

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1321

H.P. 924

House of Representatives, March 26, 1991

Reference to the Committee on Energy and Natural Resources 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 BALDACCI of Penobscot and Representative COLES of Harpswell.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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An Act to Safeguard Production of Ground Water.

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

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PART A

Sec. A-1. 5 MRSA §12004-G, sub-§13-B is enacted to read:

<u>13-B.</u>	<u>Maine Water</u>	<u>\$50 Per</u>	<u>32 MRSA</u>
<u>Environment/</u>	<u>Well Drilling</u>	<u>Meeting</u>	<u>\$4700-G</u>
<u>Natural</u>	<u>Commission</u>	<u>Plus Expenses</u>	
<u>Resources</u>			

Sec. A-2. 38 MRSA c. 3, art. 2-C is enacted to read:

Article 2-C  
MAINE WATER WELL DRILLING PROGRAM

§450. Program established

The Maine Water Well Drilling Program is established to provide the public with the highest quality drinking water possible by ensuring that water wells are drilled, constructed, altered or abandoned in a manner that protects ground water from contamination.

§450-A. Administrative authority

The Maine Well Water Drilling Commission, as established in Title 5, section 12004-G, subsection 13-B, shall administer the program. The commission has the powers and duties set forth in Title 32, chapter 69-C.

PART B

32 MRSA c. 69-C is enacted to read:

CHAPTER 69-C  
MAINE WATER WELL DRILLING COMMISSION

§4700-E. Definitions

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

1. Apprentice. "Apprentice" means a person who is engaged in learning and assisting in the drilling of wells or the installing of pumps.

2. Commission. "Commission" means the Maine Water Well Drilling Commission created under section 4700-G.

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3. Department. "Department" means the Department of Environmental Protection.

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

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

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

7. Pump installer. "Pump installer" means a person who is qualified to engage in the installation, removal or repair of a pump.

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

9. Well driller. "Well driller" means an individual who, for compensation, participates in the physical construction of a well.

10. 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.

**§4700-F. Exclusions**

1. Applicability. The provisions of this chapter apply to all water wells constructed in the State after January 1, 1994, except for:

- A. Wells constructed exclusively for the relief of artesian pressure at hydroelectric projects;
- B. Wells constructed for temporary dewatering purposes;
- C. Wells constructed for use in the drilling of oil, gas or brine wells;
- D. Wells constructed on private property by the owner or leasee of the property; and
- E. Wells constructed by or for public utilities.

2 §4700-G. Creation of commission

4 1. Establishment of commission. The Maine Water Well  
6 Drilling Commission, as authorized by Title 5, chapter 379, is  
8 established to carry out the provisions of this chapter. The  
10 purpose of the commission is to provide the public with the  
12 highest quality drinking water possible by ensuring that water  
14 wells are drilled, constructed, altered or abandoned in a manner  
16 that protects ground water from contamination.

18 2. Membership. The commission consists the Director of the  
20 Department of Human Services, Division of Health Engineering, or  
22 the director's designee; the Director of the Maine Geological  
24 Survey or the director's designee; the Commissioner of  
26 Transportation or the commissioner's designee; and 4 public  
28 members, 3 of whom must be well drillers.

30 3. Appointing authority. The Governor shall appoint the  
32 public members. Members who are well drillers must be appointed  
34 from among nominees selected by the Maine Water Well Association.

36 4. Chair. The commission shall appoint a member to serve  
38 as the commission's chair for a term of 2 years.

40 5. Terms of office. The term of the public members is 5  
42 years. Members who are not public members serve a term  
44 coincident with their term of office. The Governor shall fill  
46 any vacant seat on the commission by a qualified person for the  
48 remainder of the unexpired term. A member of the commission may  
50 be removed from office for cause by the Governor.

6. Administrative provision. The department shall  
administer the affairs and activities of the commission, keep all  
books and records, excluding data reports. All appropriations  
for use of the commission must be made to the department. The  
Maine Geological Survey shall keep all well data reports and work  
with the department in the administration of the commission's  
activities.

7. Records. The commission shall keep accurate records of  
its proceedings and shall maintain the following information:

A. The names and addresses of all persons registered under  
this chapter;

B. The location of all wells drilled or altered by any  
person registered under this chapter; and

C. An accounting of all money received or disbursed by the  
commission.

2 All records and lists under this subsection are public documents,  
3 open for inspection during business hours.

4 8. Compensation. Public members of the commission receive  
5 the sum of \$50 per meeting plus any necessary traveling expenses  
6 for actual attendance at any commission meeting.

7 9. Meetings. The commission shall meet at least 2 times  
8 per calender year at the call of the chair. The chair may call  
9 additional meetings as the chair determines necessary and shall  
10 call a meeting at the request of any 2 members of the commission.

11 §4700-H. Powers and duties

12 The commission has the following powers and duties.

13 1. Hold hearings. The commission shall conduct hearings in  
14 accordance with the Maine Administrative Procedure Act, Title 5,  
15 chapter 375.

16 2. Register well drillers and pump installers. The  
17 commission shall register well drillers and pump installers and  
18 may initiate action for the revocation or suspension of such  
19 registrations.

20 3. Investigate complaints. The commission shall investigate  
21 complaints and cases of noncompliance with, or violation of, this  
22 chapter or the well driller code of performance adopted by the  
23 commission. Complainants must petition the commission in  
24 writing. At its discretion, the commission may request that an  
25 investigation of an alleged violation be conducted by a neutral  
26 qualified individual, acceptable to both the alleged violator and  
27 the commission, who shall report to the commission. At its  
28 discretion, the commission may refer a complaint to the Attorney  
29 General.

30 4. Revoke registration. If the commission determines a  
31 violation of this chapter, the well driller code of performance  
32 or other laws and rules in effect, including the water well  
33 information laws, Title 12, section 550-B, has occurred, the  
34 commission shall notify the responsible water well driller and  
35 water well contractor by certified or registered mail of the  
36 violation and order them to correct the violation within a period  
37 of 60 days following receipt of notification. If the violation  
38 is not corrected within 60 days, the commission may revoke the  
39 registration of the responsible party or parties. A registrant  
40 who receives a written notice of a violation or of a revocation  
41 of registration under this subsection may request a hearing  
42 before the commission. The commission shall conduct such  
43 hearings and issue its decision within 30 days of the request. A  
44 decision of the commission under this subsection is a final  
45 agency action.

2           5. Adopt code of performance. The commission shall adopt a  
3           code of performance for well drillers, well drilling contractors  
4           and pump installers. The code of performance must set forth  
5           appropriate standards of professional conduct for well drillers,  
6           well drilling contractors and pump installers.

8           §4700-I. Well driller and pump installer registration

10           Effective January 1, 1994, a person may not participate in  
11           the physical construction of a well for compensation unless  
12           registered under this section.

14           1. Registration fee. An applicant for registration shall  
15           present to the commission, on a form furnished by the commission,  
16           a written application for registration, containing such  
17           information as the commission may require, accompanied by a fee  
18           of:

20           A. Fifteen dollars for registration as a master driller or  
21           master pump installer; or

22           B. Five dollars for registration as a journeyman driller or  
23           journeyman pump installer.

24           There is no fee for apprentice well driller or pump installer  
25           registration.

26           2. Registration. The commission shall register an applicant  
27           for well driller registration as either a master driller or a  
28           journeyman driller and applicants for pump installer as either a  
29           master pump installer or a journeyman pump installer, based on  
30           the following criteria.

31           A. A master driller must have a minimum of 3 years  
32           experience in well drilling in the State and have worked an  
33           average of 1000 hours per year as a journeyman driller for  
34           each of those years.

35           B. A journeyman driller must have at least one year  
36           experience in well drilling and have worked at least 1000  
37           hours during that year as an apprentice.

38           C. A master pump installer must have a minimum of 3 years  
39           experience as a pump installer in the State and have worked  
40           at least 1000 hours per year as a journeyman pump installer  
41           for each of those years.

42           D. A journeyman pump installer must have a minimum of one  
43           year experience as a pump installer in the State and have  
44           worked at least 1000 hours during that year as an apprentice.

2 The commission shall register a well driller or pump installer  
3 applicant who is not eligible for registration under paragraphs A  
4 through D as an apprentice.

5 3. Term of registration. Well drillers and pump installers  
6 shall register annually. All registrations expire on December  
7 31st of each year.

8 **§4700-J. Registration of well drilling contractors**

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10 1. Contractor. Effective January 1, 1994, no well drilling  
11 contractor may engage in the business of constructing water wells  
12 within the State unless registered with the commission. An  
13 applicant for registration as a well drilling contractor must  
14 complete a registration form supplied by the commission and pay  
15 an annual registration fee of \$100. The contractor so registered  
16 shall display on each side of the drilling rig a seal issued by  
17 the commission indicating the contractor's registration number  
18 and the current year of registration.

19 **§4700-K. Compliance with other laws and rules**

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21 Notwithstanding this chapter, all wells must be constructed  
22 and maintained in accordance with all other laws and rules in  
23 effect, including the water well information laws, Title 12,  
24 section 550-B.

25 **§4700-L. Penalties**

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27 Any person, company, firm, partnership or corporation who  
28 willfully violates any standard or provision of this chapter  
29 commits a civil violation punishable by a fine of not more than  
30 \$1,000.

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33 **STATEMENT OF FACT**

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37 This bill establishes the Maine Water Well Drilling Program  
38 within the Department of Environmental Protection. The program  
39 is administered by the Maine Water Well Drilling Commission. The  
40 7-member commission includes both public and private members and  
41 is charged with adopting a professional code of performance for  
42 well drillers, well drilling contractors and pump installers to  
43 provide the public with the highest quality ground water by  
44 ensuring that ground water wells are drilled, constructed,  
45 altered or abandoned in a manner that will protect subsurface  
46 aquifers from contamination. Under this bill, well drillers,  
47 well drilling contractors and pump installers must register with  
48 the commission and must provide services in a manner consistent  
49 with the code of performance adopted by the commission.  
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