

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2054
6

7 H.P. 1555

House of Representatives, February 3, 1984

8 Reference to the Committee on Energy and Natural Resources is
9 suggested. Ordered printed and sent up for concurrence.

10 Approved for introduction by the Legislative Council pursuant to Joint
Rule 26.

EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Freeport.

11 Cosponsors: Representative Carroll of Gray, Representative Michaud of
E. Millinocket and Senator Diamond of Cumberland.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FOUR
16

17 AN ACT to Provide for Testing of
18 Private Water Supplies for Chemical
19 Contaminants where Chemical Contaminants
20 are Suspected by State Agencies.
21

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

24 22 MRSA §2602-A, as enacted by PL 1981. c. 703,
25 Pt. A, §20, is amended to read:

26 §2602-A. Fees for testing private water supplies

27 The department shall charge the average cost of
28 the analysis for an examination, testing or analysis
29 of private water supplies requested under this chap-
30 ter and performed in the departmental diagnostic lab-
31 oratory. These fees shall be recalculated and depos-
32 ited according to section 562; provided that, when
33 the request is accompanied by satisfactory evidence
34 that the water supply is in the vicinity of a known

1 source of ground water contamination potentially haz-
2 ardous to human health, the preliminary testing indi-
3 cates the presence in the water supply of an abnormal
4 level of organic contaminants which are potentially
5 hazardous to human health, or the testing of water
6 supplies in the adjoining vicinity has indicated con-
7 tamination or if the department otherwise suspects
8 that the water supply contains contaminants poten-
9 tially hazardous to human health, then the examina-
10 tion, testing or analysis services shall be deemed
11 essential to the maintenance of the public health
12 within the meaning of section 562, and the laboratory
13 may utilize the services of public or private labora-
14 tories, as are required to test for the suspected
15 contaminants and to identify the scope and nature of
16 contamination.

17 STATEMENT OF FACT

18 The purposes of this bill are as follows.

19 1. It requires the state testing lab to provide
20 free testing services for private wells if there is
21 reason to believe that they may be contaminated with
22 hazardous chemicals. Under current state law, the
23 Department of Human Services has sole power to decide
24 when state testing services are necessary for public
25 health, and therefore free. Otherwise, they charge
26 well owners for the cost of testing. The new law de-
27 fines private well testing as essential to the public
28 health when contamination is suspected, which means
29 that the state well testing is free.

30 2. It would give well owners a right to state
31 testing if they could show any evidence of contamina-
32 tion. It would set up 4 criteria, and if any of them
33 were met, then the testing would be free:

34 A. If the well is in the vicinity of a known
35 source of ground water pollution;

36 B. If the well has had preliminary testing and
37 shows the presence of hazardous chemicals;

38 C. If other wells in the neighborhood have been
39 tested, and show the presence of hazardous chemi-
40 cals; and

1 D. If the State has other reasons to suspect
2 contamination.

3 3. It requires the state testing lab to use out-
4 side labs if necessary to test for the suspected
5 pollutants. Under current law, the state lab is only
6 authorized to do tests itself, but it does not have
7 the facilities to do all of the sophisticated testing
8 which may be necessary in some cases. The change
9 would obligate the lab to use whatever testing ser-
10 vices were needed to do the job right.

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