

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1162

H.P. 796

House of Representatives, March 31, 2015

An Act To Ensure Safe Drinking Water for Maine Families

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

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GATTINE of Westbrook.
Cosponsored by Senator JOHNSON of Lincoln, Senator HASKELL of Cumberland and
Representatives: BURSTEIN of Lincolnville, HILLIARD of Belgrade, MALABY of Hancock,
MAREAN of Hollis, VACHON of Scarborough.

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

2 **Sec. 1. 22 MRSA §566**, as amended by PL 1999, c. 62, §2, is further amended to
3 read:

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

5 A person requesting a water sample test must indicate the source of the water sample.
6 A laboratory that tests any public water system for drinking water program compliance
7 mandates, or any residential private drinking water well for contaminants identified by
8 the department pursuant to section 2660-T, shall forward a copy of the test results to the
9 department.

10 **Sec. 2. 22 MRSA §2601-A**, as enacted by PL 1999, c. 761, §1, is amended to
11 read:

12 **§2601-A. Scope**

13 This chapter establishes a system designed to help ensure public health; to allow the
14 State, municipalities and public water systems to identify significant public water
15 supplies and strive for a higher degree of protection around source water areas or areas
16 that are used as public drinking water supplies; ~~and~~ to allow the State, municipalities and
17 water systems to pursue watershed or wellhead protection activities around significant
18 public water supplies; and to improve testing for and treatment of contaminants in
19 residential private drinking water wells.

20 **Sec. 3. 22 MRSA §2602-A, sub-§1**, as enacted by PL 1983, c. 837, §1, is
21 amended to read:

22 **1. Purpose.** The Legislature finds that there is a growing threat to the ~~state's~~ State's
23 drinking water from a variety of contaminants and that testing of private residential water
24 supplies ~~may be~~ is necessary ~~under certain circumstances~~ to protect the public health. The
25 Legislature recognizes that certain testing may be prohibitively expensive and
26 accordingly provides for state-funded testing as set forth in this section.

27 **Sec. 4. 22 MRSA c. 601, sub-c. 8** is enacted to read:

28 **SUBCHAPTER 8**

29 **SAFE DRINKING WATER FROM RESIDENTIAL PRIVATE WELLS**

30 **§2660-S. Definitions**

31 As used in this subchapter, unless the context otherwise indicates, the following
32 terms have the following meanings.

33 **1. Private drinking water well.** "Private drinking water well" has the same
34 meaning as in Title 38, section 1392, subsection 8.

1 **§2660-T. Uniform testing recommendation; specified contaminants**

2 The department shall develop a uniform recommendation for the testing of specific
3 contaminants that should be periodically tested for in residential private drinking water
4 wells. The uniform recommendation must specify contaminants that should be included
5 in the periodic testing, including but not limited to arsenic, uranium, manganese, fluoride
6 and radon, unless the department determines that testing for a contaminant listed in this
7 section is not necessary based on previous test results or credible scientific evidence. A
8 person who recommends or provides testing of or provides education or advertisements
9 related to testing of a residential private drinking water well shall clearly identify the
10 uniform testing recommendation developed by the department pursuant to this section.

11 **§2660-U. Fees**

12 The department shall establish a fee schedule in accordance with this section.

13 **1. Water testing.** A person who tests water samples shall pay a fee not to exceed \$5
14 to the department for each test of a water sample from a residential private drinking water
15 well for one or more of the contaminants specified in section 2660-T. The fees collected
16 must be credited to the Private Well Safe Drinking Water Fund established in section
17 2660-X and used for the purpose of increasing testing of residential private drinking
18 water wells. If more than one test is conducted of a water sample from the same
19 residential private drinking water well, the department shall waive payment of a fee
20 established under this subsection for a one-year period.

21 **2. Water treatment.** A person who sells and installs water treatment equipment to
22 reduce the level of contaminants specified in section 2660-T in residential private
23 drinking water wells shall pay a fee not to exceed 3% of the total cost of each installation.
24 The fees collected must be credited to a separate account in a water treatment fund
25 established by the Maine State Housing Authority pursuant to Title 30-A, section 4741,
26 subsection 19. The fees may be used for the sole purpose of providing persons of low
27 income with affordable water treatment for residential private drinking water wells that
28 have exceeded health guidance levels for one or more of the contaminants specified
29 pursuant to section 2660-T.

30 Fees established under this section are in addition to fees under section 2602-A. The
31 department shall grant a waiver of the fee established under subsection 1 to a person who
32 qualifies for a waiver of water testing fees pursuant to section 2602-A.

33 **§2660-V. Educational outreach**

34 Within available resources, the department shall revise and update its education and
35 outreach materials and conduct educational outreach regarding residential private
36 drinking water wells, including the need to conduct testing for contaminants specified
37 pursuant to section 2660-T, the potential health effects of those contaminants and options
38 for water treatment to reduce the level of those contaminants.

1 **§2660-W. Rental property**

2 The landlord of a dwelling that is rented for human habitation and for which the
3 water supply is a residential private drinking water well shall disclose to each tenant of
4 the dwelling the results of a water test conducted within the previous 3 years for the
5 contaminants specified pursuant to section 2660-T.

6 **§2660-X. Private Well Safe Drinking Water Fund**

7 **1. Fund established.** The Private Well Safe Drinking Water Fund, referred to in this
8 section as "the fund," is established within the department as a nonlapsing fund for the
9 purposes specified in this section.

10 **2. Sources of fund.** The fund is funded from all fees collected under section
11 2660-U, subsection 1 and from other funds accepted by the commissioner or allocated or
12 appropriated by the Legislature. The commissioner may accept donations or grants to the
13 fund from any source.

14 **3. Purposes.** Allocations from the fund must be made for the following purposes:

15 A. To improve the rate of testing of residential private drinking water wells for
16 contaminants specified pursuant to section 2660-T;

17 B. For educational outreach programs consistent with section 2660-V; and

18 C. To defray the department's costs in administering this subchapter.

19 **4. Administration.** The division of environmental health within the department
20 shall administer the fund allocations with the review and advice of an advisory committee
21 established by the department. Preference in allocating funds must be given to
22 community-based programs that reach high-risk or underserved populations. The
23 department may contract for professional services to carry out the purposes of this
24 section.

25 **§2660-Y. Rules**

26 The department shall adopt routine technical rules pursuant to Title 5, chapter 375,
27 subchapter 2-A necessary to administer and enforce this subchapter. The rules may
28 address, but are not limited to, testing recommendations for contaminants specified
29 pursuant to section 2660-T, water sample test reporting and fee schedules.

30 **Sec. 5. 30-A MRSA §4741, sub-§19** is enacted to read:

31 **19. Water treatment fund.** The Maine State Housing Authority shall establish and
32 administer a water treatment fund in accordance with Title 22, section 2660-U, subsection
33 2.

34 **Sec. 6. 32 MRSA §4700-O** is enacted to read:

1 The bill establishes the Private Well Safe Drinking Water Fund to support
2 educational outreach and to improve testing rates of residential private drinking water
3 wells. The fund is funded by fees on the testing of residential private drinking water
4 wells.

5 The bill establishes a fund within the Maine State Housing Authority funded by fees
6 on the installation of water treatment equipment for the purpose of providing persons of
7 low income with affordable water treatment.

8 The bill requires the department to conduct educational outreach regarding the
9 potential health effects of contaminants and the need for testing and treatment of
10 residential private drinking water wells.