

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1570

H.P. 1167

House of Representatives, April 27, 2021

An Act To Protect Drinking Water for Maine Residents

Received by the Clerk of the House on April 23, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Senator HICKMAN of Kennebec and
Representatives: CRAVEN of Lewiston, WARREN of Scarborough, Senator: MAXMIN of
Lincoln.

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

2 **Sec. 1. 22 MRSA §2602-A, sub-§2**, as amended by PL 1991, c. 499, §3 and
3 affected by §26, is further amended to read:

4 **2. Fees.** The Except as provided in subsection 3, the department shall charge the
5 average cost of the analysis for an examination, testing or analysis of private residential
6 water supplies requested under this chapter. These fees must be recalculated and deposited
7 according to section 565, subsection 3 and section 568, ~~provided except~~ that the fee charged
8 for testing a private residential water supply may not exceed \$150 when:

9 A. In the opinion of the department, initial testing or screening performed at the
10 expense of the owner indicates the need for additional testing at a cost in excess of
11 \$150 to determine whether that water supply contains contaminants potentially
12 hazardous to human health and that additional testing is essential to the maintenance
13 of public health; or

14 B. In the opinion of the department, there is reason to suspect that a private residential
15 water supply may be affected by contamination potentially hazardous to human health
16 and that additional testing is essential to the maintenance of public health. In making
17 such a determination, the department shall consider the following:

18 (1) The proximity of the private residential water supply to a known or suspected
19 source of contamination;

20 (2) The proximity of the private residential water supply to another private well or
21 water supply known to be contaminated;

22 (3) Information provided in writing to the department by a physician who has seen
23 or treated a person and who has identified contaminated drinking water as a
24 possible cause of the person's condition or symptoms; or

25 (4) Information provided by the owner or a user of the private residential water
26 supply voluntarily or in response to questions asked by personnel of the
27 department.

28 The department ~~may~~ shall waive all fees incurred in connection with the testing of a private
29 residential water supply upon a showing of indigency.

30 **Sec. 2. 22 MRSA §2602-A, sub-§3** is enacted to read:

31 **3. Well water testing for low-income residents.** The department shall establish and
32 maintain a program through the Health and Environmental Testing Laboratory established
33 in section 565 to provide free testing of the private residential water supplies of low-income
34 residents of the State. The department may not charge any fee or recover any cost as
35 otherwise permitted by this chapter for a test of a private residential water supply performed
36 for a low-income resident of the State under the program established by this subsection.

37 **Sec. 3. 22 MRSA §2660-U**, as amended by PL 2017, c. 475, Pt. C, §7, is further
38 amended to read:

39 **§2660-U. Fees**

40 The Except as provided in section 2602-A, subsection 3, the Health and Environmental
41 Testing Laboratory established in section 565 shall collect a fee not to exceed \$10 from a

1 person or entity ordering a water test for a water sample from a residential private drinking
2 water well. The fees collected must be credited to the Private Well Safe Drinking Water
3 Fund established in section 2660-W and used for the purpose of increasing testing of
4 residential private drinking water wells. If more than one test of a water sample from the
5 same residential private drinking water well is conducted, the department may waive
6 payment of a fee established under this section for a one-year period. A fee collected under
7 this section is in addition to any fee charged by the department pursuant to section 2602-A,
8 subsection 2.

9 **Sec. 4. 22 MRSA §2660-W, sub-§3, ¶B**, as enacted by PL 2017, c. 230, §3, is
10 amended to read:

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

12 **Sec. 5. 22 MRSA §2660-W, sub-§3, ¶C**, as enacted by PL 2017, c. 230, §3, is
13 amended to read:

14 C. To defray the department's costs in administering this subchapter and in waiving
15 fees under section 2602-A, ~~subsection subsections 2- and 3; and~~

16 **Sec. 6. 22 MRSA §2660-W, sub-§3, ¶D** is enacted to read:

17 D. To implement the program established pursuant to section 2602-A to provide free
18 testing of private residential water supplies to low-income residents of the State.

19 **Sec. 7. 22 MRSA §2660-Y** is enacted to read:

20 **§2660-Y. Landlord arsenic testing**

21 A landlord shall periodically test for arsenic each private drinking water well used to
22 provide water to a tenant of the landlord. The landlord shall conduct testing under this
23 section through a laboratory certified or accredited pursuant to section 567 and shall
24 promptly provide to each of the landlord's tenants the results of any test conducted under
25 this section of the private drinking water well used to provide water to the tenant. The
26 landlord shall promptly notify any new tenant of the most recent results of a test conducted
27 under this section on a private drinking water well that will be used to provide water to the
28 tenant.

29 **Sec. 8. Maximum contaminant level for arsenic.** The provisions of this section
30 apply to arsenic testing for community water systems.

31 **1. Interim maximum contaminant level for arsenic; reporting.** If a test of a
32 community water system, as defined in Title 22, section 2660-B, subsection 2, conducted
33 by a laboratory approved pursuant to Title 22, section 2607 detects the presence of arsenic
34 at or above a concentration of 5 parts per billion, the laboratory shall report to the
35 department an exceedance of the maximum contaminant level for arsenic in accordance
36 with 10-144 C.M.R. Chapter 231, Section 6.

37 **2. Treatment.** If a laboratory reports an exceedance of the maximum contaminant
38 level for arsenic within a community water system under this section to the department, the
39 department shall direct the community water system to implement treatments or other
40 remedies necessary to reduce the contaminant level of arsenic below 5 parts per billion.

