

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1409

H.P. 1011

House of Representatives, May 1, 1989

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

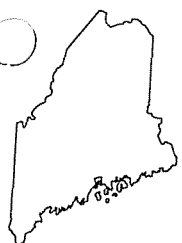
Presented by Representative MICHAUD of East Millinocket.

Cosponsored by Senator PERKINS of Hancock, Representative DEXTER of Kingfield and Representative JACQUES of Waterville.

STATE OF MAINE

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

An Act to Promote Responsible Utilization of Ground Water.



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

3 32 MRSA c. 116 is enacted to read:

5 CHAPTER 116

7 LICENSING OF WATER WELL DRILLERS

9 §13601. Definitions

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

15 2. Commission. "Commission" means the Maine Water Well
Drilling Commission appointed under section 13603.

17 3. Journeyman driller. "Journeyman driller" means a person
19 who can work alone under the direction of a master driller.

21 4. Master driller. "Master driller" means an individual
qualified under this chapter to supervise the actual drilling
23 operations, maintain order at the drilling site, construct wells
in a professional manner and accept responsibilities for that
25 supervision.

27 5. Pump. "Pump" means mechanical equipment or a device
used to remove water from a well.

29 6. Pump installer. "Pump installer" means a person who is
31 qualified to engage in the installation, removal or repair of a
pump as defined in subsection 5.

33 7. Well. "Well" means an artificial excavation drilled by
35 any method for the purpose of extracting water from underground.

37 8. Well driller. "Well driller" means an individual who,
for compensation, participates in the physical construction of a
39 well as defined by subsection 7.

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

45 §13602. Exclusions

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

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

§13603. Creation of the commission

1. Establishment of commission. The Maine Water Well Drilling Commission, as authorized by Title 5, chapter 379, is established to apply certain standards within the water well drilling industry in the State so that water wells are drilled, constructed, altered or abandoned in such a way as to protect ground and drinking water from contamination and provide the public with the highest quality water possible.

2. Membership. The commission shall consist of 7 members including, from the Department of Human Services, the Director of Health Engineering or that director's designee; from the Department of Conservation, the Director of the Maine Geological Survey or that director's designee; the Commissioner of Transportation or the commissioner's designee; one individual representing the public; and 3 well drillers.

3. Appointing authority. The 3 well drillers shall be appointed as follows: At least 6 names will be suggested to the Governor by the Maine Water Well Association from which 3 will be chosen by the Governor. The public member and 3 well drillers, called the "appointive members" in this chapter, shall be appointed by the Governor. The first well driller members shall be qualified as master drillers.

4. Chair. The commission shall appoint one of its members to serve as the commission's chair for a term of 2 years.

5. Terms of office. As the term of the 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. As the appointive members' terms expire, the Governor shall appoint new drillers from a list of at least 2 names provided by an association concerned with well water.

6. Administrative provision. The department shall administer the affairs and activities of the commission, keep all

1 books and records, excluding data reports, and all appropriations
3 for use of the commission shall be made to this department. The
5 Maine Geological Survey shall keep all well data reports and work
7 with the department in the administration of this commission's
9 activities.

11 7. Records. The commission shall keep accurate records of
13 its proceedings, a record of the names and residences of all
15 persons licensed or registered under this chapter, records of all
17 wells drilled or altered and a record of all money received and
19 disbursed by the commission. The records shall be maintained by
21 the department and be open for inspection during office hours.

23 8. Vacancies. Any vacancy in the commission caused by
25 death, resignation or removal of any member shall be filled by
27 the appointment of a person qualified to hold office during the
29 unexpired term of the member whose place is filled. A member of
31 the commission may be removed from office for cause by the
33 Governor.

35 9. Compensation. The members of the commission shall each
37 be allowed the sum of \$50 per day and their necessary traveling
39 expenses for actual attendance at any examination of candidates
41 for license, for any necessary hearings and for other meetings.

43 10. Meetings. The commission shall hold regular meetings
45 semiannually and shall hold additional meetings at such other
47 times as required, or meetings may be called by the chair or at
49 the request of any 2 members of the commission.

51 §13604. License required

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

§13605. Responsibilities and duties of the commission

1. Rules. The Maine Water Well Drilling Commission may
adopt or amend rules deemed necessary to carry out the purpose of
this chapter and for the protection of life, health and welfare,
including, but not limited to, minimum standards of well
construction and may establish such policy as better serves the
public.

2. Powers and duties. The commission shall have the
following powers and duties.

A. The commission may hold hearings in accordance with the
Maine Administrative Procedure Act, Title 5, chapter 375.

1 B. The commission may adopt rules in accordance with the
2 Maine Administrative Procedure Act, Title 5, chapter 375.

3
4 C. The commission may issue licenses and initiate action
5 for the revocation or suspension of licenses, pursuant to
6 the rules established under this chapter.

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

18 E. When the commission establishes that there has been a
19 violation of this chapter or any rule promulgated, or other
20 laws and regulations in effect, including the water well
21 information laws, Title 12, chapter 201-B, section 550-B, it
22 may notify the responsible water well driller and water well
23 contractor by certified or registered mail of the violation
24 and order them to correct the violation within a period of
25 60 days following receipt of notification. If, following
26 the 60-day time period, the violation is not corrected, the
27 commission may revoke the license and registration of the
28 responsible party or parties. Any licensee or registrant
29 who receives from the commission a written notice of a
30 violation or of a suspension of license or registration may
31 request a hearing to be held before the commission within 30
32 days. The licensee or registrant may appeal from the
33 decision of the commission to the Superior Court of the
34 county in which the water well driller or contractor has its
35 principal place of business as provided for in the Maine
36 Rules of Civil Procedure.

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38 **§13606. Issuance of licenses**

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

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44 A. Anyone actively engaged in the water well business in
45 the State prior to July 1, 1989, shall be covered by a
46 grandfather clause. Licensing requirements for individuals
47 covered by this clause shall be as follows.

48
49 (1) A master driller shall have a minimum of 3 years
50 experience in well drilling in the State and shall have
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1 worked an average of 1,000 hours during each of the 3
3 years.

5 (2) A journeyman well driller shall have worked a
7 minimum of 1,000 hours under the supervision of a well
9 drilling contractor. The 1,000-hour period must be
11 certified in writing by the contractor from records
13 maintained.

15 (3) A master pump installer shall have a minimum of 3
17 years experience in the State and have worked a minimum
19 of 1,000 hours in each of the 3 years.

21 (4) A journeyman pump installer shall have been
23 working under the supervision of a master pump
25 installer for a minimum of one year and worked a
27 minimum of 1,000 hours in that year.

29 B. Licensing requirements for individuals not covered by
31 the grandfather clause shall be as follows.

33 (1) A master well driller shall have a minimum of 3
35 years' experience in well drilling in the State, have
37 worked an average of 1,000 hours per year for the 3
39 years and pass an appropriate examination administered
41 by the commission.

43 (2) A journeyman well driller shall have been licensed
45 as an apprentice with the commission for at least one
47 year, have worked a minimum of 1,000 hours during the
49 year under the supervision of a licensed master driller
51 and pass an appropriate examination administered by the
commission. The one-year period must be certified in
writing by the master driller from records maintained
by the master driller.

(3) The commission may issue a license to any person
who applies for the license without examination,
provided the applicant submits evidence satisfactory to
the commission that the applicant has entered the
employ of a licensed well driller to assist as an
apprentice. A person desiring to become an apprentice
driller shall apply for that license within 30 days
after starting an apprenticeship.

(4) A master pump installer shall have a minimum of 3
years' experience in the State and have worked a
minimum of 1,000 hours per year in the 3 years.

(5) A journeyman pump installer shall have been
working under the supervision of a master pump

1 installer for a minimum of one year and worked a
2 minimum of 1,000 hours in that year.

3
4 2. Reciprocal privileges. The commission, after receiving
5 application for a well driller license and payment of the fees
6 provided, may issue that license to a person who holds a similar
7 license in New England, if the requirements for licensing under
8 which the license was issued do not conflict with this chapter,
9 are of a standard not lower than that specified by rules in this
10 State and if equal reciprocal privileges are granted to a
11 registrant of this State.

12
13 3. License. All persons licensed by the commission shall
14 receive a wallet certificate of the license, which must be
15 carried on the person and displayed upon request while that
16 person is engaged in well drilling.

17
18 4. Expiration of licenses; reinstatement. All licenses
19 shall expire on December 31st of each year. A license which has
20 expired for failure of the licensee to apply and pay renewal fees
21 may be reinstated by the commission as follows:

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

26
27 B. After 3 years, upon examination in accordance with the
28 legal requirements for new applicants;

29
30 C. A holder of a license which has been suspended or
31 revoked may petition the commission for a hearing for
32 reinstatement of the holder's license as described in
33 section 13605.

34 §13607. Application for license and examination

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36 Each applicant for license shall present to the secretary of
37 the commission, on a form furnished by the commission, a written
38 application for examination or license, or both, containing such
39 information as the commission may require, accompanied by a fee
40 of \$15 for a master driller license and \$5 for a journeyman
41 driller license.

42
43 Examinations shall be held semiannually, and at additional
44 times as determined by the commission, and shall be in whole or
45 in part in writing and shall be of a thorough and practical
46 character. Any person failing to pass the first examination may
47 be reexamined at any subsequent examination of the commission
48 within one year of the first examination without additional fee
49 and thereafter may be examined as often as desired upon the
50 payment of the required fee.

