

# MAINE STATE LEGISLATURE

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Date: 5/24/17 Report A

(Filing No. H-270)

## HEALTH AND HUMAN SERVICES

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## STATE OF MAINE

## HOUSE OF REPRESENTATIVES

## 128TH LEGISLATURE

## FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 321, L.D. 454, Bill, "An Act To Ensure Safe Drinking Water for Families in Maine"

Amend the bill by striking out all of section 1.

Amend the bill in section 2 in §2601-A in the 2nd to last line (page 1, line 25 in L.D.) by inserting after the following: "contaminants" the following: 'or properties'

Amend the bill in section 3 in subsection 1 in the 2nd line (page 1, line 30 in L.D.) by inserting after the following: "contaminants" the following: 'or properties'

Amend the bill in section 4 in subchapter 8 by striking out all of §2660-T (page 2, lines 7 to 16 in L.D.) and inserting the following:

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

The department shall develop a uniform recommendation for the testing for specific contaminants or properties for which residential private drinking water wells should periodically be tested. The uniform recommendation must specify contaminants or properties that should be included in the periodic testing, including but not limited to arsenic, bacteria, nitrates, nitrites, chloride, hardness, copper, iron, pH, sodium, lead, uranium, manganese, fluoride and radon, unless the department determines that testing for a contaminant or property listed in this section is not necessary based on previous test results or credible scientific evidence. The department or an entity that provides testing of or provides education or advertisements related to testing of a residential private drinking water well shall include the uniform recommendation developed by the department pursuant to this section in its written materials related to testing of a residential private drinking water well.

Amend the bill in section 4 in subchapter 8 in §2660-U in the first paragraph in the 4th line (page 2, line 21 in L.D.) by striking out the following: "2660-X" and inserting the following: '2660-W'

Amend the bill in section 4 in subchapter 8 by striking out all of §§2660-V and 2660-W (page 2, lines 29 to 39 and page 3, lines 1 to 3 in L.D.) and inserting the following:

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**§2660-V. Educational outreach**

Within available resources, the department shall revise and update its education and outreach materials as needed and conduct educational outreach regarding residential private drinking water wells, including the need to conduct testing for contaminants or properties specified pursuant to section 2660-T through a laboratory certified pursuant to section 567, the potential health effects of those contaminants or properties and options for water treatment to reduce the level of those contaminants or properties.'

Amend the bill in section 4 in subchapter 8 in §2660-X in subsection 3 in the first line (page 3, line 12 in L.D.) by striking out the following: "Allocations from the fund must be made" and inserting the following: 'Expenditures from the fund may be made only'

Amend the bill in section 4 in subchapter 8 in §2660-X in subsection 3 in paragraph A in the last line (page 3, line 14 in L.D.) by inserting after the following: "contaminants" the following: 'or properties'

Amend the bill in section 4 in subchapter 8 in §2660-X in subsection 3 in paragraph C in the first line (page 3, line 16 in L.D.) by inserting after the following: "subchapter" the following: 'and in waiving fees under section 2602-A, subsection 2'

Amend the bill in section 4 in subchapter 8 in §2660-X by striking out all of subsection 4 (page 3, lines 17 to 22 in L.D.) and inserting the following:

'4. Expenditures. The division of environmental health within the department shall expend funds with the review and advice of an advisory committee established by the department. The advisory committee must include representatives from at least 2 laboratories certified pursuant to section 567. Preference in expending funds must be given to community-based programs that reach high-risk or underserved populations. The department may contract for professional services to carry out the purposes of this section.'

Amend the bill in section 4 in subchapter 8 in §2660-Y in the first paragraph in the 2nd to last line (page 3, line 26 in L.D.) by inserting after the following: "contaminants" the following: 'or properties'

Amend the bill in section 4 in subchapter 8 by renumbering the sections to read consecutively.

Amend the bill by striking out all of section 5 and inserting the following:

**'Sec. 5. 32 MRS §4700-H, sub-§8 is enacted to read:**

**8. Educational materials.** The commission shall adopt rules to require the distribution of educational materials to a landowner when a residential private drinking water well is drilled or deepened to inform the landowner about the importance of testing for arsenic and other contaminants or properties specified in Title 22, section 2660-T. Rules adopted by the commission pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

Amend the bill by inserting after section 6 the following:

**'Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

**Private Well Safe Drinking Water Fund N207**

Initiative: Provides allocations for additional lab supplies for water tests.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$12,205	\$16,273
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$12,205</u>	<u>\$16,273</u>

**Private Well Safe Drinking Water Fund N207**

Initiative: Provides allocations to revise and update education and outreach materials and to conduct educational outreach on the importance of testing for arsenic and other contaminants.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$27,425	\$36,567
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$27,425</u>	<u>\$36,567</u>

<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS) DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$39,630</b>	<b>\$52,840</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$39,630</b></u>	<u><b>\$52,840</b></u>

**SUMMARY**

This amendment is the majority report of the committee and makes the following changes to the bill. It removes the requirement for private laboratories that test residential private drinking water wells to submit the test results to the Department of Health and Human Services. It adds additional enumerated contaminants or properties to be included in the uniform testing recommendation. It requires the department to update its education and outreach materials as needed and to recommend water testing through a state-certified laboratory. The amendment removes the requirement for landlords to conduct water tests. It provides that the allocations from the Private Well Safe Drinking Water Fund may be used to defray costs resulting from the department's waiver of fees for water supply testing upon a showing of indigency. It requires that the advisory committee for the Private Well Safe Drinking Water Fund include representatives from at least 2 state-certified laboratories. It requires that the Maine Water Well Commission

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COMMITTEE AMENDMENT "A" to H.P. 321, L.D. 454

1 distribute educational materials to landowners when a residential private drinking water  
2 well is drilled or deepened.

3 This amendment also provides funding to the Department of Health and Human  
4 Services for additional water testing and other duties of the department related to the  
5 requirements of the bill.

6 **FISCAL NOTE REQUIRED**

7 (See attached)



# 128th MAINE LEGISLATURE

LD 454

LR 1700(02)

## An Act To Ensure Safe Drinking Water for Families in Maine

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-270)

Committee: Health and Human Services

Fiscal Note Required: Yes

### Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$39,630	\$52,840	\$52,840	\$52,840
<b>Revenue</b>				
Other Special Revenue Funds	\$39,630	\$52,840	\$52,840	\$52,840

#### Fiscal Detail and Notes

The bill includes Other Special Revenue Funds allocations to the Department of Health and Human Services of \$39,630 in fiscal year 2017-18 and \$52,840 in fiscal year 2018-19 to provide additional water testing and update the education and outreach materials and to conduct educational outreach on the importance of testing for arsenic and other contaminants. The Other Special Revenue Funds revenue will be collected through a fee, not to exceed \$10, from individuals or entities ordering a water test sample from a residential drinking water well.