

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 37

H.P. 34

House of Representatives, January 12, 1993

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SPEAR of Nobleboro.

Cosponsored by Representative JACQUES of Waterville, Representative LORD of Waterboro and Senator BALDACCI of Penobscot.

STATE OF MAINE

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

An Act to Amend the Laws Safeguarding Production of Ground Water.



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

2
4 Sec. 1. 32 MRSA §4700-E, sub-§3-A is enacted to read:

6 3-A. Geotechnical driller. "Geotechnical driller" means an
individual who for compensation participates in the physical
construction of a ground water monitoring well.

8
10 Sec. 2. 32 MRSA §4700-E, sub-§7, as enacted by PL 1991, c.
455, Pt. B, §1, is amended to read:

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

16 Sec. 3. 32 MRSA §4700-E, sub-§7-A is enacted to read:

18 7-A. Pump installer contractor. "Pump installer
contractor" means any person, company, firm, partnership or
corporation engaged in the business of installing, removing or
repairing a pump.

22
24 Sec. 4. 32 MRSA §4700-E, sub-§8, as enacted by PL 1991, c.
455, Pt. B, §1, is amended to read:

26 8. Well. "Well" means an-artificial-excavation-drilled-by
any-method-for-the-purpose-of-extracting-water-from-underground
any hole drilled, driven or bored into the earth to locate,
monitor, extract or recharge ground water or any hole drilled,
driven or bored for the primary purpose of transferring heat to
or from the earth's subsurface.

32
34 Sec. 5. 32 MRSA §4700-G, sub-§2, as enacted by PL 1991, c.
455, Pt. B, §1, is amended to read:

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

44 Sec. 6. 32 MRSA §4700-H, sub-§1-A is enacted to read:

46 1-A. Administer examinations. The commission shall
administer a written examination designed to test the applicant's
knowledge of the principles of well drilling and abandonment and
the methods of installation of pumping equipment.

50
52 Sec. 7. 32 MRSA §4700-H, sub-§4, as enacted by PL 1991, c.
455, Pt. B, §1, is amended to read:

2 4. **Revoke registration.** If the commission determines a
4 violation of this chapter, the well-driller code of performance
6 or other laws and rules in effect, including the water well
8 information laws, Title 12, section 550-B, has occurred, the
10 commission shall notify the responsible water well driller and
12 water well drilling contractor, pump installer and pump installer
14 contractor by certified or registered mail of the violation and
16 order them to correct the violation within a period of 60 days
18 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.

20 **Sec. 8. 32 MRSA §4700-I, sub-§§1 and 2,** as enacted by PL 1991,
22 c. 455, Pt. B, §1, are amended to read:

24 1. **Fees.** The commission shall establish registration fees
26 sufficient to recover reasonable costs of administering this
chapter. A registration fee is not required for apprentice well
driller or apprentice pump installer registration.

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

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

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

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

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

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

6 The registration of well drillers or pump installers who
8 terminate their employment with a well drilling contractor or
10 pump installer contractor remains renewable for 5 years. After 5
12 years, the registration is automatically invalidated. Well
14 drillers or pump installers whose registrations are invalidated
under this section may be issued new registrations of a like
classification provided appropriate proof of competency is
presented to the commission.

16 This chapter may not be construed to affect or prevent the
practices of any other legally recognized profession.

18 **Sec. 9. 32 MRSA §4700-I, sub-§4** is enacted to read:

20 4. Examinations. After January 1, 1994, an applicant must
22 successfully complete a written examination administered pursuant
to section 4700-H, subsection 1-A, in order to:

24 A. Upgrade the applicant's status from apprentice to
26 journeyman; or

28 B. Upgrade the applicant's registration from journeyman to
master.

30 **Sec. 10. 32 MRSA §4700-J**, as enacted by PL 1991, c. 455, Pt.
32 B, §1, is amended to read:

34 **§4700-J. Registration of well drilling and pump installer**
contractors

36 **1. Well drilling contractor.** Effective January 1, 1994, no
38 well drilling contractor may engage in the business of
constructing water wells within the State unless registered with
40 the commission. An applicant for registration as a well drilling
contractor must complete a registration form supplied by the
42 commission and pay an annual registration fee established by the
commission. The contractor so registered shall display on each
44 side of the drilling rig a seal issued by the commission
indicating the contractor's registration number and the current
year of registration.

46 **2. Pump installer contractor.** Effective January 1, 1994,
48 no pump installer contractor may engage in the business of
50 installing water well pumps within the State unless registered
52 with the commission. An applicant for registration as a pump
installer contractor must complete a registration form supplied
by the commission and pay an annual registration fee established

2 by the commission. The contractor so registered shall display on
3 each of the front doors of the pump installer vehicle a seal
4 issued by the commission indicating the contractor's registration
5 number and the current year of registration.

6 Sec. 11. 32 MRSA §4700-M is enacted to read:

8 **§4700-M. Reciprocity**

10 Upon application, the commission may issue a registration
11 without examination, in a comparable classification, to any
12 person who holds a registration or license in any state,
13 territory or possession of the United States or any country,
14 providing the requirements for registration of well drillers or
15 pump installers under which the person's registration was issued
16 do not conflict with this chapter and commission rules and are of
17 a standard not lower than that specified by rules adopted under
18 this chapter.

20 **Sec. 12. Grandfather clause; transition.** A person who meets the
21 requirements set forth in the Maine Revised Statutes, Title 32,
22 section 4700-I and applies for registration to the Maine Water
23 Well Drilling Commission on or before January 1, 1994 must be
24 registered by the commission at the appropriate registration
25 level and is not required to take a written examination.
26 Thereafter, a person applying for a new registration or an
27 upgrade of a registration level must successfully complete a
28 written examination pursuant to Title 32, section 4700-I,
29 subsection 4.

30 **Sec. 13. Allocation.** The following funds are allocated from
31 Other Special Revenue to carry out the purposes of this Act.

	1993-94	1994-95
36 HUMAN SERVICES, DEPARTMENT OF		
38 Maine Water Well Drilling Program		
40 Positions - Other Count	(1.0)	(1.0)
41 Personal Services	\$25,783	\$27,757
42 All Other	5,600	1,300
43 Capital Expenditures	2,000	
44		
45 Provides funds for a Clerk		
46 Typist III position, per diem		
47 and expenses for commission		
48 members, related costs and		
49 computer equipment to		
50 administer and implement the		
51 Maine Water Well Drilling		
52 Program.		

2 DEPARTMENT OF HUMAN SERVICES
TOTAL \$33,383 \$29,057

4
6 Sec. 14. Effective date. Those sections of this Act that amend
the Maine Revised Statutes, Title 32, sections 4700-E, 4700-H and
4700-I take effect January 1, 1994.

8

10

STATEMENT OF FACT

12

14 This bill makes changes to the laws concerning the Maine
Water Well Drilling Program and the regulation of well drilling
in order that the Maine Water Well Drilling Commission may better
16 administer the laws.