

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 2319

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H. P. 2231

House of Representatives, March 23, 1976

Reported by Mrs. Clark from the Committee on Business Legislation (with Mr. Bowie of Gardiner abstaining) and printed under Joint Rules No. 18.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

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AN ACT Regulating Water Well Drilling.

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

Sec. 1. 5 MRSA § 151, 1st sentence, as last amended by PL 1973, c. 558, § 2, is further amended to read:

All money received by the Treasurer of State from the Board of Registration in Medicine, the Board of Examiners in Physical Therapy, the Board of Examiners of Psychologists, the State Board of Nursing, the Board of Examiners of Applicants for Admission to the Bar, the Board of Accountancy, the Board of Veterinary Examiners, the Board of Osteopathic Examination and Registration, the State Board of Funeral Service, the State Board of Registration and Examination in Optometry, the Board of Dental Examiners, the State Board of Registration for Professional Engineers, the State Board of Certification for Geologists and Soil Scientists, the State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals, the State Board of Architects, the Electricians' Examining Board, the Oil Burners' Burner Men's Licensing Board, the Penobscot Bay and River Pilotage Commission, the State Board of Barbers, State Board of Cosmetology, State Board of Registration for Land Surveyors, State Board of Social Worker Registration, the Examiners of Podiatrists, the Board of Chiropractic Examination and Registration, the Water Well Drilling Board and the Board of Commissioners of the Profession of Pharmacy shall constitute a fund, which will be a continuous carrying account for the payment of the compensation and expenses of the members, the expenses of the board and for executing the law relating to each board respectively, and so much thereof as may be required is appropriated for said purposes.

**Sec. 2.** 5 MRSA § 2301, sub-§ 1, as last amended by PL 1975, c. 547, §§ 1-3, is further amended by adding at the end the following:

**Water Well Drilling Board**

**Sec. 3.** 10 MRSA § 8003, 2nd sentence, as enacted by PL 1975, c. 556, § 1, is amended to read:

The licensing bureau shall include the Board of Accountancy; the Arborist Examining Board; the Board of Registration of Architects; the Board of Barbers; the Board of Chiropractic Examination and Registration; the Board of Cosmetology; the Board of Dental Examiners; the Electricians' Examining Board; the State Board of Registration for Professional Engineers; the State Board of Funeral Service; the State Board of Certification of Geologists and Soil Scientists; the State Board of Registration of Land Surveyors; the State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals; the Board of Registration in Medicine; the Board of Nursing; the Oil Burner Men's Licensing Board; the State Board of Optometry; the Board of Osteopathic Examination and Registration; the Board of Commissioners of the Profession of Pharmacy; the Board of Examiners in Physical Therapy; the Examiners of Podiatrists; the Board of Examiners of Psychologists and; the Board of Social Work Registration and the Water Well Drilling Board.

**Sec. 4.** 32 MRSA c. 72 is enacted to read:

**CHAPTER 72**

**WATER WELL DRILLING ACT**

§ 4881. Short title

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

§ 4882. Definitions

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

1. Board. "Board" means the Water Well Drilling Board appointed under section 4884.
2. Journeyman well driller. "Journeyman well driller" means a person who performs the work of drilling wells under the supervision of a master driller.
3. Master well driller. "Master well driller" means a person 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.
4. Well. "Well" means any artificial excavation drilled by any method for the purpose of extracting water from the underground.
5. Well driller. "Well driller" means an individual who for compensation participates in the physical construction of a water well, as defined by this chapter.

6. **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.

§ 4883. 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 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. **Governmental unit.** A county, city, village, township or other governmental unit engaged in water well drilling shall be registered as a "well drilling contractor" according to section 4888, 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.

§ 4884. Water Well Drilling Board

1. **Board.** There is created and established a Water Well Drilling Board. The Board shall consist of 5 members including the Director of Health Engineering, Department of Human Services, or the director's designee; the Director of the Bureau of Geology, Department of Conservation, or the director's designee; one individual representing the public and 2 well drillers. The public member and the 2 well driller members, hereinafter called the "appointive members," shall be appointed by the Governor. The well driller members shall be qualified as master drillers. The appointive members shall serve for terms of 5 years, except that of the first members so appointed, one shall be appointed for a term of 5 years, one for a term of 4 years and one for a term of 3 years, to establish staggered terms. Any vacancy among the appointive members shall be filled by appointment in the same manner of a person with the same qualifications as the member being replaced. Such person shall serve for the unexpired portion of that term. A member of the board may be removed from office for cause by the Governor. The appointive members 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. The commission shall elect one of its members to serve as chairperson for a term of 2 years.

2. **Department of Business Regulation.** The Department of Business Regulation shall administer the affairs and activities of the board and keep all books and records.

3. Meetings. The board shall hold regular meetings semi-annually and shall hold additional meetings at such other times as required, or upon the call of the chairperson, or upon the request of any 2 members. Three members of the board shall constitute a quorum for all purposes.

4. Rules and regulations. The board, at its first meeting after the effective date of this Act, may adopt temporary rules and regulations to be in effect for no longer than 6 months. Thereafter, the board may adopt rules and regulations only after a public hearing. Such public hearing may be held sending, at least 14 days before such public hearing, a copy of all proposed rules and regulations and a written notice of and agenda for such public hearing to all persons licensed or registered under this chapter. A copy of all rules and regulations adopted by vote of the board, after such hearing, shall be sent forthwith to all persons licensed or registered under this chapter. Such rules and regulations shall not take effect until 30 days after the date of such vote.

The rules and regulations so adopted shall be limited to the the further implementation of the provisions of this chapter relating to licensing, registration, examinations and to the establishment of standards of well construction for the protection of the life, health and welfare of members of the public.

5. Records. The board 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 4888, subsection 2, and a record of all money received and disbursed by it. Said records shall be maintained by the Department of Business Regulation and be open for inspection during office hours.

6. Complaints. The board may investigate complaints made to it and cases of noncompliance with or violation of this chapter. All complaints must be made to the board in writing. At its discretion, the board may request an inspection of the alleged violation by a neutral qualified individual or individuals acceptable to both the alleged violator and the board, who shall report their findings to the board.

7. Violations. When the board determines that there has been a violation of this chapter or any rule or regulation promulgated, it may notify the responsible driller or contractor by certified or registered mail of the violation and order that driller or contractor 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 board may file a complaint with the Administrative Court Judge, as designated in Title 5, chapters 301 to 307, who shall have the power to suspend or revoke any license under this chapter.

8. Employees. The board, subject to review and approval by the Commissioner of Business Regulation and to the terms of the Personnel Law, shall be empowered to employ such employees as may be necessary to carry out this chapter.

#### § 4885. 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 board.

§ 4886. Issuance of licenses

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

A. Prior to July 1, 1977.

(1) Master well driller. A master well driller shall have a minimum of 3 years' experience in well drilling or 2 years' experience and pass an appropriate examination administered by the board. When and to the extent that the board so permits by rules and regulations, up to 2 years of the requirement for 3 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, 1977.

(1) Master well driller. A master well driller shall have a minimum of 3 years' experience in well drilling, have worked an average of 500 hours each of the 3 years and shall pass an appropriate examination administered by the board. When and to the extent that the board so permits by rules and regulations, up to 2 years of the requirements for 3 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 have worked a minimum of 500 hours during one year under the supervision of a licensed master well driller and pass an appropriate examination administered by the board. The one-year time period must be certified in writing by the master well driller from records maintained by the master well driller.

2. Reciprocal privileges. The board, after receiving application therefor and payment of the fees provided, may issue a license as a well driller to a person who holds 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, and 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 board 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 of journeymen well drillers shall expire biennially on August 31st and all other licenses issued

under this chapter shall expire biennially on February 28th. To facilitate the processing and issuance, in the Department of Business Regulation, of licenses which have been authorized by the board, the Commissioner of Business Regulation shall have the authority to establish other dates for renewal of licenses issued under this chapter. Every person licensed under this chapter shall, on or before the biennial expiration date, pay a fee for biennial renewal of the license to the board. The board shall notify every person licensed under this chapter of the date of expiration of that person's license and the amount of fee required for its renewal for a 2-year period. The notice shall be mailed to such person's last known address at least 30 days in advance of the expiration of such license. A license which has expired for failure of licensee to apply and pay biennial renewal fees may be reinstated by the board 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; or
- C. A holder of a license, which has been suspended or revoked may petition the board for a hearing for reinstatement of such license as described in section 4884, subsection 7.

#### § 4887. Application for examination and license

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

2. License. Each applicant for license shall present to the secretary of the board, on a form furnished by the board, a written application for license, containing such information as the board may require. The biennial license fee for a master well driller shall be \$70 and for a journeyman well driller shall be \$30.

#### § 4888. Registration of well drilling contractors

1. Contractor. No well drilling contractor shall engage in the business of constructing water wells within this State, unless such contractor is registered with the board and either is or employs a licensed master well driller. The applicant shall complete a registration form supplied by the board and pay a biennial registration fee of \$100. The contractor so registered must display on each side of such contractor's drilling rigs a certified copy of a certificate issued by the board 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 may submit to the board a report, on forms designed by the board. The report shall contain information as may be required by the board, including but not limited to the following :

- A. Drilling firm and registration number ;
- B. Driller and license number ;
- C. Well owner ;
- D. Town in which well is located ;
- E. Sketch map of well location ;
- F. Well completion date ;
- G. Proposed use of well ;
- H. Drilling method ;
- I. Total depth of well ;
- J. Casing length, diameter, material and weight ;
- K. Screen make, material, length, diameter and slot size ;
- L. Method of sealing casing to screen or bedrock ;
- M. Final well yield, method of testing, duration of test and drawdown ;
- N. Thickness of overburden and types ; and
- O. Number of feet sealed into bedrock.

The board may request additional information pertaining to collecting of scientific data related to natural resources.

3. Violation. Any well drilling contractor who engages or offers to engage in the drilling of water wells without having registered with the board as required by this chapter shall be in violation of this chapter.

#### § 4889. 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.

#### § 4890. 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.

#### § 4891. Fees

All fees received by the board shall be paid to the Treasurer of State to be used for carrying out the purpose of this chapter. Any balance of such fees



shall not lapse but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

**§ 4892. Reports**

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation for the preceding fiscal year ending June 30th an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

**STATEMENT OF FACT**

The purposes of the new draft are as follows:

1. To transfer the administration of the Water Well Drilling Board from the Bureau of Geology to the Department of Business Regulation and its central licensing division.
2. To transfer the power to suspend or revoke licenses from the board to the Administrative Court.
3. To restrict the rule-making powers of the board.
4. To reduce the experience required for licensing drillers.
5. To make well-completion reports optional rather than mandatory.
6. To clarify generally the wording of the bill.