

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1195

H. P. 956

House of Representatives, March 20, 1975

On Motion of Mr. MacLeod of Bar Harbor, referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. MacLeod of Bar Harbor.

Cosponsor: Mr. Blodgett of Waldoboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Regulating Water Well Construction.

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

Sec. 1. 32 MRSA c. 72 is enacted to read:

CHAPTER 72

WATER WELL CONSTRUCTION

§ 4851. Short title

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

§ 4852. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Apprentice. "Apprentice" means a person who is engaged in learning and assisting in the drilling of wells.

2. Commission. "Commission" means the Water Well Drilling Commission appointed under section 4854.

3. Journeyman driller. "Journeyman driller" means a person who performs the work of drilling wells under the supervision of a master driller.

4. Master driller. "Master driller" means an individual qualified under this chapter to supervise the actual drilling operations, maintain order at the drilling site, construct wells in a workmanlike manner and accept responsibility therefor.

5. Well. "Well" means any artificial excavation drilled by any method for the purpose of extracting water from the underground.

6. Well driller. "Well driller" means an individual who for compensation participates in the physical construction of a water well as defined by this chapter.

7. Well drilling contractor. "Well drilling contractor" means any person, company, firm, partnership or corporation engaged in the business of water well construction using various drilling methods.

§ 4853. Exclusions

1. Wells other than for water supply. Wells used exclusively for the relief of artesian pressure at hydroelectric projects, or used temporarily for dewatering purposes during construction, or for use associated with the drilling of oil, gas or brine wells, are exempt from all provisions of this chapter other than rules and regulations promulgated pertaining to the filling and sealing of abandoned wells.

2. Private wells. Nothing in this chapter shall prevent a person from constructing, enlarging, deepening or otherwise altering a well on property which such a person owns or leases. Said person shall not be exempt from rules and regulations promulgated pertaining to standards of well construction.

3. Public utilities. Wells constructed by or for public utilities shall be exempt from all provisions of this chapter other than rules and regulations promulgated pertaining to standards of well construction.

4. Governmental unit. A county, city, village, township or other governmental units engaged in water well drilling shall be registered as a "well drilling contractor" according to section 4858, and subject to the same standards, provisions and rules and regulations thereof, but shall be exempt from paying the required registration and license fees, if the drilling is done by the governmental unit and the work is on wells intended for use only by the governmental unit.

§ 4854. Water Well Drilling Commission

A Water Well Drilling Commission is established and shall consist of 7 members including the Director of Health Engineering, Department of Health and Welfare, or his designee; the Director of the Bureau of Geology, Department of Conservation, or his designee; Commissioner of Transportation or his designee; one individual representing the public and 3 well drillers. The public member and 3 well drillers, hereinafter called the "appointive members," shall be appointed by the Governor, with the advice and consent of the Council. The first well driller members shall be qualified as master drillers. As the terms of said appointive members shall expire, new appointive members shall be appointed for terms of 5 years, except that in the beginning, one appointee shall be appointed for a term of 2 years, one for a term of 3 years and one for a term of 4 years to provide for overlapping of terms. The Bureau of Geology shall administer the affairs and activities of the commission, keep all books and records, including well data reports

and samples, and all appropriations for the use of the commission shall be made to the Bureau of Geology. The commission shall appoint one of its members to serve as commission chairman for a term of 2 years. Any vacancy in said commission 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. A member of the commission may be removed from office for cause by the Governor and Council. The members of the commission shall each be allowed the sum of \$25 per day and their necessary traveling expenses for actual attendance at any examination of candidates for license, for any necessary hearings and other meetings.

1. Meetings. The commission shall hold regular meetings semiannually and shall hold additional meetings at such other times as required, or meetings may be called by the chairman or at the request of any 2 members of the commission.

2. Rules and regulations; policy. The commission, after holding public hearings, may adopt or amend rules and regulations deemed necessary to carry out the purposes of this chapter and for the protection of life, health and welfare, including, but not limited to, standards of well construction, and may establish such policy as better serves the public.

3. Records. The commission shall keep accurate records of its proceedings, a record of the names and residences of all persons licensed or registered under this chapter, records of all wells drilled or altered as described under section 4858, subsection 2, and a record of all moneys received and disbursed by it. Said records shall be maintained by the Bureau of Geology and be open for inspection during office hours.

4. Complaints. The commission may investigate complaints made to it and cases of noncompliance with or violation of this chapter. All complaints must be made to the commission in writing. At its discretion, the commission may request an inspection of the alleged violation by a neutral qualified individual or individuals acceptable to both the alleged violator and commission, who shall report their findings to the commission. If after investigation prosecution is deemed necessary, the commission may refer the case to the Attorney General.

5. Violations. When the commission establishes that there has been a violation of this chapter or any rule or regulation promulgated, it may notify the responsible water well driller or contractor by certified or registered mail of the violation and order him to correct the violation within a period of 60 days following receipt of notification. If following the 60-day time period the violation is not corrected, the commission may revoke forthwith the license or registration of the responsible party. Any licensee or registrant who receives from the commission a written notice of a violation or of suspension of his license or registration may request a hearing to be held before the commission within 30 days. The licensee or registrant may appeal from the decision of the commission to the Superior Court of the county in which water well driller or contractor has its principal place of business as provided for in the Maine Rules of Civil Procedure.

6. Employees. The Bureau of Geology, subject to review and approval by the commission, shall be empowered to employ such employees, subject to the Personnel Law, as may be necessary to carry out this chapter.

§ 4855. License required

No water wells shall be constructed, enlarged or deepened, except as provided in this chapter, unless done by a well driller licensed by the commission.

§ 4856. Issuance of licenses

1. Applications; qualifications. The commission shall issue an appropriate license to any person who files an application therefor and who meets the following qualifications.

A. Prior to July 1, 1976.

(1) Master well driller. A master well driller shall have a minimum of 5 years' experience in well drilling or 2 years' experience and pass an appropriate examination administered by the commission. When and to the extent that the commission so permits by rules and regulations, up to 2 years of the requirement for 5 years of experience may be satisfied by the satisfactory completion of one or more approved academic courses in the well drilling trade or by certification by the National Water Well Association.

(2) Journeyman well driller. A journeyman well driller shall be any person who does not qualify as a master well driller but who has otherwise been employed in the water well drilling construction business and has a letter of recommendation from a person meeting the qualifications of a master well driller as defined under subparagraph (1).

B. After July 1, 1976.

(1) Master Driller. A master driller shall have a minimum of 5 years' experience in well drilling, have worked an average of 500 hours each of the 5 years and shall pass an appropriate examination administered by the commission. When and to the extent that the commission so permits by rules and regulations, up to 2 years of the requirement for 5 years of experience may be satisfied by the satisfactory completion of one or more approved academic courses in the well drilling trade or by certification by the National Water Well Association.

(2) Journeyman. A journeyman well driller shall have been licensed as an apprentice with the commission for at least one year, have worked a minimum of 500 hours during said year under the supervision of a licensed master driller and pass an appropriate examination administered by the commission. The one-year time period must be certified in writing by the master driller from records maintained by the master driller.

C. Apprentice driller. The commission may issue a license to any person who applies therefor without examination, provided said applicant submits evidence satisfactory to the commission that he has entered the employ of a licensed well driller to assist him as an apprentice. Any such per-

son entering the employ of such well driller to assist him as an apprentice shall apply for such license within 30 days after starting an apprenticeship.

2. Reciprocal privileges. The commission, after receiving application therefor and payment of the fees provided, may issue a license as a well driller to persons who hold a similar license in any state, territory or possession of the United States or any foreign country, if the requirements for licensing under which the license was issued do not conflict with this chapter, are of a standard not lower than that specified by rules and regulations in this State and if equal reciprocal privileges are granted to a registrant of this State.

3. Certificate. All persons licensed by the commission shall receive a certificate thereof, which must be carried on the person and displayed upon request while such person is engaged in well drilling.

4. Expiration of licenses; reinstatement. All licenses shall expire on December 31st of each year and a license which has expired for failure of the licensee to apply and pay renewal fees may be reinstated by the commission as follows:

A. Within 3 years, upon receipt of a renewal application and payment of renewal license fee for each year license was not renewed;

B. After 3 years, upon examination in accordance with the legal requirements for new applicants;

C. A holder of a license which has been suspended or revoked may petition the commission for a hearing for reinstatement of his license as described in section 4854, subsection 5.

§ 4857. Application for license and examination

Each applicant for license shall present to the secretary of the commission, on a form furnished by the commission, a written application for examination or license, or both, containing such information as the commission may require, accompanied by a fee of \$15 for master driller and \$5 for journeyman driller. Examinations shall be held semiannually, and at additional times as determined by the commission, and shall be in whole or in part in writing and shall be of a thorough and practical character. Any person failing to pass his first such examination may be reexamined at any subsequent examination of said commission within one year of such first examination without additional fee and thereafter may be examined as often as he may desire upon the payment of the required fee.

§ 4858. Registration of well drilling contractors

1. Contractor. No well drilling contractor shall engage in the business of constructing water wells within the State, unless he is registered with the commission and either is, or has in his employ, a licensed master driller. The applicant shall complete a registration form supplied by the commission and pay an annual registration fee of \$100. The contractor so registered must display on each side of his drilling rigs a seal issued by the commission indicating the contractor's registration number and the current year of registration.

2. **Well completion reports.** Within 30 days after completion of any well, productive or nonproductive, or the enlarging or deepening of an existing well, a registered well drilling contractor shall submit to the Bureau of Geology a report on forms supplied by the commission. Such report shall contain information as may be required by the commission, including, but not limited to, location, type and thickness of overburden, total depth and yield and casing length. The commission, by rule and regulation, may request additional data pertaining to collecting of scientific data related to natural resources. These reports shall be maintained by the Bureau of Geology.

3. **Violation.** Any well drilling contractor who fails to register with the commission and who engages or offers to engage in a business of constructing water wells, or who fails to report according to subsection 2, shall be in violation of this chapter.

§ 4859. Compliance with other statutes and regulations

Notwithstanding the provisions set forth in this chapter and rules and regulations promulgated thereunder, all wells are to be constructed and maintained in accordance with all other statutes and regulations in effect.

§ 4860. Penalties

Any person, company, firm, partnership or corporation, who willfully violates any standard or provision of this chapter or any rule or regulation made thereunder, may be punished by a fine of not more than \$1,000.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Bureau of Geology, Department of Conservation, the sum of \$22,854 to carry out the purposes of this Act. The breakdown shall be as follows:

CONSERVATION, DEPARTMENT OF	1975-76	1976-77
Bureau of Geology		
Personal Services	(1) \$3,596	(1) \$ 4,803
All Other	6,365	6,790
Capital Expenditures	1,000	300
	<hr/> \$10,961	<hr/> \$11,893

FISCAL NOTE

This bill will generate from fees for licenses, registrations, examinations and other sources, sufficient revenue to offset the appropriation from the General Fund for this Act.

STATEMENT OF FACT

Drilled wells supply an ever-increasing number of individual homes, municipalities and commercial establishments with high quality water. The purposes of this bill are: (1) to insure that water wells are drilled, constructed,

altered or abandoned in a manner that will protect subsurface aquifers from contamination and will continuously provide the public with the best quantity and quality of ground water available in the State, and (2) to secure ground water and geologic information for the direct use of the Bureau of Geology in its programs of investigation throughout the State, and indirect use of numerous government agencies, groups and individuals involved with the use and protection of groundwater and related natural resources. The bill does not include regulation of dug well construction.