

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1555, L.D. 2054)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2400

H.P. 1815 House of Representatives, March 30, 1984

Reported by Representative McGowan from the Committee on Energy and Natural Resources and printed under Joint Rule 2.

Original bill presented by Representative Mitchell of Freeport.
Cosponsored by Representative Carroll of Gray, Representative Michaud of E. Millinocket and Senator Diamond of Cumberland.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT to Provide for Testing of Private
Water Supplies for Chemical Contaminants
Where Chemical Contaminants are Suspected
by State Agencies.

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

Sec. 1. 22 MRSA §2602-A, as enacted by PL 1981, c. 703, Pt. A, §20, is repealed and the following enacted in its place:

§2602-A. Fees for testing private water supplies

1. Purpose. The Legislature finds that there is a growing threat to the state's drinking water from a variety of contaminants and that testing of private residential water supplies may be necessary under certain circumstances to protect the public health. The Legislature recognizes that certain testing may

1 be prohibitively expensive and accordingly provides
2 for state-funded testing as set forth in this sec-
3 tion.

4 2. Fees. The department shall charge the aver-
5 age cost of the analysis for an examination, testing
6 or analysis of private residential water supplies re-
7 quested under this chapter. These fees shall be
8 recalculated and deposited according to section 562,
9 provided that the fee charged for testing a private
10 residential water supply shall not exceed \$150 when:

11 A. In the opinion of the department, initial
12 testing or screening performed at the expense of
13 the owner indicates the need for additional test-
14 ing at a cost in excess of \$150 to determine
15 whether that water supply contains contaminants
16 potentially hazardous to human health and that
17 additional testing is essential to the mainte-
18 nance of public health; or

19 B. In the opinion of the department, there is
20 reason to suspect that a private residential wa-
21 ter supply may be affected by contamination po-
22 tentially hazardous to human health and that ad-
23 ditional testing is essential to the maintenance
24 of public health. In making such a determina-
25 tion, the department shall consider the follow-
26 ing:

27 (1) The proximity of the private residen-
28 tial water supply to a known or suspected
29 source of contamination;

30 (2) The proximity of the private residen-
31 tial water supply to another private well or
32 water supply which is known to be contami-
33 nated;

34 (3) Information provided in writing to the
35 department by a physician who has seen or
36 treated a person and who has identified con-
37 taminated drinking water as a possible cause
38 of the person's condition or symptoms; or

39 (4) Information provided by the owner or a
40 user of the private residential water supply

1 voluntarily or in response to questions
2 asked by personnel of the department.

3 The department may waive all fees incurred in connec-
4 tion with the testing of a private residential water
5 supply upon a showing of indigency.

6 Sec. 2. 22 MRSA §§2608 and 2609 are enacted to
7 read:

8 §2608. Information on private water supply contami-
9 nation; interagency cooperation

10 1. Information on private water supply contami-
11 nation. The department shall provide information and
12 consultation to citizens who:

13 A. Make reports of potential contamination of
14 private water supplies; and

15 B. Request information on potential ground water
16 contamination at or near the site of a private
17 water supply.

18 2. Interagency cooperation. The department
19 shall coordinate with the Department of Environmental
20 Protection for the purposes of:

21 A. Assessing the public health implications of
22 reports or requests made by citizens in subsec-
23 tion 1; and

24 B. Determining the appropriate response to those
25 reports or requests, including, but not limited
26 to, on-site investigation, well water testing and
27 ground water monitoring.

28 3. Cooperation with local health officer. The
29 department and the Department of Environmental Pro-
30 tection, to the extent possible, shall notify and
31 utilize the services of local health officers in col-
32 lecting and evaluating information relating to actual
33 or potential ground water contamination.

34 §2609. Recovery of testing costs

1 the General Fund for fiscal year 1984-85 is \$137,500.

2 This includes start-up costs. The projected cost in
3 subsequent years is \$62,500. The new draft also pro-
4 vides for cost recovery from the polluter.

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