

# MAINE STATE LEGISLATURE

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L.D. 2597

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DATE: 4-7-00

(Filing No. H-1106)

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**NATURAL RESOURCES**

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10 Reproduced and distributed under the direction of the Clerk of  
12 the House.

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
SECOND REGULAR SESSION**

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20 COMMITTEE AMENDMENT "A" to H.P. 1862, L.D. 2597, Bill, "An  
Act to Improve Public Water Supply Protection"

22

Amend the bill by inserting after the title and before the  
enacting clause the following:

24

'Mandate preamble. This measure requires one or more local  
units of government to expand or modify activities so as to  
necessitate additional expenditures from local revenues but does  
not provide funding for at least 90% of those expenditures.  
Pursuant to the Constitution of Maine, Article IX, Section 21,  
two thirds of all of the members elected to each House have  
determined it necessary to enact this measure.'

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Further amend the bill by striking out all of sections 1 to  
24 and inserting in their place the following:

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'Sec. 1. 22 MRSA §2601-A is enacted to read:

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**§2601-A. Scope**

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This chapter establishes a system designed to help ensure  
public health; to allow the State, municipalities and public  
water systems to identify significant public water supplies and  
strive for a higher degree of protection around source water  
areas or areas that are used as public drinking water supplies;  
and to allow the State, municipalities and water systems to  
pursue watershed or wellhead protection activities around  
significant public water supplies.

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**COMMITTEE AMENDMENT**

2           **Sec. 2. 22 MRSA §2612, sub-§1**, as enacted by PL 1975, c. 751,  
3 §4, is repealed and the following enacted in its place:

4           **1. Construction or alteration of public water systems.** New  
5 construction, additions or alterations involving the source,  
6 treatment or storage of water in any public water system may not  
7 commence until the plans and specifications have been submitted  
8 to and approved by the department.

9           A. The commissioner may exempt the construction, addition  
10 or alteration from submission and approval if it will have  
11 no effect on public health or welfare.

12           B. The department must consult with and advise persons  
13 planning or operating a public water system as to the most  
14 appropriate source of supply and the best methods of  
15 ensuring its purity. The department must consider any  
16 existing potential sources of contamination in the vicinity  
17 of the proposed source of supply when reviewing whether to  
18 approve a new source of supply and may deny approval based  
19 on those existing potential sources of contamination.

20           C. In granting approval of plans and specifications, the  
21 department may require modifications, conditions or  
22 procedures to ensure, as far as feasible, the protection of  
23 the public health. The department may adopt and enforce  
24 rules governing the construction or alteration of public  
25 water systems to ensure the protection of the public health  
26 and may require the submission of water samples for analysis  
27 to determine the extent of treatment required.

28           Records of construction, including, when feasible, plans and  
29 descriptions of existing public water systems, must be maintained  
30 by public water systems and made promptly available to the  
31 department upon request.

32           **Sec. 3. 22 MRSA §2647-A, first ¶**, as enacted by PL 1991, c.  
33 467, §2, is amended to read:

34           Any water utility or municipality and the department are  
35 authorized to take reasonable steps to protect a public water  
36 source from pollution consistent with section 2642.'

37           Further amend the bill in section 25 by striking out all of  
38 subsection 20-A (page 5, lines 21 to 28 in L.D.) and inserting in  
39 its place the following:

40           '20-A. Source water protection area. "Source water  
41 protection area" means an area that contributes recharge water to  
42

2 a surface water intake or public water supply well for a public  
3 drinking water supply. In order to qualify as a "source water  
4 protection area," the area must be identified and mapped by the  
5 Department of Human Services, and that information must be given  
6 to the municipality in which the source water protection area is  
7 located.'

8 Further amend the bill by striking out all of section 33 to  
9 40.

10 Further amend the bill in section 41 in 2nd line (page 45,  
11 line 48 in L.D.) by inserting after the following: "shall" the  
12 following: 'hire a person in a temporary project position to'

13 Further amend the bill by striking out all of section 42 and  
14 43 and inserting in their place the following:

15 **'Sec. 42. Integration of Maine Drinking Water Program into**  
16 **Department of Environmental Protection.** The Department of  
17 Environmental Protection and the Department of Human Services  
18 shall jointly hire a consultant to review the drinking water and  
19 plumbing control programs in the Department of Human Services,  
20 Division of Health Engineering. The consultant shall:

21 1. Review various state agencies as alternatives to host  
22 the programs, including the potential for a new agency, and  
23 evaluate the assets and liabilities of each given their missions,  
24 structures, indirect costs, data management systems, enforcement  
25 capabilities and coordination of effort.

26 2. Develop a potential scenario for how these programs  
27 could be structured if they were moved to another department; and

28 3. By February 1, 2001, submit a report on these findings  
29 to the joint standing committees of the Legislature having  
30 jurisdiction over natural resources and human services matters.  
31 The joint standing committees of the Legislature having  
32 jurisdiction over natural resources and human services matters  
33 have the authority to report out legislation to implement their  
34 recommendations pursuant to this report.

35 **Sec. 43. Appropriation.** The following funds are appropriated  
36 from the General Fund to carry out the purposes of this Act.

37 2000-01

38 **ENVIRONMENTAL PROTECTION,**  
39 **DEPARTMENT OF**

**Administration - Environmental Protection**

All Other \$75,000

Appropriates funds to hire a consultant to review the Maine Drinking Water and Plumbing Control Programs.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL**

\$75,000

**EXECUTIVE DEPARTMENT**

**State Planning Office**

All Other \$30,000

Appropriates funds for a temporary project position to develop an education strategy aimed at municipalities and the general public.

**EXECUTIVE DEPARTMENT TOTAL**

\$30,000

**TOTAL APPROPRIATIONS**

\$105,000'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

Further amend the bill by inserting at the end before the summary the following:

**FISCAL NOTE**

**2000-01**

**APPROPRIATIONS/ALLOCATIONS**

General Fund \$105,000

The requirement that municipal officers or county commissioners give written notice to water suppliers of zoning

2 changes, subdivision proposals, applications for auto grave  
yards, applications for septic system expansions, and proposed  
4 land use projects if these projects are within a source water  
protection area represents a state mandate pursuant to the  
6 Constitution of Maine. The additional local costs are estimated  
to be minor. Pursuant to the Mandate Preamble, the two-thirds  
8 vote of all members elected to each House exempts the State from  
the constitutional requirement to fund 90% of the additional  
local costs.

10  
12 This bill includes a one-time General Fund appropriation of  
\$75,000 in fiscal year 2000-01 for the Administration -  
14 Environmental Protection program within the Department of  
Environmental Protection to hire a consultant to review the  
Drinking Water and Plumbing Control Programs.

16  
18 This bill also includes a one-time General Fund  
appropriation of \$30,000 in fiscal year 2000-01 for the State  
20 Planning Office within the Executive Department to hire a  
temporary project position to develop an education strategy aimed  
at municipalities and the general public.

22  
24 The Department of Human Services will incur some minor  
additional costs to work with the Department of Environmental  
26 Protection to oversee the development of a report that reviews  
the Drinking Water and Plumbing Control Programs. These costs  
28 can be absorbed within the department's existing budgeted  
resources.'

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32 **SUMMARY**

34 The amendment retains the provision for articulating the  
scope of public water supply protection. It also strengthens the  
36 authority of the drinking water program to deny an application  
for a new water supply in the vicinity of potential sources of  
contamination that already exist.

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40 The amendment retains the notice provisions for  
municipalities to notify water suppliers of zoning changes,  
42 subdivision proposals, applications for auto graveyards,  
applications for septic system expansions and proposed land use  
44 projects if these projects are within a source water protection  
area, the mapped area that directly affects water supplies, and  
abutters are notified.

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48 The provision for developing a public education strategy for  
public water supply also is retained from the original bill.

COMMITTEE AMENDMENT "A" to H.P. 1862, L.D. 2597

2 The Department of Human Services and the Department of  
Environmental Protection will jointly hire a consultant to review  
4 the drinking water and plumbing control programs in the  
Department of Human Services, Division of Health Engineering and  
6 evaluate the strengths and weaknesses of various agencies to  
house the programs. A report outlining the findings of the  
8 consultant will be submitted to the joint standing committees of  
the Legislature having jurisdiction over natural resources and  
10 human services matters. These committees are empowered to report  
out legislation to implement any changes they feel are warranted.

12 The amendment also adds an appropriation section and a  
fiscal note to the bill.