

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 872

(Transmitted from the Revisor of Statutes under Joint Order)

H. P. 1533

House of Representatives, February 14, 1941.

Referred to the Committee on Legal Affairs. Sent up for concurrence and 650 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Pierce of Bucksport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

AN ACT Establishing a Board of Well Diggers.

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

Sec. 1. Appointment of board. The governor, with the advice and consent of the council, shall appoint a board of well diggers consisting of 3 persons, 1 of whom shall be the director of the division of sanitary engineering, who shall be its chairman, 1 to be a well digger selected from a list of 3 names submitted by the well diggers association and 1 from the citizens of the state. One member shall be chosen from said board as its secretary who shall keep a fair record of the doings thereof.

Sec. 2. Definitions. For the purposes of this act, the following definitions are established:

“Board” means the board of well diggers.

“Ground water” means the subsurface water supplied for human consumption.

“Well” means an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining ground water for human consumption.

“Well digging” means the industry and procedure employed in obtaining ground water from a well by digging, boring, drilling, driving or other methods but not including the driving of points for the purpose of obtaining ground water. It shall also include all construction work and installation of well casings in such well involved therein for the protection of such ground water against pollution.

“Permit” means the registration certificate issued by the board to well drillers.

“Well driller” means any person, firm, or corporation who has duly registered with said board and has obtained a permit to construct wells as herein provided.

Sec. 3. Regulations. The board may promulgate such rules and regulations not contrary to law as may be necessary to accomplish the purposes of this act.

Sec. 4. Well drilling; registration. Every person, firm or corporation before engaging in the industry of well drilling as herein provided shall annually make application to the board for registration as a well driller upon blanks provided by the board and shall accompany such application with the annual fee of \$25.

Sec. 5. Tenure of permits. All permits shall expire on December 31 of each year and are not transferable.

Sec. 6. Drilling for compensation. Except as herein otherwise provided, no person, firm or corporation shall engage in the industry of well drilling for compensation in this state without having duly registered and obtained a permit therefor as herein provided. No permit shall be required of any person for driving, digging or otherwise obtaining ground water supply for his own personal use on real estate owned or leased by him, but such well and the work done thereon shall comply and be in conformity with law and the rules and regulations prescribed by the board.

The provisions of this act shall not apply to the construction of wells where the water is used only for stock-watering and other similar domestic purposes and is not used for human consumption.

Sec. 7. Registration exceptions. No registration or permit to engage in the well drilling industry shall be required by competent sanitary engineers or by superintendents of waterworks systems in the preparation of plans and specifications or in supervising the installation of wells and water systems for the obtaining of supplies of ground water, but all such plans and specifications shall conform to all requirements established by the board.

Sec. 8. Powers of the board. Said board may:

(a) Conduct investigations and experiments for the advancement of technical knowledge and ascertain and establish the cause of ground water pollution and for the casing of wells or other means of protection, and may hold public meeting.

(b) Enter and inspect at reasonable hours, wells and equipment thereof, all water supplies for human consumption on private or public property, and may order necessary corrections and repairs of construction or may order discontinuances of any well and the use of its water if found contaminated, polluted or unfit for human consumption.

(c) Require any well driller to secure an analysis of water by the state laboratory to ascertain its fitness for human consumption and for domestic purposes.

(d) Furnish upon request of a well driller recommendations for obtaining a water supply safe for human consumption.

(e) The board may make investigations and conduct hearings upon its own motion, or upon complaint against any well driller, on giving such well driller notice in writing stating the cause of complaint at least 14 days prior to the date of the hearing. If such board has reason to believe that such well driller; (1) has made a material misstatement in his application for a permit; (2) demonstrated incompetency to act as a well driller; (3) has been guilty of any act constituting fraud, or any failure to comply fully with the specifications or terms of any contract for drilling a well.

In case the board find the well driller guilty of any of such charges, it may suspend or revoke his permit for such time as it deems advisable.

Sec. 9. Fees. Accompanying each application for a certificate shall be a fee of \$25 which shall be paid annually.

Sec. 10. Money paid to treasurer. All money received by said board from applicants shall be paid monthly to the treasurer of state, and shall be held in a special fund to be known as "Well diggers fund", and shall be used in carrying out the provisions of this act. Each member of said board shall receive the sum of \$10 for every day actually spent in the performance of the duties imposed upon him by this act, together with his necessary traveling and hotel expenses to be paid from the state treasury. Provided, that the amounts so paid shall in no case exceed the amount held by the treasurer of state in said special fund.

Sec. 11. Penalties. Any person, firm or corporation who engages in or follows the business or occupation of, or advertises or holds himself or itself out as or acts temporarily or otherwise as a well driller without first

having secured the required permit or certificate of registration or renewal thereof, or who otherwise violates any provision of this chapter, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$10 or more than \$100, or by imprisonment in the county jail for not less than 30 days, or by both such fine and imprisonment.