

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

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

Augusta, Maine
2017

(17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15;

(18) A Federal Government vehicle operated by a federal law enforcement officer;

(19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;

(20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202;

(21) A Department of the Secretary of State vehicle operated by a motor vehicle investigator ~~investigator~~ detective; and

(22) A University of Maine System vehicle operated by a University of Maine System police officer.

Sec. 33. 29-A MRSA §2303, sub-§1, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 34. 29-A MRSA §2390, sub-§1, ¶K is enacted to read:

K. A tow-away transporter combination may be operated with an overall length not exceeding 82 feet on the interstate highway system and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation pursuant to the federal Fixing America's Surface Transportation Act, Public Law 114-94, Section 5523 (2016).

Sec. 35. 29-A MRSA §2451, sub-§3, as repealed and replaced by PL 2015, c. 329, Pt. A, §17, is amended to read:

3. Suspension period. Unless a longer period of suspension is otherwise provided by law and imposed by the court, the Secretary of State shall suspend the license of a person convicted of OUI for the following minimum periods:

A. One hundred fifty days, if the person has one OUI conviction within a 10-year period;

B. Three years, if the person has 2 OUI offenses within a 10-year period;

C. Six years, if the person has 3 OUI offenses within a 10-year period; ~~or~~

E. Eight years, if the person has 4 or more OUI offenses within a 10-year period; ~~or~~

F. Ten years, if the person has a prior conviction for a Class B or Class C OUI offense pursuant to section 2411, subsection 1-A, paragraph D, subparagraph (2).

For the purposes of this subsection, a conviction or suspension has occurred within a 10-year period if the date of the new conduct is within 10 years of a date of suspension or imposition of sentence. The 10-year limitation does not apply to a prior conviction for a Class B or Class C OUI offense; the conviction may have occurred at any time.

Sec. 36. 29-A MRSA §2472, sub-§2-B, as amended by PL 2013, c. 496, §16, is further amended to read:

2-B. Reexamination. The holder of a juvenile provisional license convicted of an offense listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A, subsection 3, must successfully complete an examination ~~pursuant to section 1301, subsection 4~~ as prescribed by the Secretary of State within 90 days after that license is restored. Failure to successfully complete the examination results in a subsequent suspension.

See title page for effective date.

CHAPTER 230

H.P. 321 - L.D. 454

An Act To Ensure Safe Drinking Water for Families in Maine

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

Sec. 1. 22 MRSA §2601-A, as enacted by PL 1999, c. 761, §1, is amended to read:

§2601-A. Scope

This chapter establishes a system designed to help ensure public health; to allow the State, municipalities and public water systems to identify significant public water supplies and strive for a higher degree of protection around source water areas or areas that are used as public drinking water supplies; ~~and~~ to allow the State, municipalities and water systems to pursue watershed or wellhead protection activities around significant public water supplies; ~~and to improve testing for and treatment of contaminants or properties in residential private drinking water wells.~~

Sec. 2. 22 MRSA §2602-A, sub-§1, as enacted by PL 1983, c. 837, §1, is amended to read:

1. Purpose. The Legislature finds that there is a growing threat to the ~~state's~~ State's drinking water from a variety of contaminants ~~or properties~~ and that testing of private residential water supplies ~~may be~~ is necessary ~~under certain circumstances~~ to protect the public health. The Legislature recognizes that certain testing may be prohibitively expensive and accord-

ingly provides for state-funded testing as set forth in this section.

Sec. 3. 22 MRSA c. 601, sub-c. 8 is enacted to read:

SUBCHAPTER 8

SAFE DRINKING WATER FROM RESIDENTIAL PRIVATE WELLS

§2660-S. Definitions

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

1. Private drinking water well. "Private drinking water well" has the same meaning as in Title 38, section 1392, subsection 8.

§2660-T. Uniform testing recommendation; specified contaminants and properties

The department shall develop a uniform recommendation for the testing for specific contaminants or properties for which residential private drinking water wells should periodically be tested. The uniform recommendation must specify contaminants or properties that should be included in the periodic testing, including but not limited to arsenic, bacteria, nitrates, nitrites, chloride, hardness, copper, iron, pH, sodium, lead, uranium, manganese, fluoride and radon, unless the department determines that testing for a contaminant or property listed in this section is not necessary based on previous test results or credible scientific evidence. The department or an entity that provides testing of or provides education or advertisements related to testing of a residential private drinking water well shall include the uniform recommendation developed by the department pursuant to this section in its written materials related to testing of a residential private drinking water well.

§2660-U. Fees

The Health and Environmental Testing Laboratory established in section 565 shall collect a fee not to exceed \$10 from a person or entity ordering a water test for a water sample from a residential private drinking water well. The fees collected must be credited to the Private Well Safe Drinking Water Fund established in section 2660-W and used for the purpose of increasing testing of residential private drinking water wells. The department shall establish by rule a percentage of the fee to be directed toward administrative costs for collecting data from private laboratories. If more than one test of a water sample from the same residential private drinking water well is conducted, the department may waive payment of a fee established under this section for a one-year period. A fee collected under this section is in addition to any fee charged by the department pursuant to section 2602-A, subsection 2.

§2660-V. Educational outreach

Within available resources, the department shall revise and update its education and outreach materials as needed and conduct educational outreach regarding residential private drinking water wells, including the need to conduct testing for contaminants or properties specified pursuant to section 2660-T through a laboratory certified pursuant to section 567, the potential health effects of those contaminants or properties and options for water treatment to reduce the level of those contaminants or properties.

§2660-W. Private Well Safe Drinking Water Fund

1. Fund established. The Private Well Safe Drinking Water Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund for the purposes specified in this section.

2. Sources of fund. The fund is funded from all fees collected under section 2660-U and from other funds accepted by the commissioner or allocated or appropriated by the Legislature. The commissioner may accept donations or grants to the fund from any source.

3. Purposes. Expenditures from the fund may be made only for the following purposes:

A. To improve the rate of testing of residential private drinking water wells for contaminants or properties specified pursuant to section 2660-T;

B. For educational outreach programs consistent with section 2660-V; and

C. To defray the department's costs in administering this subchapter and in waiving fees under section 2602-A, subsection 2.

4. Expenditures. The division of environmental health within the department shall expend funds with the review and advice of an advisory committee established by the department. The advisory committee must include representatives from at least 2 laboratories certified pursuant to section 567. Preference in expending funds must be given to community-based programs that reach high-risk or underserved populations. The department may contract for professional services to carry out the purposes of this section.

§2660-X. Rules

The department shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A necessary to administer and enforce this subchapter. The rules may address, but are not limited to, testing recommendations for contaminants or properties specified pursuant to section 2660-T, water sample test reporting and fee schedules.

Sec. 4. 32 MRSA §4700-H, sub-§8 is enacted to read:

8. Educational materials. The commission shall adopt rules to require the distribution of educational materials to a landowner when a residential private drinking water well is drilled or deepened to inform the landowner about the importance of testing for arsenic and other contaminants or properties specified in Title 22, section 2660-T. Rules adopted by the commission pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. Water testing guide update. The Health and Environmental Testing Laboratory within the Department of Health and Human Services shall update its water testing guide and related information on its publicly accessible website for consistency with this Act. For testing of water samples from residential private drinking water wells as defined in the Maine Revised Statutes, Title 22, section 2660-S, subsection 1, the update must ensure a clear, simple-to-understand and prominent recommendation for testing consistent with Title 22, section 2660-T. The laboratory shall consult with relevant personnel within the Department of Health and Human Services, Maine Center for Disease Control and Prevention's division of environmental health prior to the update required by this section to ensure that the revised information constitutes an effective environmental public health communication.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (FORMERLY DHS)**

Private Well Safe Drinking Water Fund N207

Initiative: Provides allocations for additional lab supplies for water tests.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$12,205	\$16,273
OTHER SPECIAL REVENUE FUNDS TOTAL	\$12,205	\$16,273

Private Well Safe Drinking Water Fund N207

Initiative: Provides allocations to revise and update education and outreach materials and to conduct educational outreach on the importance of testing for arsenic and other contaminants.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$27,425	\$36,567

OTHER SPECIAL REVENUE FUNDS TOTAL	\$27,425	\$36,567
HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)		
DEPARTMENT TOTALS	2017-18	2018-19
OTHER SPECIAL REVENUE FUNDS	\$39,630	\$52,840
DEPARTMENT TOTAL - ALL FUNDS	\$39,630	\$52,840

See title page for effective date.

CHAPTER 231

H.P. 1052 - L.D. 1532

**An Act To Modernize the Laws
Governing Maine Harness
Racing**

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

Whereas, the provisions of this bill affecting the number of harness horse racing race dates must take effect prior to the commencement of this year's harness horse racing season; 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. 8 MRSA §262, as amended by PL 1991, c. 579, §5, is further amended to read:

§262. Organization

Three of the members of the commission constitute a quorum to do business. The commission shall meet ~~at least monthly~~ as necessary to accomplish the purposes of this chapter and shall keep a record of all proceedings of the commission and preserve all books, maps, documents, papers and records entrusted to its care.