

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1379

H.P. 952

House of Representatives, April 1, 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 LORD of Waterboro.

Cosponsored by Senator DUTREMBLE of York, Representative JACQUES of Waterville and Senator VOSE of Washington.

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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 Clarify the Payment of Fees for Testing Private Water Supplies.**

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

22 MRSA §2602-A, sub-§3 is enacted to read:

3. Maximum exposure guidelines. For purposes of subsection 2, the department may adopt maximum exposure guidelines based on a reasonable assessment of the best available scientific information of a contaminant's potential risk to human health, as well as consideration of economic reasonableness. If the results of initial testing or screening performed at the expense of the owner exceed the maximum exposure guidelines, the fee charged for testing a private residential water supply must not exceed \$150. The rulemaking provisions of the Maine Administrative Procedure Act apply to the adoption, amendment or repeal of the maximum exposure guidelines. Notwithstanding any rule to the contrary, maximum exposure guidelines have legally binding effect only after adoption pursuant to the Maine Administrative Procedure Act.

#### STATEMENT OF FACT

Although originally adopted solely for the purpose of determining whether initial testing or screening performed at the expense of the owner of a private water supply indicates the need for additional testing, maximum exposure guidelines have assumed broader applicability because of their health-based concern. Because of this increasing applicability, it is important that persons subject to the maximum exposure guidelines, such as landfill owners and operators, owners of public water supplies and owners of hazardous waste storage, treatment and disposal facilities, have an opportunity to be heard and to comment on them prior to their adoption. The Maine Administrative Procedure Act provides for such input.