

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 860

H.P. 591

House of Representatives, March 5, 2009

### An Act Relating to Geothermal Heat Exchange Wells

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Reference to the Committee on Natural Resources suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative EBERLE of South Portland.  
Cosponsored by Senator GOODALL of Sagadahoc and  
Representatives: BEAUDETTE of Biddeford, CEBRA of Naples, COHEN of Portland,  
DUCHESNE of Hudson, SARTY of Denmark, SAVIELLO of Wilton, WELSH of Rockport,  
Senator: TRAHAN of Lincoln.

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

2 **Sec. 1. 32 MRSA §4700-E, sub-§3-C** is enacted to read:

3 **3-C. Geothermal heat exchange well.** "Geothermal heat exchange well" means a  
4 hole drilled, driven or bored into the earth for the purpose of using the heat exchange  
5 capacity of the earth for heating and cooling.

6 **Sec. 2. 32 MRSA §4700-E, sub-§3-D** is enacted to read:

7 **3-D. Geothermal heat exchange well driller.** "Geothermal heat exchange well  
8 driller" means a person, firm or corporation engaged in the work of drilling, driving or  
9 boring geothermal heat exchange wells.

10 **Sec. 3. 32 MRSA §4700-E, sub-§11,** as enacted by PL 2001, c. 209, Pt. B, §2, is  
11 amended to read:

12 **11. Well drilling company.** "Well drilling company" means a person, firm,  
13 partnership or corporation that owns or otherwise operates any mechanical equipment  
14 used to drill, drive or bore water wells or geothermal heat exchange wells.

15 **Sec. 4. 32 MRSA §4700-G, sub-§1,** as amended by PL 2001, c. 209, Pt. B, §3, is  
16 further amended to read:

17 **1. Establishment of commission.** The Maine Water Well Commission, as  
18 authorized by Title 5, chapter 379, is established to carry out the provisions of this  
19 chapter. The purpose of the commission is to provide the public with the highest quality  
20 drinking water possible by ensuring that water wells and geothermal heat exchange wells  
21 are drilled, constructed, altered or abandoned in a manner that protects groundwater from  
22 contamination.

23 **Sec. 5. 32 MRSA §4700-G, sub-§2,** as amended by PL 2001, c. 209, Pt. B, §4  
24 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

25 **2. Membership.** The commission consists of the ~~Director~~ director of the ~~Division~~  
26 division of ~~Health Engineering~~ environmental health within the Department of Health and  
27 Human Services or the director's designee; the Director of the Bureau of Geology and  
28 Natural Areas within the Department of Conservation or the director's designee; the  
29 Commissioner of Transportation or the commissioner's designee; and 4 public members,  
30 3 of whom must be well drillers.

31 **Sec. 6. 32 MRSA §4700-H, sub-§1-A,** as enacted by PL 1993, c. 25, §8 and  
32 affected by §15, is amended to read:

33 **1-A. Administer examinations.** The commission shall develop and administer all  
34 examinations required by section 4700-I, subsection 4. All examinations must be written  
35 examinations and must test an applicant's knowledge of the principles of water well  
36 drilling, abandonment of water wells and the installation of water well pumps. With

1 respect to geothermal heat exchange well drillers, all examinations must be in writing and  
2 test an applicant's knowledge of the principles of geothermal heat exchange wells.

3 **Sec. 7. 32 MRSA §4700-H, sub-§2**, as amended by PL 2001, c. 209, Pt. B, §7, is  
4 further amended to read:

5 **2. Licensing.** The commission shall license well drillers, well drilling companies,  
6 pump installers and pump installation companies and may initiate action for the  
7 revocation or suspension of such licenses. The commission shall license geothermal heat  
8 exchange well drillers.

9 **Sec. 8. 32 MRSA §4700-H, sub-§4**, as amended by PL 2001, c. 209, Pt. B, §8, is  
10 further amended to read:

11 **4. Revocation and suspension of license.** If the commission determines a violation  
12 of this chapter, the well driller and pump installer code of performance or other laws and  
13 rules in effect, including the water well information laws, Title 12, section 550-B, has  
14 occurred, the commission shall notify the responsible water well driller, geothermal heat  
15 exchange well driller, well drilling company, pump installer or pump installation  
16 company by certified or registered mail of the violation. The commission may order the  
17 responsible party or parties to correct, within 48 hours of notification, any violation it  
18 determines to be a significant threat to public health, including, but not limited to,  
19 potential contamination by pathogenic organisms. The commission may order that all  
20 other violations be corrected within a period of 60 days following receipt of notification.  
21 If the violation is not corrected within 60 days, or within 48 hours for significant threats  
22 to public health, the commission may revoke or suspend the license of the responsible  
23 party or parties. A licensee who receives a written notice of a violation or of a revocation  
24 or suspension of a license under this subsection may request a hearing before the  
25 commission. The commission shall conduct such hearings and issue its decision within  
26 30 days of the request. A decision of the commission under this subsection is a final  
27 agency action. The commission shall adopt rules governing criteria for license  
28 reinstatement. Rules adopted by the commission pursuant to this subsection are routine  
29 technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

30 **Sec. 9. 32 MRSA §4700-H, sub-§5**, as amended by PL 1993, c. 25, §9 and  
31 affected by §15, is further amended to read:

32 **5. Adopt code of performance.** The commission shall adopt rules establishing a  
33 minimum code of performance for well drillers ~~and~~, pump installers and geothermal heat  
34 exchange well drillers. The code of performance must set forth appropriate minimum  
35 standards of professional conduct for well drillers ~~and~~, pump installers and geothermal  
36 heat exchange well drillers.

37 **Sec. 10. 32 MRSA §4700-I, sub-§2**, as amended by PL 2001, c. 209, Pt. B, §10,  
38 is further amended to read:

39 **2. Licensure.** ~~An~~ Except as provided in subsection 2-A, an applicant for licensure  
40 shall submit to the commission, on a form provided by the commission, a written  
41 application for licensure containing such information as the commission requires. A

1 person who holds a valid license as provided for in this section must be in the charge of a  
2 licensed well drilling company or pump installation company in order to actively practice  
3 well drilling or pump installation, repair or replacement. A company license is valid only  
4 while the company employs at least one licensed master well driller for a well drilling  
5 company or one master pump installer for a pump installation company. The commission  
6 shall license an applicant for well driller licensure as either a master well driller or a  
7 journeyman well driller and applicants for pump installer licensure as either a master  
8 pump installer or a journeyman pump installer, based on the following criteria.

9 A. A master well driller must have a minimum of 3 years experience in well drilling  
10 and have worked an average of 1,000 hours per year as a journeyman well driller for  
11 each of those years.

12 B. A journeyman well driller must have at least one year experience in well drilling  
13 and have worked at least 1,000 hours during that year as an apprentice well driller.

14 C. A master pump installer must have a minimum of 3 years experience as a pump  
15 installer and have worked at least 350 hours as a pump installer during each of those  
16 years.

17 E. A journeyman pump installer must have at least one year experience in pump  
18 installing and have worked at least 350 hours during that year as an apprentice pump  
19 installer.

20 F. A well drilling company must be issued a license upon presentation to the  
21 commission of a valid master well driller license issued to and held by the owner or  
22 an employee of the firm, partnership or corporation.

23 G. A pump installation company must be issued a license upon presentation to the  
24 commission of a valid master pump installer license issued to and held by the owner  
25 or an employee of the firm, partnership or corporation.

26 The commission shall license a well driller or pump installer applicant who is not eligible  
27 for licensure under paragraphs A to E as an apprentice.

28 **Sec. 11. 32 MRSA §4700-I, sub-§2-A is amended to read:**

29 **2-A. Geothermal heat exchange well drillers; licensure.** The commission shall  
30 adopt rules providing for the appropriate minimum standards of training, education and  
31 experience for geothermal heat exchange well drillers, who are not eligible for licensure  
32 under subsection 2. Rules adopted pursuant to this subsection are routine technical rules  
33 pursuant to Title 5, chapter 375, subchapter 2-A. The commission may adopt by rule  
34 national or other technical standards, in whole or in part, that it considers necessary to  
35 carry out the purposes of this chapter. The commission shall consult with appropriate  
36 departments and agencies, including the Department of Environmental Protection, during  
37 the rule-making process.

38 **Sec. 12. 32 MRSA §4700-L, sub-§1, as enacted by PL 2001, c. 209, Pt. B, §13,**  
39 **is amended to read:**

40 **1. Fine.** Any person, company, firm, partnership or corporation who installs, alters,  
41 repairs or replaces a water well, geothermal heat exchange well or pump system without

1 being licensed as provided in this chapter or in violation of the code of performance  
2 adopted by the Maine Water Well Commission pursuant to section 4700-A, subsection 5,  
3 except for an apprentice well driller or an apprentice pump installer as set forth in this  
4 chapter, or any person, firm, partnership or corporation who procures a license as  
5 provided in this chapter wrongfully or by fraud commits a civil violation punishable by a  
6 fine of not more than \$1,000.

7 **Sec. 13. 32 MRSA §4700-L, sub-§3**, as enacted by PL 2001, c. 209, Pt. B, §13,  
8 is amended to read:

9 **3. Exclusion.** This chapter does not prevent a person from making water well,  
10 geothermal heat exchange well or pump system installations, alterations, repairs or  
11 replacements in a single-family residence occupied by that person or to be occupied by  
12 that person as a bona fide personal abode, providing as long as the installation, ~~alteration~~  
13 alteration, repair or replacement conforms to the standards set forth in this chapter and  
14 any rules adopted by the commission or the department.

15 **Sec. 14. 32 MRSA §4700-M**, as amended by PL 2001, c. 209, Pt. B, §13, is  
16 further amended to read:

17 **§4700-M. Reciprocity**

18 The commission may issue a license without examination, in a comparable  
19 classification, to any person who holds a registration or license in any state, territory or  
20 possession of the United States or any country, if the commission determines that the  
21 requirements for registration or licensure of well drillers, geothermal heat exchange well  
22 drillers or pump installers under which the person's registration or license was issued do  
23 not conflict with this chapter or the code of performance adopted by the commission  
24 under this chapter.

25 **SUMMARY**

26 Geothermal heat exchange systems for the purposes of residential, commercial and  
27 institutional heating sources use particular types of geothermal heat exchange wells. This  
28 bill ensures that the boreholes for geothermal heat exchange wells are drilled  
29 appropriately and that groundwater quality and drinking water quality are protected. It  
30 provides the Maine Water Well Commission, which currently oversees well drillers, well  
31 drilling companies, pump installers and pump installation companies, with the oversight  
32 of geothermal heat exchange wells and geothermal heat exchange well drillers.