

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1406

6
7 S.P. 522

In Senate, April 25, 1985

8 Submitted by the Department of Conservation pursuant to Joint Rule 24.
9 Referred to the Committee on Energy and Natural Resources. Sent down
for concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Kany of Kennebec.

11 Cosponsored by Representative Mitchell of Freeport, Representative Law
of Dover-Foxcroft and Representative Michaud of Medway.

12 STATE OF MAINE
13

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

17 AN ACT to Establish the Water Well Information Law.
18

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

21 32 MRSA c. 97 is enacted to read:

22 CHAPTER 97

23 WATER WELL DRILLERS

24 §9701. Legislative intent

25 The Legislature finds that since more than 90% of
26 Maine's rural population depends on ground water for
27 drinking water, and since more than 10,000 new wells
28 are constructed annually in the State, a record of
29 the geological materials and other conditions encoun-
30 tered or information gathered during drilling would
31 be of benefit to the Department of Conservation,
32 Maine Geological Survey, in its mission of identifi-
33 cation and mapping of water and mineral resources.

1 §9702. Definitions

2 As used in this chapter, unless the context oth-
3 erwise indicates, the following terms have the fol-
4 lowing meanings.

5 1. Commissioner. "Commissioner" means the Com-
6 missioner of Business, Occupational and Professional
7 Regulation.

8 2. Department. "Department" means the Department
9 of Business, Occupational and Professional Regula-
10 tion.

11 3. Well. "Well" means any hole drilled by any
12 method for the purpose of extracting water from below
13 the ground.

14 4. Well drilling contractor. "Well drilling con-
15 tractor" means any person, company, firm, partnership
16 or corporation engaged in the business of drilled wa-
17 ter well construction.

18 §9703. Exclusions

19 1. Wells other than for water supply. Well
20 drilling contractors engaged solely in the drilling
21 of wells used exclusively for the relief of artesian
22 pressure at hydroelectric projects, or used temporar-
23 ily for dewatering purposes during construction, or
24 for use associated with the drilling of oil, gas or
25 brine wells, are exempt from the registration provi-
26 sions of section 9704, subsections 1 and 2.

27 2. Private wells. Nothing in this chapter may
28 prevent a person from constructing, enlarging, deep-
29 ening or otherwise altering a well on property which
30 such a person owns or occupies, which is or will be
31 used as a person's principal residence or seasonal
32 home.

33 3. Governmental unit. A county, city, village,
34 township or other governmental unit engaged in water
35 well drilling shall be registered as a well drilling
36 contractor, according to section 9704, but shall be
37 exempt from paying the required registration fees if
38 the drilling is done by the governmental unit and the

1 work is on wells intended for use only by the gov-
2 ernmental unit.

3 4. Duplication of well completion reports. Wells
4 for which data reports are already required by any
5 state agency shall be exempt from the reporting re-
6 quirements of this chapter.

7 §9704. Registration of well drilling contractors

8 1. Registration required. No well drilling con-
9 tractor may engage in the business of constructing
10 water wells within this State, unless registered un-
11 der this chapter with the Department of Business, Oc-
12 cupational and Professional Regulation. The depart-
13 ment shall provide registration forms and otherwise
14 carry out the purposes of this chapter. A contractor
15 so registered shall display in its principal place of
16 business its current registration certificate. A con-
17 tractor so registered shall also carry in or affix to
18 each drilling rig, actually used in the business, a
19 duplicate copy of its current certificate of regis-
20 tration.

21 2. Fees. The annual registration fee shall be
22 \$25 per well drilling contractor. The fee shall cov-
23 er, in addition to the registration, one original and
24 one duplicate certificate. The fee for additional du-
25 plicate certificates shall be \$5 each. Additional du-
26 plicate certificates shall be issued in the number
27 requested by each registrant. All fees received under
28 this chapter by the Department of Business, Occupa-
29 tional and Professional Regulation shall be paid to
30 the Treasurer of State to be used by the department.
31 Any balance of these fees shall not lapse, but shall
32 be carried forward as a continuing account to be ex-
33 pended for the same purposes in the following fiscal
34 years.

35 3. Expiration and renewal. Registration shall be
36 annual and shall expire on September 1st or at such
37 other time as the commissioner may designate. Renewal
38 notices shall be mailed to registrants at least 30
39 days prior to the expiration of their registrations.

40 4. Well completion reports. Within 45 days after
41 completion of any well or dry hole, or the enlarging

1 or deepening of an existing well, a registered well
2 drilling contractor shall submit to the Maine Geolog-
3 ical Survey a report, on forms designed by the Maine
4 Geological Survey and provided by the department. The
5 report shall contain information as may be required
6 by the Maine Geological Survey, including, but not
7 limited to, location, construction and ownership of
8 the well, materials encountered and well yield.

9 The Maine Geological Survey may request additional
10 information pertaining to collecting of scientific
11 data related to natural resources.

12 5. Violation. Any well drilling contractor who
13 engages or offers to engage in the drilling of water
14 wells without having registered with the Department
15 of Business, Occupational and Professional Regulation
16 or who has not submitted well completion reports on a
17 timely basis as required by this chapter shall be in
18 violation of this chapter.

19 §9705. Compliance with other laws and rules

20 Notwithstanding the provisions set forth in this
21 chapter, all wells are to be constructed and main-
22 tained in accordance with all other laws and rules in
23 effect.

24 §9706. Penalties

25 Any person, company, firm, partnership or corpo-
26 ration, which willfully violates any standard or pro-
27 vision of this chapter, commits a civil violation for
28 which a forfeiture of not more than \$500 may be ad-
29 judged. In addition to other civil remedies, the
30 court may revoke or suspend any registration or issue
31 an injunction.

1

STATEMENT OF FACT

2 Drilled wells supply an ever-increasing number of
3 individual homes, municipalities and commercial es-
4 tablishments with high quality water. The purpose of
5 this bill is to secure ground water and geological
6 information for the direct use of the Maine Geologi-
7 cal Survey in its programs of investigation through-
8 out the State and indirect use of numerous governmen-
9 tal agencies, groups and individuals involved with
10 the use and protection of ground water and related
11 natural resources. The bill does not include regis-
12 tration of contractors who construct dug wells, nor
13 does it provide for regulation of water well con-
14 struction standards. The bill is a recommendation of
15 the Ground Water Policy Review Committee.

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