

Nestlé's "Poland Spring" brand does not necessarily mean more jobs for Maine

Interestingly, many Mainers are not aware that Poland Spring is no longer a Maine company.

"Poland Spring" is, now, the brand name of a product line owned, ultimately, by Switzerland-based Nestlé, S.A., the largest packaged food company on this planet.

In light of Nestlé's current "Poland Spring" advertising blitz, let's briefly discuss Nestlé's current water extraction activity in Maine.

Question #1: Why does Nestlé ship Maine water in their big steel tanker trucks all the way to Framingham, Massachusetts to be bottled into Poland Spring bottles, rather than bottle it right here in Maine?

Yes, that is correct. If you [click here](#), you'll be able to view a YouTube video clip of a couple of folks following one of Nestlé's tankers from Maine, down I-95 to I-495, to Nestlé's Framingham bottling facility. Apparently, one of those huge water tankers from Maine arrives at the Framingham plant every few minutes.

There are two parts to the answer to Question #1. Firstly, Nestlé's Maine bottling plants currently produce more bottled water than can be sold within Maine; thus, the excess product has to be sold out-of-state. Secondly, it is very costly to transport, in the form of bottled water, the tremendous amount of "groundwater" that Nestlé sucks out of the ground. It is more cost effective for Nestlé to truck that water in bulk, directly to states to the south of Maine, and bottle it and distribute it from there.

Question #2: What does this have to do with Maine jobs and revenue?

The answer is... Nestlé's out-of-state operation of bottling plants and out-of-state processing of Maine water represents lost jobs and lost revenue to Maine. It's that simple.

Question #3: So, why are our state and town officials so eager to pass statutes and ordinances that require a Significant Groundwater Well (large-scale) extraction permit? Such permits must be granted to any applicant that meets the State's and the municipalities' not-so-stringent and not-so-comprehensive permit application requirements. With Maine water and potential jobs disappearing out of the State, what financial benefit is Maine going to receive?

This is the question that we are asking in Wells. Why in the world are the Town's selectmen blithely following the State in pushing a large-scale water extraction ordinance on us? It's readily apparent to anyone closely following this issue that Nestlé wants a permit to extract 432,000 gallons per day from the groundwater source that feeds into the Branch Brook.¹ The Branch Brook is currently the KKW Water District's primary source, supplying sixty to seventy percent of its water requirement. According to the Department of Conservation's Maine Geological Survey, the average personal need for water is

¹ Based on the [proposed KKWWD/Nestlé contract](#), page 2, Recitals D value of 300 gallons per minute, averaged over any consecutive twelve month period.

55 gallons per day.² Thus, Nestlé's desired export of 432,000 gallons per day is equal to the daily water supply for 7,855 people! The Southern Maine Regional Water Council's October, 2008, in-depth technical study concluded that the KKW Water District is projected to approach the safe yield of its existing supplies in the near future.³ We question the logic of ever permitting Nestlé to extract groundwater that would otherwise normally flow into the Branch Brook.

Why haven't State and local officials been seriously questioning how potentially detrimental this large-scale groundwater extraction legislation is to Maine?

Instead, what we see and hear is these officials clinging adamantly to Maine's archaic groundwater property rights laws that do not protect groundwater to the same extent as other Maine laws protect Maine's lakes, ponds, rivers, and streams. Under State law, a groundwater extractor may damage neighboring groundwater supplies and resources with little legal liability⁴; and, a local town ordinance cannot offer more protection than State law now allows.⁵

By voting "NO" on Article 1 of the Town ballot on November 3rd, Wells voters can send a clear message to the State and to the Town of Wells selectmen that our valuable groundwater resources must receive statutory protection equal to that for our lakes, ponds, rivers and streams.

Additional information on this issue is available at www.ProtectWellsWater.com

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² Maine Geological Survey, An Introduction to Groundwater Hydrology, Section 3 - More practical aspects of ground water hydrology, Ground Water Demands, <http://www.maine.gov/doc/nrimc/mgs/explore/water/handbook/section3-demands.htm>

³ [Regional Water System Master Plan Study for the Southern Maine Regional Water Council, October, 2008](#), Section 6-8, page 136 of 282.

⁴ Maddocks v. Giles, 1999 ME 63, http://www.courts.state.me.us/court_info/opinions/documents/99me63ma.htm
See Footnote 6.

⁵ **38 M.R.S. §3001(3) Standard of preemption.** The Legislature shall not be held to have implicitly denied any power granted to municipalities under this section unless the municipal ordinance in question would frustrate the purpose of any state law. See <http://www.mainelegislature.org/legis/Statutes/30-A/title30-Asec3001.html>

A reading of the Maddock v. Giles case above indicates that the language added to the proposed ordinance that would purport to protect the wells of pre-existing businesses would not hold up in court; because it conflicts with the absolute property rights basis of the absolute dominion rule. The only water supplies that are protected by State law are pre-existing single-family domestic household supplies via 38 M.R.S. §404. Ground water rights. See <http://www.mainelegislature.org/legis/Statutes/38/title38sec404.html> Commercial water supplies and post-existing water supplies are not protected.