

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
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J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

CHAPTER 837

H.P. 1815 - L.D. 2400

AN ACT to Provide for Testing of Private
Water Supplies for Chemical Contaminants
Where Chemical Contaminants are Suspected
by State Agencies.

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

Sec. 1. 22 MRSA §2602-A, as enacted by PL 1981, c. 703, Pt. A, §20, is repealed and the following enacted in its place:

§2602-A. Fees for testing private water supplies

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

2. Fees. The department shall charge the average cost of the analysis for an examination, testing or analysis of private residential water supplies requested under this chapter. These fees shall be recalculated and deposited according to section 562, provided that the fee charged for testing a private residential water supply shall not exceed \$150 when:

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

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

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

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

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

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

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

Sec. 2. 22 M RSA §§2608 and 2609 are enacted to read:

§2608. Information on private water supply contamination; interagency cooperation

1. Information on private water supply contamination. The department shall provide information and consultation to citizens who:

A. Make reports of potential contamination of private water supplies; and

B. Request information on potential ground water contamination at or near the site of a private water supply.

2. Interagency cooperation. The department shall coordinate with the Department of Environmental Protection for the purposes of:

A. Assessing the public health implications of reports or requests made by citizens in subsection 1; and

B. Determining the appropriate response to those reports or requests, including, but not limited to, on-site investigation, well water testing and ground water monitoring.

3. Cooperation with local health officer. The department and the Department of Environmental Protection, to the extent possible, shall notify and utilize the services of local health officers in collecting and evaluating information relating to actual or potential ground water contamination.

§2609. Recovery of testing costs

Whenever the cost of testing a private residential water supply exceeds \$150 and that testing is conducted pursuant to section 2602-A, the department shall seek to recover the costs of the testing above \$150 from the person responsible for contaminating the water supply, or from the recipient of any compensation for the contamination of the well.

Sec. 3. Report. The Department of Human Services shall report to the joint standing committee of the Legislature having jurisdiction over natural resources on the operation of the drinking water testing program in situations with suspected contamination.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund for the fiscal year ending June 30, 1985, to carry out the purposes of this Act.

1984-85

HUMAN SERVICES, DEPARTMENT OF

Bureau of Health

Positions	(2)
Personal Services	\$34,779
All Other	17,721
Capital Expenditures	<u>35,000</u>
Total	\$87,500

Effective July 25, 1984.

CHAPTER 838

H.P. 1501 - L.D. 1975

AN ACT to Permit Possession of Soft-shell
Clam Stocks 2 Inches or Greater in the
Largest Diameter.