

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 454

H.P. 321

House of Representatives, February 7, 2017

An Act To Ensure Safe Drinking Water for Families in Maine

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 VACHON of Scarborough.

Cosponsored by Representatives: ACKLEY of Monmouth, COOPER of Yarmouth, President THIBODEAU of Waldo and Representatives: DENNO of Cumberland, GATTINE of Westbrook, HEAD of Bethel, HILLIARD of Belgrade, Senators: BELLOWS of Kennebec, LANGLEY of Hancock, VOLK of Cumberland.

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 shall forward a copy of the test results to the department. A laboratory that
8 tests any residential private drinking water well for contaminants identified by the
9 department pursuant to section 2660-T shall forward a copy of the test results to the
10 department by an annual date set by the department. The department shall keep
11 confidential the addresses included on the copy of residential private drinking water well
12 test results and use them only for the purpose of recording multiple tests for the same
13 well. The department shall establish by rule a system for facilitating the collection of
14 data from private laboratories to avoid significant new costs for private laboratories and
15 the department. Rules adopted pursuant to this section are routine technical rules as
16 defined in Title 5, chapter 375, subchapter 2-A.

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

19 **§2601-A. Scope**

20 This chapter establishes a system designed to help ensure public health; to allow the
21 State, municipalities and public water systems to identify significant public water
22 supplies and strive for a higher degree of protection around source water areas or areas
23 that are used as public drinking water supplies; ~~and~~ to allow the State, municipalities and
24 water systems to pursue watershed or wellhead protection activities around significant
25 public water supplies; and to improve testing for and treatment of contaminants in
26 residential private drinking water wells.

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

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

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

35 **SUBCHAPTER 8**

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

2 **§2660-S. Definitions**

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

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

7 **§2660-T. Uniform testing recommendation; specified contaminants**

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

17 **§2660-U. Fees**

18 The Health and Environmental Testing Laboratory established in section 565 shall
19 collect a fee not to exceed \$10 from a person or entity ordering a water test for a water
20 sample from a residential private drinking water well. The fees collected must be
21 credited to the Private Well Safe Drinking Water Fund established in section 2660-X and
22 used for the purpose of increasing testing of residential private drinking water wells. The
23 department shall establish by rule a percentage of the fee to be directed toward
24 administrative costs for collecting data from private laboratories. If more than one test of
25 a water sample from the same residential private drinking water well is conducted, the
26 department may waive payment of a fee established under this section for a one-year
27 period. A fee collected under this section is in addition to any fee charged by the
28 department pursuant to section 2602-A, subsection 2.

29 **§2660-V. Educational outreach**

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

35 **§2660-W. Rental property**

36 The landlord or building manager of a dwelling that is rented for human habitation
37 and for which the water supply is a residential private drinking water well shall obtain a
38 water test every 3 to 5 years for the contaminants specified pursuant to section 2660-T
39 and shall disclose the results of the water test to each tenant of the dwelling within 10

1 business days after receiving the results from a laboratory. The landlord or building
2 manager shall allow each prospective tenant of the dwelling to review results of the most
3 recent water test prior to signing a lease or moving into the dwelling.

4 **§2660-X. Private Well Safe Drinking Water Fund**

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

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

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

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

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

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

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

23 **§2660-Y. Rules**

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

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

29 **8. Educational materials.** The commission shall develop educational materials for
30 distribution to the landowner when a residential private drinking water well is drilled or
31 deepened to inform the landowner about the importance of testing for arsenic and other
32 contaminants specified in Title 22, section 2660-T and adopt rules to require the
33 distribution of the materials. Rules adopted by the commission pursuant to this
34 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

35 **Sec. 6. Water testing guide update.** The Health and Environmental Testing
36 Laboratory within the Department of Health and Human Services shall update its water
37 testing guide and related information on its publicly accessible website for consistency
38 with this Act. For testing of water samples from residential private drinking water wells

1 as defined in the Maine Revised Statutes, Title 22, section 2660-S, subsection 1, the
2 update must ensure a clear, simple-to-understand and prominent recommendation for
3 testing consistent with Title 22, section 2660-T. The laboratory shall consult with
4 relevant personnel within the Department of Health and Human Services, Maine Center
5 for Disease Control and Prevention's division of environmental health prior to the update
6 required by this section to ensure that the revised information constitutes an effective
7 environmental public health communication.

8 **SUMMARY**

9 This bill establishes provisions regarding testing for contaminants in residential
10 private drinking water wells that are otherwise exempt from state and federal safe
11 drinking water laws.

12 The bill requires the Department of Health and Human Services to develop a uniform
13 recommendation for testing of residential private drinking water wells.

14 The bill requires the department to conduct educational outreach regarding the
15 potential health effects of contaminants and the need for testing residential private
16 drinking water wells.

17 The bill requires the Maine Water Well Commission to develop educational materials
18 to be distributed when a residential private drinking water well is drilled or deepened to
19 inform the owners of the importance of testing for arsenic and other contaminants.

20 The bill establishes the Private Well Safe Drinking Water Fund to support
21 educational outreach and to improve testing rates of residential private drinking water
22 wells. The fund is funded by fees on the testing of residential private drinking water
23 wells conducted by the Health and Environmental Testing Laboratory within the
24 department.