

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2150

S.P. 795

In Senate, March 4, 2002

An Act to Facilitate Water Well Drilling if Necessitated by Current Conditions.

(EMERGENCY)

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Pamela L. Cahill".

PAMELA L. CAHILL
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin. (GOVERNOR'S BILL).
Cosponsored by Representative COLWELL of Gardiner and
Senator WOODCOCK of Franklin, Representatives: BERRY of Livermore, BERRY of
Belmont, BRUNO of Raymond, CRABTREE of Hope, DUPLESSIE of Westbrook, McKEE
of Wayne, SCHNEIDER of Durham.

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

4 **Whereas,** low underground water levels caused by dry weather
6 conditions over the past several years have imperiled the water
supply of many rural homes; and

8 **Whereas,** low water levels and dry wells pose a public health
10 hazard to a significant portion of the State's population; and

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

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

20 **Sec. 1. Definition.** As used in this Act, the term "key local
official" means a municipal or county manager or, in the absence
22 of a municipal or county manager, a county or municipal officer
or road commissioner.

24 **Sec. 2. Municipal permit not required during declared drought**
26 **emergency.** Notwithstanding the Maine Revised Statutes, Title
29-A, section 2395, subsection 4, during a period of drought
28 emergency declared by the Governor during calendar year 2002
pursuant to Title 37-B, section 742, a person operating a vehicle
30 that is transporting well-drilling equipment for the purpose of
drilling a replacement water well or for improving an existing
32 water well on property where that well is no longer supplying
sufficient water for residents or agricultural purposes may
34 travel over a county or municipal way without a specific county
or municipal permit, as long as the following conditions are met:

36 1. The operator of the vehicle is operating in accordance
38 with a permit issued by the Department of Transportation when a
department permit is required for a road or way necessary to
40 reach the county or municipal way on which the property to be
drilled is situated;

42 2. The key local official in the municipality or county is
44 notified in advance of the date and time the vehicle will be
traveling over a road that is posted by a county or municipality;
46 and

48 3. The operator of the vehicle is traveling on a road that
is posted by a county or municipality in accordance with any

2 additional restrictions the municipality or county may impose,
3 excepting any requirement for a specific county or municipal
4 permit.

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

8

9 SUMMARY

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11 This bill allows a person operating a vehicle that is
12 transporting well-drilling equipment to travel over a county or
13 municipal way without a specific county or municipality permit
14 during calendar year 2002.