units of local government having the power to issue bonded indebtedness, (which would include water and wastewater utilities) receive statewide voter approval. The bill also stipulated that bonded indebtedness authorized by the Legislature or sold by an authority must be sold in a competitive sale, unless an alternative mode of sale was approved by a vote of the



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authority's board and approved by the State Treasurer.

MWUA, along with many others, testified in opposition to the bill. An amended version of the bill was enacted as Public Law 391. All of the troubling provisions were stripped from the LD 1153; PL 391 requires that GARVEE bonds receive a 2/3 vote in each House of the Legislature.

LD 732 An Act To Reduce Costs for Businesses with Previous Utility Payment Records would have provided that a public utility may not require an escrow or other initial start-up payment from a business customer that has an acceptable credit history with a previous public utility in the State. An amendment, which replaces the bill, directs the PUC to establish rules for transmission and distribution utilities which address this issue.

Similarly, LD 1191 An Act To Encourage Business Development by Limiting the Time a Utility May Hold a Business Customer's Deposit was amended to direct the PUC to amend its rule, Chapter 815: Consumer Protection Standards For Electric And Gas Transmission And Distribution Utilities, to address customer deposits for those utilities.

### Dig Safe Deliberations to Continue This Summer

LD 331, the resolve to adopt the Underground Facility Damage Prevention (Dig Safe) provisionally adopted rule, was significantly modified by the Maine Legislature. The final document, Resolve Chapter 31, accomplishes a number of things.

It removes all provisionally adopted changes to the Dig Safe Rule. It replace the definitions of "emergency" and "emergency excavation" in the rule with a definition of "emergency excavation" that is the same as the definition in Title 23, §3360A. 1. B. (the underlying Dig Safe statute).

It modifies Section 4(B) of the rule to provide



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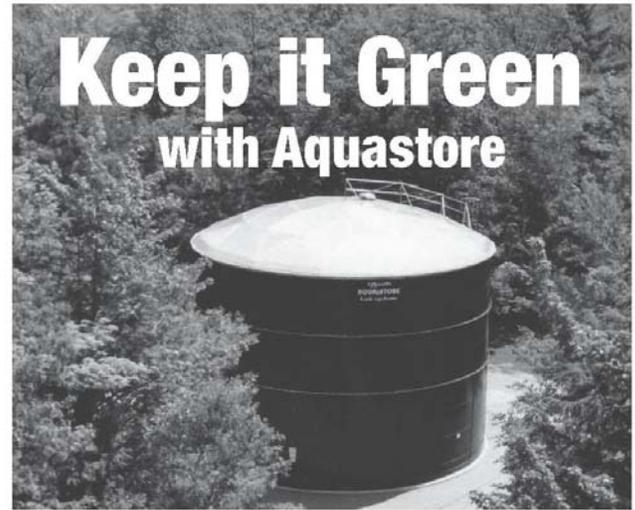
that the period after which a Dig Safe System ticket must be renewed is 60 days and that the ticket may be renewed twice. It modifies section 7(B)(1) of the rule governing the enforcement action procedure to change references to "notice of probable violation" to a more neutral terminology, such as "notice of investigation," and references to "probable violation" to a more neutral terminology, such as "possible violation".

It removes the part of Section 4(B)(1)(a) of the

previously enacted rule that requires each excavator performing work in an excavation area to notify the Dig Safe System so that the rule is consistent with the statute. Specifically, the statute requires that the excavator directly responsible for performing the excavation make the necessary notifications.

Additionally, the rule was modified to reflect the fact that Title 23 was amended by Public Law 72 (see below). Exemptions to the notice requirements of 23 M.R.S.A. §3360-A for authorized road grading and excavation in quarries now include borrow pits within the new exemption for quarries.

LD 407 An Act To Require Clarification of the Dig Safe Standards, was enacted as Public Law 72. It amends the Dig Safe statute. It requires that excavators commence an excavation within 12 hours after providing notice to the system, or as soon thereafter as can safely be accomplished and that underground facility operators locate their facilities as soon as reasonably possible after receiving notification of an emergency excavation. As noted above, PL 72 also modified the exemptions for quarries and borrow pits and it modified the unpaved public road grading procedure to allow for a 12 month grading period, once the appropriate notifications have been made.



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PL 72 also established a Dig Safe Work Group, which has been tasked with examining: pre-excavation marking standards for excavators; marking standards for owners and operators of underground facilities; enforcement procedures and standards and the appropriate use of penalties; and clarification of incident reporting and ensuring that incident investigations involve appropriate fact-finding and do not assume or require inappropriate admission of fault. The Public Utilities Commission and the chair of the work group are to jointly submit a report to the Joint Standing Committee on Energy, Utilities and Technology that includes all findings and recommendations no later than January 15, 2012.

The members of that Work Group have been selected and they have three meetings scheduled for this summer.

On a related note, the Portland Water District recently resolved a contested Dig Safe violation involving the mismatch of a water main. Specifically, the district disputed a PUC's Examiner recommendation that PWD violated the State's Dig Safe law but that no fine be assessed. Among other things, the district disagreed with the Examiner's finding that the mismatch was the result of negligence.

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Much of the testimony presented in the case addressed the suitability of the methods and equipment used to locate underground facilities.

On May 13 the Commission found that PWD did not violate the Dig Safe Law. They ordered that (1) the Notice of Probable Violation be dismissed and (2) that the district provide an update regarding its protocols to minimize and address inconclusive electronic confirmation of the location of underground facilities.

### Annual SRF State Match Requirement Takes Huge Step Towards Sustainability

The second week of June, we were notified by Appropriations and Financial Affairs Committee House Chair Patrick Flood that he had introduced amendments to LD 1043, the vehicle for Maine’s 2012-2013 budget. The amendments received the unanimous approval of the committee. One amendment addressed the 2011 SRF match shortfall and the other established a 10 year funding mechanism for SRF funding for both the drinking water and clean water programs. The budget was approved by the Legislature that next week and signed by Governor LePage several days later.

Specifically, the first amendment provides

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\$570,000 and \$850,000 to fully fund the required state matches for the Drinking Water and Clean Water SRF capitalization grants, respectively, for 2011.

The second action involves the allocation of up to 15% of the guaranteed fixed annual payments under the contract to be awarded for the State's wholesale liquor activities associated with distributing and selling spirits and fortified wines sold by the State. That 10 year contract period runs from 2014 – 2023, with the first annual payment being due July 1, 2014.

The allocations are to be used for federal matching purposes for the revolving loan funds for drinking water systems and for wastewater treatment facilities. It is expected that 15% of the annual payments will be adequate to fund the match requirements.

This action of the committee, the Legislature and the Governor provide a stable long term funding solution to the perennial challenge of securing the 20% matches which are required for the two programs.

There is still a gap for 2012 and 2013, in that the 20% matches have not yet been secured. MWUA, in concert with Maine WasteWater Control Association has held numerous meetings with leadership and other financial decision makers over the past seven months, in

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an effort to establish a long term funding solution. Those discussions will continue as we seek to secure the matches for the next two years.

### In Memory

Myron L. Estabrook, Jr., 90, passed away on April 16, 2011 in Portland. He was born May 27, 1920 to Myron and Sadie Estabrook of Yarmouth, Maine. During WWII he served in the Army for over four years having been assigned stateside duty and eventually joining General Patton's 3<sup>rd</sup> Army in Europe. Myron was employed by the Yarmouth Water District for 39 years retiring in 1984 as superintendent. He was a Red Sox fan, enjoyed hunting and driving his antique truck. He was a member of the Yarmouth Volunteer Fire Dept and the American Legion. Spending time with his family was what he enjoyed the most. He is survived by his wife, 2 daughters and a son, 3 brothers and a sister, 5 grandchildren, and a great-grandson.

George J. "Bud" Murdock, innkeeper and proprietor of The Ocean House Hotel in Port Clyde, passed away June 9, 2011, in Rockport. He was born in Chelsea, Mass., on Dec. 20, 1933. He and his family spent many summers on Monhegan Island at the summer

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home of their grandparents. In 1979 he and his wife purchased the Monhegan Store. Bud purchased The Ocean House Hotel in Port Clyde in 1984. He served for 15 years as chairman of the Port Clyde Water Commission. Murdock is survived by his four children, his children's mother, two stepchildren, his sister, grandchildren and great-grandchildren.

### Scholarship: Applications Wanted!

The Public Awareness Committee is working diligently to sell their raffle tickets for the 2011 Calendar Raffle. The tickets are \$5 each, and prizes range from \$50, \$100, or \$200, equaling \$2,000 in all. This raffle will generate \$3,000 for the Scholarship Fund. Winners will be posted weekly at [www.mwua.org](http://www.mwua.org) beginning the month after all the tickets have been sold. If you would like to purchase tickets, please call the MWUA office.

If you are an intern that is pursuing a career in Maine's water or wastewater profession, send in your application today. Also, if you know of someone who qualifies for this scholarship opportunity, please encourage them to apply as well. Each scholarship is for \$1,000, and multiple scholarships per year may be awarded. The scholarship application is found on our website at: [http://www.mwua.org/?page\\_id=293](http://www.mwua.org/?page_id=293).

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**MAINE WATER UTILITIES ASSOCIATION**  
**26<sup>th</sup> ANNUAL CLAMBAKE SCRAMBLE GOLF TOURNAMENT**  
**Wednesday, August 10, 2011**

**PLACE:** **Val Halla Golf Course:** 60 Val Halla Road Cumberland Center, Maine 04021 phone: (207) 829-2225

**DIRECTIONS:** Traveling on I-295 from the North/South. Take Cumberland /Yarmouth Exit15. Turn right onto Route 1 – 1<sup>st</sup> light turn left (Portland St) .8 mi changes to Middle Rd .6 mi turn right onto Greely Rd 3 mi Turn left onto Val Halla Rd

**TIME:** **Shotgun Start @ 8:30 AM**  
**Barbeque and Awards to follow**

**FORMAT:** **Scramble Format is as follows:** Men play white tees; Women begin on the red tees. Each Group must use one drive from each player on each nine.

**COMPETITION:** **1<sup>st</sup> Place** **(2) Longest Drive M/W**  
**2<sup>nd</sup> Place** **(3) Closest to the Pin**

**\*There will be a 50/50 RAFFLE & CASINO HOLE to benefit the MWUA Scholarship Fund**

**REGISTRATION:** Register by July 29, 2011 online at: [www.mwua.org](http://www.mwua.org); or complete this form and return to:  
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**Fax: (207) 623-9522**

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**COST:** \$75 per person, including cart, prize fund and buffet (meal cost is \$10/person for those requiring a breakdown)

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**MWUA 26<sup>th</sup> ANNUAL CLAMBAKE SCRAMBLE GOLF TOURNAMENT**  
**August 10, 2011 at Val Halla Golf Course**  
**Registration Deadline: July 29, 2011 - Pre-payment is Required**

**DATE:** **Wednesday, August 10, 2011**

**PLACE:** **Val Halla Golf Course, 60 Val Halla Rd., Cumberland, Me 04102**

**TIME:** **Shotgun Start at 8:30 A.M**  
**Barbeque and Awards to follow**

**CONTACT NAME:** \_\_\_\_\_ **CONTACT MEMBER INFORMATION:**

Team Member # 1 \_\_\_\_\_ **ADDRESS** \_\_\_\_\_  
Name Company

Team Member #2 \_\_\_\_\_ **CITY** \_\_\_\_\_ **ST** \_\_\_\_\_ **ZIP** \_\_\_\_\_  
Name Company

Team Member #3 \_\_\_\_\_ **PHONE** \_\_\_\_\_  
Name Company

Team Member #4 \_\_\_\_\_ **E-MAIL** \_\_\_\_\_  
Name Company

Payment enclosed for \_\_\_\_\_ (# people) at \$75.00/person. Total enclosed (\$) \_\_\_\_\_

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**MAINE WATER UTILITIES ASSOCIATION**  
**ANNUAL CLAMBAKE**

**DATE:** THURSDAY, August 11, 2011

**LOCATION:** THOMAS POINT BEACH, BRUNSWICK, MAINE  
[www.thomaspointbeach.com/home.shtml](http://www.thomaspointbeach.com/home.shtml)

**DIRECTIONS:** Leave U.S. Route 1 at Cook's Corner. Turn left at the traffic light, then immediately turn right onto the road to Thomas Point Beach. \*WATCH FOR THOMAS POINT BEACH SIGNS.

**TIME:** 12:00 P.M. DOWNEAST CLAMBAKE (Reservations Required)  
Come before lunch, meet old friends, and make new ones. The park collects an entrance fee from each person for cleanup cost. It is requested that the serving of alcoholic beverages stop for the remainder of the day when lunch is served.

**REGISTRATION:** Register by July 29, 2011 using the following options:  
1. online at: [www.mwua.org](http://www.mwua.org)  
2. or complete registration form and return to:  
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Steve Cox  
President

Jefferson Longfellow, Program Committee Co-Chair  
Rick Anair, Program Committee Co-Chair

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**MWUA Annual Clambake Registration**  
**August 11, 2011 at Thomas Point Beach - Brunswick**  
Registration Deadline: July 29, 2011

**DATE:** THURSDAY, August 11<sup>th</sup>, 2011  
**PLACE:** THOMAS POINT BEACH, BRUNSWICK, MAINE  
**TIME:** 12:00 P.M. DOWNEAST CLAMBAKE (Reservations Required)  
**DIRECTIONS:** Leave U.S. Route 1 at Cook's Corner. Turn left at the traffic light, then immediately turn right onto the road to Thomas Point Beach. WATCH FOR THOMAS POINT BEACH SIGNS.

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<u>QUANTITY</u>	<u>REGISTER BY JULY 29TH</u>	<u>REGISTRATIONS RECEIVED AFTER JULY 29TH</u>
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___ One Lobster Dinner	@ \$34.00 per person \$ _____	@ \$39.00 per person \$ _____
___ Steak Dinner	@ \$34.00 per person \$ _____	@ \$39.00 per person \$ _____
___ Chicken Dinner	@ \$25.00 per person \$ _____	@ \$30.00 per person \$ _____
___ Veggie Burger Dinner	@ \$15.00 per person \$ _____	@ \$20.00 per person \$ _____
___ Hamburgers/Hotdogs/Chips	@ \$ 8.00 per person \$ _____	@ \$ 8.00 per person \$ _____
___ Hamburgers/Hotdogs/Chips (16 & Under Free)		

TOTAL ENCLOSED: \$ \_\_\_\_\_

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