

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

Sec. 7. Effective date. This Act takes effect January 1, 1995.

Effective January 1, 1995.

CHAPTER 25

H.P. 34 - L.D. 37

An Act to Amend the Laws Safeguarding Production of Ground Water

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

Sec. 1. **32 MRSA §3501, sub-§6** is enacted to read:

6. Installation of well pumps. A person licensed under this subchapter who performs the initial installation of a pump in a well, as defined in section 4700-E, subsection 8, shall install that pump in compliance with the code of performance adopted by the Maine Water Well Drilling Commission pursuant to section 4700-H, subsection 5. Any person licensed under this subchapter who performs the initial installation of a water well pump in violation of that code of performance commits a civil violation punishable by a fine of not more than \$1,000.

Sec. 2. **32 MRSA §4700-E, sub-§1**, as enacted by PL 1991, c. 455, Pt. B, §1, is amended to read:

1. Apprentice well driller. “Apprentice well driller” means a person who is engaged in learning and assisting in the drilling of wells or the installing of pumps to work at and learn the trade of well drilling under the direct supervision of a master or journeyman well driller.

Sec. 3. **32 MRSA §4700-E, sub-§3-A** is enacted to read:

3-A. Geotechnical driller. “Geotechnical driller” means a person doing the work of drilling, driving or boring ground water monitoring wells.

Sec. 4. **32 MRSA §4700-E, sub-§§4, 5 and 7 to 9**, as enacted by PL 1991, c. 455, Pt. B, §1, are amended to read:

4. Journeyman well driller. “Journeyman well driller” means a person who can work alone under the direction of a master driller doing the work of drilling, driving or boring wells who is in the employment of a master well driller.

5. Master well driller. “Master well 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 a person, firm or corporation engaged in the business of drilling, driving or boring wells. The registration of a master well driller under this chapter must specify the name of the person registered. In the case of a firm, the person registered as a master well driller must be a member or employee of the firm. In the case of a corporation, the person registered as a master well driller must be an employee of the corporation or an officer of the corporation.

7. Pump installer. “Pump installer” means a person who is qualified to engage in the installation, removal or repair of a pump, firm or corporation that performs the initial installation of a pump in a well. The registration of a pump installer under this chapter must specify the name of the person registered. In the case of a firm, the person registered as a pump installer must be a member or employee of the firm. In the case of a corporation, the person registered as a pump installer must be an employee of the corporation or an officer of the corporation. The term “pump installer” does not include a person, firm or corporation that removes, replaces or repairs a pump in an existing well. A person who is licensed under chapter 49 as a master plumber is not required to register with the commission as a pump installer.

8. Well or water well. “Well” or “water well” means an artificial excavation drilled by any method for the purpose of extracting water from underground; means any hole drilled, driven or bored into the earth used to extract drinking water. The terms “well” and “water well” do not include:

A. Dug wells;

B. Monitoring wells;

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

D. Wells constructed for temporary dewatering purposes;

E. Wells constructed for the purposes of extracting oil, gas or brine; and

F. Wells on private property for private use that are constructed by the property owner or lessee of the property.

9. Well driller. “Well driller” means an individual who, for compensation, participates in the physical construction of a well an apprentice well driller, journeyman well driller or master well driller.

Sec. 5. **32 MRSA §4700-E, sub-§10**, as enacted by PL 1991, c. 455, Pt. B, §1, is repealed.

Sec. 6. 32 MRSA §4700-F, sub-§1, as enacted by PL 1991, c. 455, Pt. B, §1, is amended to read:

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.~~

Sec. 7. 32 MRSA §4700-G, sub-§2, as enacted by PL 1991, c. 455, Pt. B, §1, is amended to read:

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~~ geotechnical driller.

Sec. 8. 32 MRSA §4700-H, sub-§1-A is enacted to read:

1-A. Administer examinations. The commission shall develop and administer all examinations required by section 4700-I, subsection 4. All examinations must be written examinations and must test an applicant's knowledge of the principles of water well drilling, abandonment of water wells and the installation of water well pumps.

Sec. 9. 32 MRSA §4700-H, sub-§4 and 5, as enacted by PL 1991, c. 455, Pt. B, §1, are amended to read:

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 pump installer~~ 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 rules establishing a minimum~~ code of performance for well drillers, well drilling contractors and pump installers. The code of performance must set forth appropriate minimum standards of professional conduct for well drillers, ~~well drilling contractors~~ and pump installers.

Sec. 10. 32 MRSA §4700-I, sub-§§1 and 2, as enacted by PL 1991, c. 455, Pt. B, §1, are amended to read:

1. Fees. The commission shall establish registration fees sufficient to recover reasonable costs of administering this chapter, including costs associated with the development and administration of examinations. 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 well driller or a journeyman well 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 well 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 well driller for each of those years.

B. A journeyman well 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 well driller.

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~~ 350 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~~ C as an apprentice.

Sec. 11. 32 MRSA §4700-I, sub-§4 is enacted to read:

4. Examinations. After January 1, 1994, a person must successfully complete a written examination administered by the commission in order to:

A. Initially register as a pump installer or as a journeyman or master well driller;

B. Upgrade from an apprentice to a journeyman well driller; and

C. Upgrade from a journeyman to a master well driller.

A person licensed under chapter 49 as a master plumber is not required to complete an examination to perform the work of a pump installer.

Sec. 12. 32 MRSA §4700-J, as enacted by PL 1991, c. 455, Pt. B, §1, is repealed and the following enacted in its place:

§4700-J. Registration; well drillers and pump installers

Effective January 1, 1994, a person may not engage in the business of constructing water wells within the State or engage in the initial installation of a pump in a water well unless registered with the commission. An applicant for registration must complete a registration form supplied by the commission, successfully complete an examination required by this chapter and pay an annual registration fee established by the commission. The person so registered shall display on each side of the drilling rig or the pump installer vehicle a seal issued by the commission indicating that person's registration number and the current year of registration. A person licensed under chapter 49 as a master plumber is not required to register with the commission to perform the work of a pump installer.

Sec. 13. 32 MRSA §4700-M is enacted to read:

§4700-M. Reciprocity

The commission may issue a registration without examination, in a comparable classification, to any person who holds a registration or license in any state, territory or possession of the United States or any country, if the commission determines that the requirements for registration of well drillers or pump installers under which the person's registration was issued do not conflict with this chapter or the code of performance adopted by the commission under this chapter.

Sec. 14. Grandfather clause; transition. A person who meets the requirements set forth in the Maine Revised Statutes, Title 32, section 4700-I and applies for registration to the Maine Water Well Drilling Commission on or before January 1, 1994 must be registered by the commission at the appropriate registration level and is not required to take a written examination. Thereaf-

ter, a person applying for a new registration or an upgrade of a registration level must successfully complete a written examination pursuant to Title 32, section 4700-I, subsection 4.

Sec. 15. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 32, sections 4700-E, 4700-K and 4700-I take effect January 1, 1994.

See title page for effective date, unless otherwise indicated.

CHAPTER 26

H.P. 20 - L.D. 22

An Act to Permit the Use of All-terrain Vehicles by Law Enforcement Officers

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

Sec. 1. 12 MRSA §7857, sub-§24, ¶D, as amended by PL 1985, c. 762, §20, is further amended to read:

D. Notwithstanding the provisions of subsection 5:

(1) Properly registered ATV's may operate on a public way only the distance necessary, but in no case to exceed 300 yards, on the extreme right of the traveled way for the purpose of crossing, as directly as possible, a public way, sidewalk or culvert;

(2) Properly registered ATV's may operate on a public way only the distance necessary, but in no case to exceed 500 yards, on the extreme right of the traveled way for the sole purpose of crossing, as directly as possible, a bridge, overpass or underpass, provided that that operation can be made in safety and that it does not interfere with traffic approaching from either direction on the public way;

(3) ATV's may operate on any portion of a public ~~ways~~ way when the public way has been closed in accordance with Title 23, section 2953;

(4) ATV's may operate on a public way ~~which that~~ is not maintained or utilized for the operation of conventional motor vehicles, except that operation on the left side of the way ~~shall be~~ is prohibited during the hours from sunset to sunrise;