

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

contractual services to develop a wildlife rehabilitation plan, travel expenses, computer maintenance, software license fees and geographic information system equipment.

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE TOTAL	\$10,135	\$52,574	\$45,473
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MARINE RESOURCES, DEPARTMENT OF

Sensitive Area Data Management and Mapping

Positions		(1.0)	(1.0)
Personal Services		\$35,764	\$38,884
All Other		9,800	9,800
Capital Expenditures	\$10,135		

Provides funding for a Marine Scientist II position, travel expenses, computer maintenance, software license fees and geographic information system equipment.

DEPARTMENT OF MARINE RESOURCES TOTAL	\$10,135	\$45,564	\$48,684
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CONSERVATION, DEPARTMENT OF

Maine Geological Survey - Sensitive Area Data Management and Mapping

Capital Expenditures	\$7,000		
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Provides funding for additional computer storage.

Geographic Information System - Sensitive Area Data Management and Mapping

Capital Expenditures	\$9,800	\$9,800	
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Provides funds for additional computer storage.

DEPARTMENT OF CONSERVATION TOTAL	\$16,800	\$9,800	
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TOTAL ALLOCATIONS	\$97,070	\$624,818	\$606,662
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 21, 1991.

CHAPTER 455

H.P. 924 - L.D. 1321

An Act to Safeguard Production of Ground Water

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

PART A

Sec. A-1. 5 MRSA §12004-G, sub-§13-B is enacted to read:

<u>13-B.</u>	<u>Maine Water</u>	<u>\$50 Per</u>	<u>32 MRSA</u>
<u>Environment/</u>	<u>Well Drilling</u>	<u>Meeting</u>	<u>§4700-G</u>
<u>Health</u>	<u>Commission</u>	<u>Plus Expenses</u>	
<u>Engineering</u>			

Sec. A-2. 22 MRSA c. 270-C is enacted to read:

CHAPTER 270-C

MAINE WATER WELL DRILLING PROGRAM

§1689. Program established

The Maine Water Well Drilling Program, known in this chapter as "the program," is established to provide the public with the highest quality drinking water possible by ensuring that water wells are drilled, constructed, altered or abandoned in a manner that protects ground water from contamination.

§1689-A. Administrative authority

The Maine Water Well Drilling Commission, as established in Title 5, section 12004-G, subsection 13-B, shall administer the program. The commission has the powers and duties set forth in Title 32, chapter 69-C.

§1689-B. Enforcement

This chapter is enforced by the Department of Human Services, Division of Health Engineering.

PART B

Sec. B-1. 32 MRSA c. 69-C is enacted to read:

CHAPTER 69-C

MAINE WATER WELL DRILLING COMMISSION

§4700-E. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Apprentice. "Apprentice" means a person who is engaged in learning and assisting in the drilling of wells or the installing of pumps.

2. Commission. "Commission" means the Maine Water Well Drilling Commission created under section 4700-G.

3. Department. "Department" means the Department of Human Services.

4. Journeyman driller. "Journeyman driller" means a person who can work alone under the direction of a master driller.

5. Master driller. "Master driller" means an individual qualified under this chapter to supervise the actual drilling operations, maintain order at the drilling site, construct wells in a professional manner and accept responsibilities for that supervision.

6. Pump. "Pump" means mechanical equipment or a device used to remove water from a well.

7. Pump installer. "Pump installer" means a person who is qualified to engage in the installation, removal or repair of a pump.

8. Well. "Well" means an artificial excavation drilled by any method for the purpose of extracting water from underground.

9. Well driller. "Well driller" means an individual who, for compensation, participates in the physical construction of a well.

10. Well drilling contractor. "Well drilling contractor" means any person, company, firm, partnership or corporation engaged in the business of water well construction using various drilling methods.

§4700-F. Exclusions

1. Applicability. The provisions of this chapter apply to all water wells constructed in the State after January 1, 1994, except for:

A. Wells constructed exclusively for the relief of artesian pressure at hydroelectric projects;

B. Wells constructed for temporary dewatering purposes;

C. Wells constructed for use in the drilling of oil, gas or brine wells; and

D. Wells constructed on private property by the property owner or leasee of the property and intended for private use.

§4700-G. Creation of commission

1. Establishment of commission. The Maine Water Well Drilling Commission, as authorized by Title 5, chapter 379, is established to carry out the provisions of this chapter. The purpose of the commission is to provide the public with the highest quality drinking water possible by ensuring that water wells are drilled, constructed, altered or abandoned in a manner that protects ground water from contamination.

2. Membership. The commission consists of the Director of the Division of Health Engineering within the Department of Human Services or the director's designee; the Director of the Maine Geological Survey or the director's designee; the Commissioner of Transportation or the commissioner's designee; and 4 public members, 3 of whom must be well drillers. One well driller must be a member of the Test Borer's Association.

3. Appointing authority. The Governor shall appoint the public members. Members who are well drillers must be appointed from among nominees selected by the Governor or the Maine Water Well Association.

4. Chair. The commission shall appoint a member to serve as the commission's chair for a term of 2 years.

5. Terms of office. The term of the public members is 5 years. Members who are not public members serve a term coincident with their term of office. The Governor shall fill any vacant seat on the commission by a qualified person for the remainder of the unexpired term. A member of the commission may be removed from office for cause by the Governor.

6. Administrative provision. The department shall administer the affairs and activities of the commission, keep all books and records, excluding data reports. All appropriations for use of the commission must be made to the department. The Maine Geological Survey shall keep all well data reports and work with the department in the administration of the commission's activities.

7. Records. The commission shall keep accurate records of its proceedings and shall maintain the following information:

A. The names and addresses of all persons registered under this chapter; and

B. An accounting of all money received or disbursed by the commission.

All records and lists under this subsection are public documents, open for inspection during business hours.

8. Compensation. Public members of the commission receive the sum of \$50 per meeting plus any necessary traveling expenses for actual attendance at any commission meeting.

9. Meetings. The commission shall meet at least 2 times per calendar year at the call of the chair. The chair may call additional meetings as the chair determines necessary and shall call a meeting at the request of any 2 members of the commission.

§4700-H. Powers and duties

The commission has the following powers and duties.

1. Hold hearings. The commission shall conduct hearings in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

2. Register well drillers and pump installers. The commission shall register well drillers and pump installers and may initiate action for the revocation or suspension of such registrations.

3. Investigate complaints. The commission shall investigate complaints and cases of noncompliance with, or violation of, this chapter or the well driller code of performance adopted by the commission. Complainants must petition the commission in writing. At its discretion, the commission may request that an investigation of an alleged violation be conducted by a neutral qualified individual, acceptable to both the alleged violator and the commission, who shall report to the commission. At its discretion, the commission may refer a complaint to the Attorney General.

4. Revoke registration. If the commission determines a violation of this chapter, the well driller code of performance or other laws and rules in effect, including the water well information laws, Title 12, section 550-B, has occurred, the commission shall notify the responsible water well driller and water well contractor by certified or registered mail of the violation and order them to correct the violation within a period of 60 days following receipt of notification. If the violation is not corrected within 60 days, the commission may revoke the registration of the responsible party or parties. A registrant who receives a written notice of a violation or of a revocation of registration under this subsection may request a hearing before the commission. The commission shall conduct such hearings and issue its decision within 30 days of the request. A decision of the commission under this subsection is a final agency action.

5. Adopt code of performance. The commission shall adopt a code of performance for well drillers, well drilling contractors and pump installers. The code of performance must set forth appropriate standards of professional conduct for well drillers, well drilling contractors and pump installers.

§4700-I. Registration and fees

Effective January 1, 1994, a person may not participate in the physical construction of a well for compensation

or any public drinking water well unless registered under this section.

1. Fees. The commission shall establish registration fees sufficient to recover reasonable costs of administering this chapter. A registration fee is not required for apprentice well driller or pump installer registration.

2. Registration. An applicant for registration shall submit to the commission, on a form provided by the commission, a written application for registration containing such information as the commission requires. The commission shall register an applicant for well driller registration as either a master driller or a journeyman driller and applicants for pump installer as either a master pump installer or a journeyman pump installer, based on the following criteria.

A. A master driller must have a minimum of 3 years experience in well drilling in the State and have worked an average of 1,000 hours per year as a journeyman driller for each of those years.

B. A journeyman driller must have at least one year experience in well drilling and have worked at least 1,000 hours during that year as an apprentice.

C. A master pump installer must have a minimum of 3 years experience as a pump installer in the State and have worked at least 1,000 hours as a journeyman pump installer during those years.

D. A journeyman pump installer must have a minimum of one year experience as a pump installer in the State and have worked at least 350 hours during that year as an apprentice.

The commission shall register a well driller or pump installer applicant who is not eligible for registration under paragraphs A to D as an apprentice.

3. Term of registration. Well drillers and pump installers shall register annually. All registrations expire on December 31st of each year. Any person who is a well driller or pump installer on the effective date of this Act is deemed to be registered.

§4700-J. Registration of well drilling contractors

1. Contractor. Effective January 1, 1994, no well drilling contractor may engage in the business of constructing water wells within the State unless registered with the commission. An applicant for registration as a well drilling contractor must complete a registration form supplied by the commission and pay an annual registration fee established by the commission. The contractor so registered shall display on each side of the drilling rig a seal issued by the commission indicating the contractor's registration number and the current year of registration.

§4700-K. Compliance with other laws and rules

Notwithstanding this chapter, all wells must be constructed and maintained in accordance with all other laws and rules in effect, including the water well information laws, Title 12, section 550-B.

§4700-L. Penalties

Any person, company, firm, partnership or corporation who willfully violates any standard or provision of this chapter commits a civil violation punishable by a fine of not more than \$1,000.

Sec. B-2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1991-92	1992-93
HUMAN SERVICES, DEPARTMENT OF		
Maine Water Well Drilling Program		
Positions - Other Count	(1.0)	(1.0)
Personal Services	\$17,923	\$24,632
All Other	5,600	1,300
Capital Expenditures	2,000	
<p>Provides funds for a Clerk Typist III position, per diem and expenses for commission members, related costs and computer equipment to administer and implement the Maine Water Well Drilling Program.</p>		
DEPARTMENT OF HUMAN SERVICES		
TOTAL	\$25,523	\$25,932

See title page for effective date.

CHAPTER 456

S.P. 505 - L.D. 1343

An Act Relating to the State Board of Substance Abuse Counselors

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

Sec. 1. 22 MRSA §§7208 and 7209 are enacted to read:

§7208. Service provider report

A community-based service provider shall provide to the State Board of Substance Abuse Counselors by January 31st of each year a listing of the number of clients to whom treatment was provided in the last year, the total elapsed time between the first and last visits of each client, the total number of times each client was seen, the number of clients seen during the year who at the end of that year

are still in treatment by that provider and the number of clients who have completed treatment. The department shall make providers aware of the requirement for filing this report.

Each year by January 31st the department shall provide to the State Board of Substance Abuse Counselors a list of certified individual providers.

§7209. Client complaints

At the time a client is referred for treatment, the person making the referral shall inform the client that any complaints concerning a community-based service provider may be made to the State Board of Substance Abuse Counselors and shall provide an address for the board.

At the first meeting with a client the community-based service provider treating the client shall inform the client that any complaints concerning the provider may be made to the State Board of Substance Abuse Counselors.

Sec. 2. 32 MRSA §6203, sub-§1-A is enacted to read:

1-A. College level course. “College level course” means any education class or program that includes at least 15 contact hours per credit.

Sec. 3. 32 MRSA §6203, sub-§2, as amended by PL 1987, c. 395, Pt. A, §194, is further amended to read:

2. Consumer of substance abuse services. A “consumer of substance abuse services” is a person affected by or ~~recovered~~ recovering from alcoholism, ~~chronic intoxication, or other drug abuse or drug dependency having evidenced a minimum of 2 years of sobriety or abstinence from drug abuse.~~

Sec. 4. 32 MRSA §6203, sub-§3, as enacted by PL 1977, c. 466, §2, is amended to read:

3. Nonprovider. A “nonprovider” means an individual who neither is presently nor has been any of the following for the past 3 years:

- A. A substance abuse counselor;
- B. An administrator or board member of a facility or program which that provides substance abuse services; or
- C. The spouse of any of those persons listed in paragraphs A and B.

Sec. 5. 32 MRSA §6203, sub-§4-A, as enacted by PL 1987, c. 395, Pt. A, §194, is amended to read: