

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 34, L.D. 37, Bill, "An Act  
to Amend the Laws Safeguarding Production of Ground Water"

Amend the bill by striking out everything after the enacting  
clause and before the statement of fact and inserting in its  
place the following:

Sec. 1. 32 MRSA §3501, sub-§6 is enacted to read:

6. Installation of well pumps. A person licensed under  
this subchapter who performs the initial installation of a pump  
in a well, as defined in section 4700-E, subsection 8, shall  
install that pump in compliance with the code of performance  
adopted by the Maine Water Well Drilling Commission pursuant to  
section 4700-H, subsection 5. Any person licensed under this  
subchapter who performs the initial installation of a water well  
pump in violation of that code of performance commits a civil  
violation punishable by a fine of not more than \$1,000.

Sec. 2. 32 MRSA §4700-E, sub-§1, as enacted by PL 1991, c.  
455, Pt. B, §1, is amended to read:

1. Apprentice well driller. "Apprentice well driller"  
means a person who is engaged in learning and assisting in the  
drilling of wells or the installing of pumps to work at and learn  
the trade of well drilling under the direct supervision of a  
master or journeyman well driller.

Sec. 3. 32 MRSA §4700-E, sub-§3-A is enacted to read:

3-A. Geotechnical driller. "Geotechnical driller" means a  
person doing the work of drilling, driving or boring ground water  
monitoring wells.

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Sec. 4. 32 MRSA §4700-E, sub-§§4, 5 and 7 to 9, as enacted by PL 1991, c. 455, Pt. B, §1, are amended to read:

4. **Journeyman well driller.** "Journeyman well driller" means a person ~~who can work alone under the direction of a master driller~~ doing the work of drilling, driving or boring wells who is in the employment of a master well driller.

5. **Master well driller.** "Master well 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~~ a person, firm or corporation engaged in the business of drilling, driving or boring wells. The registration of a master well driller under this chapter must specify the name of the person registered. In the case of a firm, the person registered as a master well driller must be a member or employee of the firm. In the case of a corporation, the person registered as a master well driller must be an employee of the corporation or an officer of the corporation.

7. **Pump installer.** "Pump installer" means a person ~~who is qualified to engage in the installation, removal or repair of a pump, firm or corporation that performs the initial installation of a pump in a well. The registration of a pump installer under this chapter must specify the name of the person registered. In the case of a firm, the person registered as a pump installer must be a member or employee of the firm. In the case of a corporation, the person registered as a pump installer must be an employee of the corporation or an officer of the corporation. The term "pump installer" does not include a person, firm or corporation that removes, replaces or repairs a pump in an existing well. A person who is licensed under chapter 49 as a master plumber is not required to register with the commission as a pump installer.~~

8. **Well or water well.** "Well" or "water well" means ~~an artificial excavation drilled by any method for the purpose of extracting water from underground.~~ means any hole drilled, driven or bored into the earth used to extract drinking water. The terms "well" and "water well" do not include:

- A. Dug wells;
- B. Monitoring wells;
- C. Wells constructed exclusively for the relief of artesian pressure at hydroelectric projects;

2 D. Wells constructed for temporary dewatering purposes;

4 E. Wells constructed for the purposes of extracting oil,  
gas or brine; and

6 F. Wells on private property for private use that are  
8 constructed by the property owner or lessee of the property.

10 9. Well driller. "Well driller" means an individual who,  
for compensation, participates in the physical construction of a  
12 well an apprentice well driller, journeyman well driller or  
master well driller.

14 **Sec. 5. 32 MRSA §4700-E, sub-§10,** as enacted by PL 1991, c.  
16 455, Pt. B, §1, is repealed.

18 **Sec. 6. 32 MRSA §4700-F, sub-§1,** as enacted by PL 1991, c.  
455, Pt. B, §1, is amended to read:

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

24 ~~A. Wells constructed exclusively for the relief of artesian~~  
~~pressure at hydroelectric projects;~~

26 ~~B. Wells constructed for temporary dewatering purposes;~~

28 ~~C. Wells constructed for use in the drilling of oil, gas or~~  
30 ~~brine wells; and~~

32 ~~D. Wells constructed on private property by the property~~  
34 ~~owner or lease of the property and intended for private use.~~

36 **Sec. 7. 32 MRSA §4700-G, sub-§2,** as enacted by PL 1991, c.  
455, Pt. B, §1, is amended to read:

38 **2. Membership.** The commission consists of the Director of  
40 the Division of Health Engineering within the Department of Human  
Services or the director's designee; the Director of the Maine  
42 Geological Survey or the director's designee; the Commissioner of  
Transportation or the commissioner's designee; and 4 public  
44 members, 3 of whom must be well drillers. One well driller must  
be a member of the Test-Borer's Association geotechnical driller.

46 **Sec. 8. 32 MRSA §4700-H, sub-§1-A** is enacted to read:

48 1-A. Administer examinations. The commission shall develop  
and administer all examinations required by section 4700-I,  
50 subsection 4. All examinations must be written examinations and

must test an applicant's knowledge of the principles of water well drilling, abandonment of water wells and the installation of water well pumps.

Sec. 9. 32 MRSA §4700-H, sub-§§4 and 5, as enacted by PL 1991, c. 455, Pt. B, §1, are amended to read:

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

5. **Adopt code of performance.** The commission shall adopt a rules establishing a minimum code of performance for well drillers, ~~well drilling contractors~~ and pump installers. The code of performance must set forth appropriate minimum standards of professional conduct for well drillers, ~~well drilling contractors~~ and pump installers.

Sec. 10. 32 MRSA §4700-I, sub-§§1 and 2, as enacted by PL 1991, c. 455, Pt. B, §1, are amended to read:

1. **Fees.** The commission shall establish registration fees sufficient to recover reasonable costs of administering this chapter, including costs associated with the development and administration of examinations. A registration fee is not required for apprentice well driller ~~or pump installer~~ registration.

2. **Registration.** An applicant for registration shall submit to the commission, on a form provided by the commission, a written application for registration containing such information as the commission requires. The commission shall register an applicant for well driller registration as either a master well driller or a journeyman well driller and applicants for pump installer as ~~either a master pump installer or a journeyman pump installer,~~ based on the following criteria.

2 A. A master well driller must have a minimum of 3 years  
experience in well drilling ~~in-the-State~~ and have worked an  
4 average of 1,000 hours per year as a journeyman well driller  
for each of those years.

6 B. A journeyman well driller must have at least one year  
experience in well drilling and have worked at least 1,000  
8 hours during that year as an apprentice well driller.

10 C. A ~~master~~ pump installer must have a minimum of 3 years  
experience as a pump installer ~~in-the-State~~ and have worked  
12 at least 1,000 350 hours as a ~~journeyman~~ pump installer  
during those years.

14 ~~D. A journeyman pump installer must have a minimum of one~~  
16 ~~year experience as a pump installer in the State and have~~  
18 ~~worked at least 350 hours during that year as an apprentice.~~

The commission shall register a well driller or pump installer  
20 applicant who is not eligible for registration under paragraphs A  
to D C as an apprentice.

22 **Sec. 11. 32 MRSA §4700-I, sub-§4** is enacted to read:

24 **4. Examinations.** After January 1, 1994, a person must  
26 successfully complete a written examination administered by the  
commission in order to:

28 A. Initially register as a pump installer or as a  
30 journeyman or master well driller;

32 B. Upgrade from an apprentice to a journeyman well driller;  
34 and

36 C. Upgrade from a journeyman to a master well driller.

38 A person licensed under chapter 49 as a master plumber is not  
40 required to complete an examination to perform the work of a pump  
installer.

42 **Sec. 12. 32 MRSA §4700-J**, as enacted by PL 1991, c. 455, Pt.  
B, § 1, is repealed and the following enacted in its place:

44 **§4700-J. Registration; well drillers and pump installers**

46 Effective January 1, 1994, a person may not engage in the  
48 business of constructing water wells within the State or engage  
in the initial installation of a pump in a water well unless  
50 registered with the commission. An applicant for registration  
must complete a registration form supplied by the commission.

2 successfully complete any examination required by this chapter  
3 and pay an annual registration fee established by the commission.  
4 The person so registered shall display on each side of the  
5 drilling rig or the pump installer vehicle a seal issued by the  
6 commission indicating that person's registration number and the  
7 current year of registration. A person licensed under chapter 49  
8 as a master plumber is not required to register with the  
9 commission to perform the work of a pump installer.

10 Sec. 13. 32 MRSA §4700-M is enacted to read:

12 **§4700-M. Reciprocity**

14 The commission may issue a registration without examination,  
15 in a comparable classification, to any person who holds a  
16 registration or license in any state, territory or possession of  
17 the United States or any country, if the commission determines  
18 that the requirements for registration of well drillers or pump  
19 installers under which the person's registration was issued do  
20 not conflict with this chapter or the code of performance adopted  
21 by the commission under this chapter.

22  
23 **Sec. 14. Grandfather clause; transition.** A person who meets the  
24 requirements set forth in the Maine Revised Statutes, Title 32,  
25 section 4700-I and applies for registration to the Maine Water  
26 Well Drilling Commission on or before January 1, 1994 must be  
27 registered by the commission at the appropriate registration  
28 level and is not required to take a written examination.  
29 Thereafter, a person applying for a new registration or an  
30 upgrade of a registration level must successfully complete a  
31 written examination pursuant to Title 32, section 4700-I,  
32 subsection 4.

34 **Sec. 15. Effective date.** Those section of this Act that amend  
35 the Maine Revised Statues, Title 32, sections 4700-E, 4700-K and  
36 4700-I take effect January 1, 1994.

38 **FISCAL NOTE**

40  
41 The changes to the Water Well Drilling Program will not  
42 significantly affect the revenues or expenditures of the program.'

STATEMENT OF FACT

This amendment does the following:

1. Limits the definition of well to "any hole drilled, driven or bored into the earth used to extract drinking water." Dug wells and monitoring wells are added to the exclusions already in existing law;

2. Limits pump installer registration to persons who perform the initial installation of a pump in a well. Persons who repair, replace or remove pumps in existing wells are specifically exempted from this definition. Licensed master plumbers are not required to register with the Maine Water Well Drilling Commission or take an examination in order to perform the work of a pump installer;

3. Clarifies that exams are required for anyone registering as a well driller or pump installer after January 1, 1994 and for anyone upgrading from apprentice to journeyman well driller or from journeyman to master well driller;

4. Clarifies the definitions of apprentice, journeyman and master well drillers based on the definitions for similar categories found in the Maine Revised Statutes, Title 12 pertaining to electricians;

5. Clarifies that rule-making activities apply only to the adoption of a minimum code of performance;

6. Provides that a geotechnical well driller is retained as a member of the commission; and

7. Removes the allocation section from the bill.

This amendment retains those changes in the bill pertaining to a reduction in the hours of experience required for registration in various categories and the provisions on reciprocity.

Reported by the Committee on Energy and Natural Resources  
Reproduced and distributed under the direction of the Clerk of the  
House  
3/9/93  
(Filing No. H-44)