

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 758

S.P. 263

In Senate, January 28, 1999

**An Act to Allow the State's Laboratory Certification Program to be  
Consistent with National Environmental Laboratory Accreditation  
Program Standards.**

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Submitted by the Department of Human Services pursuant to Joint Rule 204.  
Reference to the Committee on Health and Human Services 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 Senator MITCHELL of Penobscot.  
Cosponsored by Representative QUINT of Portland and  
Representatives: BRAGDON of Bangor, BROOKS of Winterport, KANE of Saco, SHIELDS  
of Auburn, SNOWE-MELLO of Poland, WILLIAMS of Orono.

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

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**Sec. 1. 22 MRSA §565, sub-§2**, as enacted by PL 1991, c. 499, §2 and affected by §26, is amended to read:

**2. Director; duties.** The Director of the Bureau of Health shall appoint a Director of the Health and Environmental Testing Laboratory, subject to the Civil Service Law and in this chapter known as the "laboratory director." The laboratory director or a designated chief of laboratory operations shall administer the laboratory to safeguard the public health and environment.

**Sec. 2. 22 MRSA §566**, as enacted by PL 1991, c. 499, §2 and affected by §26, is amended to read:

**§566. Record of tests for water samples**

A person requesting a water sample test must indicate the source of the water sample. A state-agency laboratory that tests any public water supply system for laboratory certification or accreditation program compliance mandates shall forward a copy of the test results to the department.

**Sec. 3. 22 MRSA §567**, as amended by PL 1995, c. 65, Pt. A, §59, is further amended to read:

**§567. Certification or accreditation program**

~~The laboratory-director~~ Director of the Bureau of Health shall establish a laboratory certification or accreditation 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. The Director of the Bureau of Health shall designate a laboratory certification officer to administer this program.

**1. Acceptable data.** Except as provided in this subsection, 6 months after the adoption of rules specified in subsection 2, certification or accreditation is required of any commercial, industrial, municipal, state or federal laboratory that analyzes water, soil, air, solid or hazardous waste, 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-A, section 2524, administration of tests to determine blood-alcohol level or drug concentration. A laboratory operated by a waste discharge facility licensed pursuant to Title 38, section 413 may analyze its own waste discharges for total suspended solids,

2 settleable solids, biological or biochemical oxygen demand,  
3 chemical oxygen demand, pH, chlorine residual, fecal-coli-form, -E-  
4 coli, conductivity, color, temperature and dissolved oxygen  
without being certified or accredited under this section.

6 **2. Certification or accreditation program requirements.**  
7 The department and the Department of Environmental Protection  
8 shall establish by rule program requirements, standards and  
9 criteria for the evaluation and certification or accreditation of  
10 laboratories.

12 **3. Certificate issued.** A laboratory must be issued a  
13 certificate when the laboratory ~~director~~ certification officer  
14 determines that the laboratory has the capability to analyze  
15 samples with known and appropriate quality of precision and  
16 accuracy and is in compliance with other certification or  
17 accreditation requirements. Certificates are effective for one  
18 year 2 years from date of issuance provided the laboratory  
19 continues to be in compliance with certification or accreditation  
20 requirements.

22 **4. Certification or accreditation fees.** A certification or  
23 accreditation fee schedule based on the cost of certifying or  
24 accrediting laboratories must be established by rule.  
25 Certification or accreditation fees are payable upon application  
26 for certification or accreditation and must be deposited in the  
27 Health and Environmental Testing Laboratory Special Revenue  
28 Account.

30 **Sec. 4. 22 MRSA §568**, as enacted by PL 1991, c. 499, §2 and  
31 affected by §26, is amended to read:

32 **§568. Health and Environmental Testing Laboratory Special**  
33 **Revenue Account**

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36 The Health and Environmental Testing Laboratory Special  
37 Revenue Account is established as a dedicated account for the  
38 operation of the laboratory's analytical and certification  
39 programs and may be known in this chapter as the "account."  
40 Funds deposited to the account include, but are not limited to,  
41 appropriations made to the account, funds transferred to the  
42 account from within the department and revenues received from  
43 analytical services and the certification or accreditation of  
44 laboratories.

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48 **SUMMARY**

49 This bill makes technical changes to Maine's laboratory  
50 certification program that make it consistent with the National

2 Environmental Laboratory Accreditation Program requirements in order to compete in out-of-state markets.