MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2103

S.P. 776

In Senate, January 20, 1998

An Act to Improve the Efficiency of the Maine Public Drinking Water Control Program.

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Health and Human Services suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by President LAWRENCE of York.
Cosponsored by Representative DONNELLY of Presque Isle and
Senators: HARRIMAN of Cumberland, PARADIS of Aroostook, Representatives:
COLWELL of Gardiner, LOVETT of Scarborough, SHIAH of Bowdoinham.

	Emergency preamble. Whereas, Acts of the Legislature do not
2	become effective until 90 days after adjournment unless enacted as emergencies; and
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	Whereas, the United States Environmental Protection Agency
6	delegates its authority to the State of Maine to administer the federal Safe Drinking Water Act through an arrangement known as
8	"primacy" on the condition that the State fulfill certain
	requirements; and
10	With annual to the state of the
12	Whereas, the State of Maine administers the federal Safe Drinking Water Act through the Maine Public Drinking Water
	Control Program within the Department of Human Services; and
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	Whereas, since 1993, the United States Environmental
16	Protection Agency has found in each of its annual evaluations of the program that program management failed to develop an
18	effective organizational structure and to appropriately define
	staff responsibilities; and
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	Whereas, in 1997, not only did the Maine Public Drinking
22	Water Commission find that the program suffered from poor management and administration, but also the United States
24	Environmental Protection Agency informed the program that, until its staffing and management problems were resolved, the United
26	States Environmental Protection Agency would not release to the
	State any federal funds through the Drinking Water State
28	Revolving Loan Fund; and
30	Whereas, many water systems in the State are dependent on
	the Drinking Water State Revolving Loan Fund to finance water
32	system improvement projects needed to comply with the federal Safe Drinking Water Act and thereby protect public health; and
34	bala braining water need and entered process passed in all and
_	Whereas, in the judgment of the Legislature, these facts
36	create an emergency within the meaning of the Constitution of
2.0	Maine and require the following legislation as immediately
38	necessary for the preservation of the public peace, health and safety; now, therefore,
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	Be it enacted by the People of the State of Maine as follows:
42	PART A
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Sec. A-1. Authorization to audit the Maine Public Drinking Water Control Program. The Maine Public Drinking Water Commission is authorized to hire an auditor to conduct an audit of the Maine Public Drinking Water Control Program, referred

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in this Part as the "program," for the purposes outlined in section 2 of this Part. The auditor selected must be independent of the program and may not include any person or persons employed by the State. The commission must hire the auditor no later than May 15, 1998.

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- Sec. A-2. Purpose. The purpose of the audit is to evaluate the effectiveness and adequacy of the program in administering the federal Safe Drinking Water Act, in maintaining the State's federally delegated primary enforcement authority in administering the act, and in maximizing the availability of federal funds to water systems in the State for carrying out the requirements of the act. In making this evaluation, the auditor shall consider the following factors:
- The current organizational structure and staffing of the program;

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2. The current and available resources of the program;

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- 3. The effectiveness of current management and staff of the program;
- 4. The qualifications and experience necessary for the position of manager of the program;

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5. The current goals and objectives of the program;

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6. The program's current data management system, including a comparison of public water systems in the State regarding collection, management, and reporting of compliance data; and

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7. Any other factor the auditor determines relevant or important within the scope of the purposes of the audit.

Sec. A-3. Coordination with United States Environmental Protection 36 Agency. In evaluating the performance of the program pursuant to οf this shall 38 section 2 Part, the auditor consider requirements of the United States Environmental Protection Agency, including the requirements of the regional office of the 40 with jurisdiction over the State, with 42 administering the federal Safe Drinking Water Act, maintaining the State's federally delegated primary enforcement authority in administering the act, and obtaining federal funding for water 44 systems in the State for carrying out the requirements of the 46 In conjunction with this requirement, the auditor shall seek a written statement from the United States Environmental 48 Protection Agency outlining the scope and nature of the agency's particular requirements for Maine's program.

2	Sec. A-4. Recommendations. In addition to the evaluation
	required under section 2 of this Part, the audit must include
4	recommendations to the Maine Public Drinking Water Commission regarding how the program should be organized, staffed, funded,
6	managed, and prioritized in order to best administer the federal
	Safe Drinking Water Act, maintain primacy of the State in
8	administering this act, and maximize the availability of federal
	funds to water systems in the State for carrying out the
10	requirements of the act.
12	Sec. A-5. Report to Legislature. No later than September 15,
	1998, the Maine Public Drinking Water Commission shall report the
14	findings of the audit to the joint standing committee of the
	Legislature having jurisdiction over health and human services.
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	Sec. A-6. Funding for audit. Notwithstanding any other law,
18	the Maine Public Drinking Water Commission shall provide funding
	for the gudit under this section from funds contained in the

the Maine Public Drinking Water Commission shall provide funding for the audit under this section from funds contained in the Public Drinking Water Fund authorized pursuant to the Maine Revised Statutes, Title 22, section 2660-F. The commission is authorized to determine the funding level of the audit but in no event may the commission allocate more than \$25,000 for the audit. In the event the fund is repealed prior to completion of the audit, the commission may allocate and retain in escrow up to \$25,000 to carry out the purposes of this section.

PART B

Sec. B-1. 22 MRSA §2660-C, sub-§6 is enacted to read:

6. Annual accounting. Within 60 days of the conclusion of the fiscal year for the program, the manager of the program shall submit to the commission an accounting of all of the funds expended by the program during the fiscal year.

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

SUMMARY

Part A authorizes the Maine Public Drinking Water Commission to hire an independent auditor to conduct a comprehensive audit of the functions of the Maine Public Drinking Water Control Program, and to report the findings of that audit to the Joint Standing Committee on Health and Human Services no later than September 15, 1998.

Part B requires the Maine Public Drinking Water Control Program to provide the Maine Public Drinking Water Commission with an annual accounting of expenditures related to the program.