

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

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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)

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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.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

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.

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

4  
6           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  
8 certification requirements and a certification fee schedule; and

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

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

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

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

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

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

42           **Sec. 1. 22 MRSA §567, first ¶, as enacted by PL 1991, c. 499,**  
§2 and affected by §26, is amended to read:

44  
46           The laboratory director shall establish a laboratory  
certification program to ensure that all generated data of  
48 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  
50 Environmental Protection.

