

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 831

H. P. 584

House of Representatives, February 9, 1967

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Brown of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

**AN ACT Providing for Regulating Water Well Construction and Pump
Installation.**

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

R. S., T. 32, c. 73, additional. Title 32 of the Revised Statutes is amended by adding a new chapter 73, as follows:

CHAPTER 73

WATER WELL CONSTRUCTION AND PUMP INSTALLATION

§ 4851. Short title

This chapter shall be known and may be cited as the "Maine Water Well Construction and Pump Installation Law."

§ 4852. Definitions

As used in this chapter:

1. Board. "Board" means the Water Well Contractors Board appointed under section 4854.

2. Construction of water wells. "Construction of water wells" means all acts necessary to obtain ground water by wells, including the location and excavation of the well, but excluding the installation of pumps and pumping equipment.

3. Installation of pumps and pumping equipment. "Installation of pumps and pumping equipment" means the procedure employed in the placement and preparation for operation of pumps and pumping equipment, including all con-

struction involved in making entrance to the well and establishing seals, but not including repairs, as defined in this section, to existing installations.

4. Municipality. "Municipality" means a city, town, county, district or other public body created by or pursuant to state law, or any combination thereof acting cooperatively or jointly.

5. Pumps and pumping equipment. "Pumps" and "pumping equipment" mean any equipment or materials utilized or intended for use in withdrawing or obtaining ground water, including, without limitation, seals and tanks, together with fittings and controls.

6. Pump installation contractor. "Pump installation contractor" means any person, firm or corporation engaged in the business of installing pumps and pumping equipment.

7. Repair. "Repair" means any action which results in a breaking or opening of the well seal or replacement of a pump.

8. Water well contractor. "Water well contractor" means any person, firm or corporation engaged in the business of constructing water wells.

9. Well. "Well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, acquisition or artificial recharge of ground water, but such term does not include an excavation made for the purpose of obtaining or for prospecting for oil, natural gas, minerals or products of mining or quarrying, or for inserting media to repressure oil or natural gas bearing formation or for storing petroleum, natural gas or other products.

10. Well seal. "Well seal" means an approved arrangement or device used to cap a well or to establish and maintain a junction between the casing or curbing of a well and the piping or equipment installed therein, the purpose or function of which is to prevent pollutants from entering the well at the upper terminal.

§ 4853. Scope

No person shall construct, repair or cause to be constructed or repaired, any water well, nor shall any person install or cause to be installed, any pump or pumping equipment contrary to this chapter and applicable rules and regulations, provided that this chapter shall not apply to any distribution of water beyond the point of discharge from the storage or pressure tank, or beyond the point of discharge from the pump if no tank is employed, nor to wells used or intended to be used as a source of water supply for municipal water supply systems, nor to any well, pump or other equipment used temporarily for dewatering purposes.

§ 4854. Water Well Contractors Board

A Water Well Contractors Board is established and shall consist of an executive officer who shall be the Director of the Division of Sanitary Engineering, Bureau of Health, Department of Health and Welfare, or his designee and 2 other members, hereinafter in this chapter called the appointive members, who shall be appointed by the Governor. Each appointive member shall be a water

well contractor as defined in section 4852, and who has been engaged in the business of well contractor for at least 5 years. As the terms of said appointive members expire, new appointive members shall be appointed for terms of 2 years, except that in the commencement the first appointee shall serve for one year only to provide for an overlapping of terms. Any vacancy in said board caused by death, resignation or removal of any member shall be filled by the appointment of a person qualified, to hold office during the unexpired term of the member whose place is thus filled. Any member of said board may be removed from office for cause by the Governor. The members of the board shall each be allowed the sum of \$20 per day and their necessary traveling expenses for actual attendance upon any examination of candidates for license, for any necessary hearings and other meetings.

1. Employees. The board shall be empowered to appoint and remove such employees as it shall deem necessary and to fix their compensation within the limitations of the funds provided by this chapter.

2. Meetings. The board shall hold regular meetings semiannually and shall hold additional meetings at such other times as they shall determine by their rules, or upon request of the 2 appointive members of their board, or upon request of the executive officer. Said board shall keep correct records of all its proceedings.

3. Reciprocity. The board may provide for reciprocity of licensing with similar boards of other states which maintain standards at least equal to those of this State.

4. Complaints. The board shall investigate all complaints made to it and all cases of noncompliance with or violation of this chapter and shall bring all such cases to the notice of the proper prosecuting officers.

5. Fees. All fees received by the board shall be paid by the executive officer thereof into the Treasury of the State through the Department of Health and Welfare and may be used for carrying out this chapter.

6. Records. The board shall keep a record of the names and residences of all persons registered under this chapter and a record of all moneys received and disbursed by it, and said records or duplicates thereof shall be open for inspection during office hours.

§ 4855. Rules, regulations, and proceedings

The board shall adopt, and from time to time amend, rules and regulations governing the location, construction and repair of water wells, and the installation and repair of pumps and pumping equipment, and shall be responsible for the administration of this chapter. With respect thereto it shall:

1. Public hearings. Hold public hearings, upon not less than 15 days' prior notice published in one or more newspapers, as may be necessary to assure general circulation throughout the State, in connection with the proposed rules and regulations and amendments thereto;

2. Enforcement. Enforce this chapter and any rules and regulations adopted pursuant thereto;

3. Delegation to municipality. Delegate, at its discretion, to any municipality any of its authority under this chapter in the administration of the rules and regulations adopted;

4. Procedures. Establish procedures and forms for the submission, review, approval and rejection of applications, notifications and reports required under this chapter; and

5. Regulations. Issue such additional regulations, and take such other actions as may be necessary to carry out this chapter.

§ 4856. Permission and notification

1. Permission. Permission shall be obtained from the board for each of the following:

A. The construction of any water well;

B. The first installation of any pump or pumping equipment in any well. The board may waive the requirement of prior permission in any geographical area where undue hardship may arise.

2. Notification. The board shall be given notification of the following:

A. Any repair, as defined in this chapter, to any water well or pump.

§ 4857. Existing installations

No well or pump installation in existence on the effective date of this Act shall be required to conform to section 4856, or any rules and regulations adopted pursuant thereto; provided that any well or pump installation supplying water which is determined by the board to be a health hazard must comply with this chapter and applicable rules and regulations within a reasonable time after notification of such determination has been given.

§ 4858. Inspections

The board is authorized to inspect any water well or pump installation for any well. Duly authorized representatives of the board may at reasonable times enter upon, and shall be given access to, any premises for the purpose of such inspection.

Upon the basis of such inspections, if the board finds applicable laws, rules or regulations have not been complied with, or that a health hazard exists, the board shall disapprove the well or pump installation. If disapproved, no well or pump installation shall thereafter be used until brought into compliance and any health hazard is eliminated.

Any person aggrieved by the disapproval of a well or pump installation shall be afforded the opportunity of a hearing as provided in section 4862.

§ 4859. Licenses

Every person who wishes to engage in such business as a water well contractor or pump installation contractor, or both, shall obtain from the board a license or licenses to conduct such business.

Persons holding valid licenses as plumbers shall be authorized to install pumps, subject to this chapter, without being required to obtain a license as a pump installation contractor under this section.

The board may adopt, and from time to time amend, rules and regulations governing applications for water well contractor licenses or pump installation contractor licenses, provided that the board shall license, as a water well contractor or pump installation contractor, any person properly making application therefor, who is not less than 21 years of age, is of good moral character, has knowledge of rules and regulations adopted under this chapter, and has had not less than 5 years' experience as a well driller, for a water well contractors license and 2 years' experience as a pump installer for a pump installation license. The board shall prepare an examination which each such applicant must pass in order to qualify for such license.

This section shall not apply to any person who performs labor or services at the direction and under the personal supervision of a licensed water well contractor or pump installation contractor.

A county, municipality or other political subdivision of the State engaged in well drilling or pump installing shall be licensed under this chapter, but shall be exempt from paying the license fees for the drilling or installing done by regular employees of, and with equipment owned by, the governmental entity.

Any person who was engaged in the business of a water well contractor or pump installation contractor, or both, for a period of 2 years immediately prior to the effective date of this Act shall, upon application made within 90 days of the effective date of this Act, accompanied by satisfactory proof that he was so engaged, and accompanied by payment of the required fees, be licensed as a water well contractor, pump installation contractor, or both, as provided in this section, without fulfilling the requirement that he pass any examination prescribed pursuant thereto.

The board is authorized to issue nontransferable licenses for water well contractors and pump installers. Each license shall terminate on December 31st of each year and shall be renewed on January 1st of each year upon payment of the license fee.

§ 4860. Exemptions

Nothing in this chapter shall prevent a person who has not obtained permission pursuant to section 4856, or has given notification pursuant to section 4856 or a license pursuant to section 4859 from constructing a well, installing a pump, or repairing a well or pump on his own or leased property intended for use only in a single-family house which is his permanent or seasonal residence, or intended for use only for farming purposes on his farm, and where the water to be produced is not intended for use by the public or in any residence other than his own. Such persons shall comply with all rules and regulations as to construction of wells and installation of pumps and pumping equipment adopted under this chapter.

§ 4861. Fees

A fee not exceeding \$2.50 to install a pump shall accompany each application for permission required under section 4856.

A fee not exceeding \$5.50 to install a well shall accompany each application for permission required under section 4856.

A fee not exceeding \$50 shall accompany each water well contractor's application for a license required under section 4859.

A fee not exceeding \$25 shall accompany each pump installer's application for a license required under section 4859.

§ 4862. Suspension or revocation; appeals

When the board believes a license should be suspended or revoked, it shall file a complaint with the Administrative Hearing Commissioner designated in Title 5, chapters 301 to 307. A person aggrieved by the refusal of the board to issue a license may file a complaint with the Administrative Hearing Commissioner.

§ 4863. Penalties

Any person who violates any provision of this chapter shall be punished by a fine of \$50 or by imprisonment for not more than 90 days, or by both. Every day, or any part thereof, in which such violation occurs shall constitute a separate violation.

§ 4864. Conflict with other laws

The provisions of any law, or regulation of any municipality establishing standards affording greater protection to the public health or safety, shall prevail within the jurisdiction of such municipality over this chapter and regulations adopted under this chapter.