MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1479

S.P. 481

In Senate, May 10, 1993

An Act to Identify Laboratories Subject to the Laboratory Certification Program.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by President DUTREMBLE of York.
Cosponsored by Senator CARPENTER of York and
Representative: FARREN of Cherryfield.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

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Whereas, the Maine Revised Statutes, Title 22, chapter 157-A requires the Department of Human Services and the Department of Environmental Protection to adopt rules establishing laboratory certification requirements and a certification fee schedule; and

Whereas, Title 22, chapter 157-A requires certification of any commercial, industrial, municipal, state or federal laboratory that analyzes water, soil, air, solid or hazardous waste or radiological samples for use in programs of either of the departments, subject to certain specified exceptions; and

Whereas, the departments have issued a proposed rule that would impose certification requirements that are substantial and certification fees that are significant on all laboratories conducting these analyses, regardless of the size and purpose of those laboratories; and

Whereas, it is the intent of the Legislature that the certification requirement rule apply to only larger commercial laboratories with annual revenues associated with those analyses in excess of \$10,000 and to any other laboratory that wishes to voluntarily submit to the certification program; and

Whereas, unless the Legislature clarifies the applicability of Title 22, chapter 157-A before the adoption of rules by the departments, those rules may result in unintended burdens on those laboratories that are not intended to be subject to the mandatory certification requirements; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 22 MRSA §567, first \P , as enacted by PL 1991, c. 499, $\S 2$ and affected by $\S 26$, is amended to read:

The laboratory director shall establish a laboratory certification program to ensure that all generated data of laboratories subject to the program is of known and appropriate quality of precision and accuracy when utilized for departmental programs and programs administered by the Department of Environmental Protection.

1. Acceptable data. Six months after the adoption of rules specified in subsection 2, certification is required of any commercial, --industrial, --municipal, --state-or--federal laboratory that analyses receives annual revenues of more than \$10,000 for the analysis of water, wastewater, soil, air, solid or hazardous waster or radiological samples for the use of programs of the department or the Department of Environmental Protection, except as provided under chapter 411, the Maine Medical Laboratory Act; Title 26, chapter 7, subchapter III-A, Substance Abuse Testing; and Title 29, section 1312, subsection 6, administration of tests to determine blood-alcohol level or drug concentration. other laboratory that analyzes water, wastewater, soil, air, solid or hazardous waste or radiological samples for the use of programs of the department or the Department of Environmental Protection are not required to obtain certification, but may file a voluntary application for certification.

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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

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STATEMENT OF FACT

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The purpose of this bill is to amend the laboratory certification program to provide that the mandatory requirements of the laboratory certification program apply only to commercial laboratories that receive annual revenues of more than \$10,000 for the analysis of water, wastewater, soil, air, solid or hazardous waste or radiological samples for use in the programs of the Department of Human Services or the Department of Environmental Protection. The bill allows any other laboratory to voluntarily apply for certification under the program.