

Let's do our homework on the proposed water contract with Nestle

Whenever you enter into a long-term business relationship, you need to know what you're getting into.

When someone gets a mortgage, buys a car, or sells a house, they need to know they won't get a nasty shock in the future.

So they usually hire a professional to analyze the 'fine print'.

You need to know exactly what you're getting into....before you get into it.

It's the same for selling publicly-owned water.

Whether you favor or oppose this proposal to sell our water for 30-55 years, we all would agree that we need to know exactly what we could be getting into.

My point is that **right now, we aren't sure.**

We don't have all the information we need.

We lack vital pieces of the puzzle.

We haven't done all our homework.

Whether you favor or oppose this proposal, we must recognize that

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- Disputes over water are likely to become more common.
- Environmental and economic conditions will change over time...
- The supply of water could change.
- Demands for water are likely to intensify.

and...

- Aspects of any long-term water contract are likely to be contentious.

Last week, the Citizen Trade Policy Commission consulted a legal expert who reported that certain elements of this proposed long-term contract “could possibly” become the subject of a trade treaty dispute.

(You can hear his initial comments on MaineFairTrade.org.)

The potential for international trade treaty disputes about our water raises serious new questions.

How would disputes over our water be settled?...

....By a Maine judge or jury in a Maine court under Maine law?

or

... By international trade lawyers in a World Bank arbitration room under the terms of a bilateral investment treaty?

Who would be in control?...

.... Maine lawyers arguing under the direction of Maine state legislators?

or

.... International trade lawyers under the direction of the US federal trade officials?

How much clout would our small water district have in such cases?
How much clout would the huge Nestle corporation have?
In the event of a dispute with Nestle or its subsidiaries over water,
do we even know which of dozens of international treaties might
apply?
Do we know what's in these treaties?

Before the district considers signing this or any similar contract,
we need to know the answers to these and other important
questions.

The State needs to examine these issues, too.

After all, what's at stake here is much more than the sale of water
by a water district.

**These issues go to the heart of democratic control over fresh
water in the state of Maine.**

**I recommend that this proposed contract be submitted
formally both to the**

- Maine Public Utilities Commission, and to the**
- Maine Citizen Trade Policy Commission**

for their review.

We need them to find answers to these questions.
We need them to examine exactly what we'd be getting into.
We need them to ensure that the public interest is protected.

Thank you very much.