

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 7, 1998 to March 31, 1998**

**SECOND SPECIAL SESSION**  
**April 1, 1998 to April 9, 1998**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 1998**

**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 9, 1998**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

expenses of the committee utilizing existing budgeted resources.

See title page for effective date.

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## CHAPTER 666

S.P. 776 - L.D. 2103

### An Act to Improve the Efficiency of the Maine Public Drinking Water Control Program

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the United States Environmental Protection Agency delegates its authority to the State of Maine to administer the federal Safe Drinking Water Act through an arrangement known as "primacy" on the condition that the State fulfill certain requirements; and

**Whereas,** the State of Maine administers the federal Safe Drinking Water Act through the Maine Public Drinking Water Control Program within the Department of Human Services; and

**Whereas,** since 1993, the United States Environmental Protection Agency has found in each of its annual evaluations of the program that program management failed to develop an effective organizational structure and to appropriately define staff responsibilities; and

**Whereas,** in 1997, not only did the Maine Public Drinking Water Commission find that the program suffered from poor management and administration, but also the United States Environmental Protection Agency informed the program that, until its staffing and management problems were resolved, the United States Environmental Protection Agency would not release to the State any federal funds through the Safe Drinking Water Revolving Loan Fund; and

**Whereas,** many water systems in the State are dependent on the Safe Drinking Water Revolving Loan Fund to finance water system improvement projects needed to comply with the federal Safe Drinking Water Act and thereby protect public health; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

## PART A

**Sec. A-1. Authorization to audit the Maine Public Drinking Water Control Program.** The Maine Public Drinking Water Commission is authorized to hire an auditor to conduct an audit of the Maine Public Drinking Water Control Program, referred to in this Part as the "program," for the purposes outlined in section 2 of this Part. The auditor selected must be independent of the program and may not include any person or persons employed by the State. The commission must hire the auditor no later than May 15, 1998.

**Sec. A-2. Purpose.** The purpose of the audit is to evaluate the effectiveness and adequacy of the program in administering the federal Safe Drinking Water Act, in maintaining the State's federally delegated primary enforcement authority in administering the act, and in maximizing the availability of federal funds to water systems in the State for carrying out the requirements of the act. In making this evaluation, the auditor shall consider the following factors:

1. The current organizational structure and staffing of the program;
2. The current and available resources of the program;
3. The effectiveness of current management and staff of the program;
4. The qualifications and experience necessary for the position of manager of the program;
5. The current goals and objectives of the program;
6. The program's current data management system, including a comparison of public water systems in the State regarding collection, management, and reporting of compliance data; and
7. Any other factor the auditor determines relevant or important within the scope of the purposes of the audit.

**Sec. A-3. Coordination with United States Environmental Protection Agency.** In evaluating the performance of the program pursuant to section 2 of this Part, the auditor shall consider the requirements of the United States Environmental Protection Agency, including the requirements of the regional office of the agency with jurisdiction over the State, with regard to administering the federal Safe Drinking Water Act, maintaining the State's federally

delegated primary enforcement authority in administering the act, and obtaining federal funding for water systems in the State for carrying out the requirements of the Act. In conjunction with this requirement, the auditor shall seek a written statement from the United States Environmental Protection Agency outlining the scope and nature of the agency's particular requirements for Maine's program.

**Sec. A-4. Recommendations.** In addition to the evaluation required under section 2 of this Part, the audit must include recommendations to the Maine Public Drinking Water Commission regarding how the program should be organized, staffed, funded, managed, and prioritized in order to best administer the federal Safe Drinking Water Act, maintain primacy of the State in administering this act, and maximize the availability of federal funds to water systems in the State for carrying out the requirements of the act.

**Sec. A-5. Report to Legislature.** No later than September 15, 1998, the Maine Public Drinking Water Commission shall report the findings of the audit to the joint standing committee of the Legislature having jurisdiction over health and human services.

**Sec. A-6. Funding for audit.** The Maine Public Drinking Water Commission shall provide funding for the audit under this section from federal funds available for drinking water programs under the jurisdiction of the Department of Human Services. The commission is authorized to determine the funding level of the audit, but may not spend more than \$25,000.

**Sec. A-7. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1998-99

**HUMAN SERVICES,  
DEPARTMENT OF**

**Public Drinking Water  
Fund**

All Other	\$25,000
Provides funds for an audit of the Maine Public Drinking Water Control Program.	

**PART B**

**Sec. B-1.** 22 MRSA §2660-C, sub-§6 is enacted to read:

**6. Annual accounting.** Within 60 days of the conclusion of the fiscal year for the program, the manager of the program shall submit to the commission an accounting of all of the funds expended by the program during the fiscal year.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 2, 1998.

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**CHAPTER 667**

**H.P. 1515 - L.D. 2137**

**An Act to Address the Crisis in  
Access to Dental Care for Low-  
income Children**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** children in the State do not have access to dental services under the Medicaid program at locations close to their residences; and

**Whereas,** lack of these dental services causes a deterioration in the health of the children of the State; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSA §3174-R** is enacted to read:

**§3174-R. Access to dental services for children under Medicaid**

The department shall increase access to comprehensive dental care for children under the Medicaid program so that services are received on a timely basis in the regions of the State in which they live, in accordance with this section.

**1. Telephone referral service.** By April 1, 1998, the department shall establish a toll-free telephone referral service to provide individuals with information on dental services and assistance in accessing dental services. The telephone service must provide persons calling about dental services with oral notice of the availability of assistance in arranging for appointments for dental screening and necessary