

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH AND
HUMAN SERVICES**

August 2017

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Health and Human Services

Services to submit a waiver request no later than January 1, 2018, to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to implement the provisions of the Maine Revised Statutes, Title 22, section 3174-ZZ. The department is required to take all reasonable and necessary steps to seek approval of the waiver. Upon approval of the waiver, the department is directed to adopt rules no later than 180 days after receiving approval. The department is required to report its progress in seeking a waiver and implementing rules on a quarterly basis beginning October 1, 2017, until the process is complete. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 454

An Act To Ensure Safe Drinking Water for Families in Maine

PUBLIC 230

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VACHON K THIBODEAU M	OTP-AM ONTP OTP-AM	H-270

This bill expands the scope of the chapter regulating public water systems used for human consumption to include residential wells, and adds a new subchapter on private drinking water wells. The bill includes the following provisions.

1. Uniform recommendations. It requires the Department of Health and Human Services to develop a uniform recommendation for the testing of contaminants in residential private drinking water wells that are otherwise exempt from state and federal safe drinking water laws. It requires that anyone who recommends or provides testing of, or provides education or advertisements related to testing shall clearly identify the uniform recommendations.
2. Test results. The bill requires that laboratories provide the test results to the department for the purpose of recording multiple tests for the same well. It requires the department to keep addresses confidential.
3. Education. The bill requires the department to conduct educational outreach regarding the potential health effects of contaminants and the need for testing residential private drinking water wells. The bill requires the Maine Water Well Commission to develop educational materials to be distributed when a residential private drinking water well is drilled or deepened to inform the owners of the importance of testing for arsenic and other contaminants.
4. Fees. The bill establishes the Private Well Safe Drinking Water Fund to support educational outreach and to improve testing rates of residential private drinking water wells. The fund is funded by fees on individuals or entities ordering a water test on a residential private drinking water well by the Health and Environmental Testing Laboratory within the department. This fee is not to exceed \$10 and is in addition to any fee charged by the department for the test itself (not to exceed \$150).
5. Rental property. The bill requires landlords or building managers of residential rental property that uses a residential private drinking water well to obtain a water test every three to five years. The tests must be disclosed to the current inhabitants and to any prospective tenants.
6. Water testing guide. The bill requires that the State lab update its water testing guide and related information on the publically accessible website to be consistent with this Act. The update must have a clear, simple-to-understand and prominent recommendation for testing of residential private drinking water wells.

Committee Amendment "A" (H-270)

This amendment is the majority report of the committee and makes the following changes to the bill. It removes the

Joint Standing Committee on Health and Human Services

requirement for private laboratories that test residential private drinking water wells to submit the test results to the Department of Health and Human Services. It adds additional enumerated contaminants or properties to be included in the uniform testing recommendation. It requires the department to update its education and outreach materials as needed and to recommend water testing through a state-certified laboratory.

The amendment removes the requirement for landlords to conduct water tests. It provides that the allocations from the Private Well Safe Drinking Water Fund may be used to defray costs resulting from the department's waiver of fees for water supply testing upon a showing of indigency. It requires that the advisory committee for the Private Well Safe Drinking Water Fund include representatives from at least two state-certified laboratories. It requires that the Maine Water Well Commission distribute educational materials to landowners when a residential private drinking water well is drilled or deepened.

This amendment also provides funding to the Department of Health and Human Services for additional water testing and other duties of the department related to the requirements of the bill.

Committee Amendment "B" (H-271)

This amendment is a minority report of the committee and makes the following changes to the bill. It removes the requirement for private laboratories that test residential private drinking water wells to submit the test results to the Department of Health and Human Services. It adds additional enumerated contaminants or properties to be included in the uniform testing recommendation. It requires the department to update its education and outreach materials as needed and to recommend water testing through a state-certified laboratory.

The amendment provides that the allocations from the Private Well Safe Drinking Water Fund may be used to defray costs resulting from the department's waiver of fees for water supply testing upon a showing of indigency. It requires that the advisory committee for the Private Well Safe Drinking Water Fund include representatives from at least two state-certified laboratories. It requires that the Maine Water Well Commission distribute educational materials to landowners when a residential private drinking water well is drilled or deepened.

This amendment also provides funding to the Department of Health and Human Services for additional water testing and other duties of the department related to the requirements of the bill.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 230 requires the Department of Health and Human Services to develop a uniform recommendation for the testing of contaminants and properties of water in residential private drinking water wells that are otherwise exempt from state and federal safe drinking water laws. It specifies which contaminants and properties must be included in the testing. It requires the Department of Health and Human Services to revise and update its education and outreach materials as needed. It provides that the allocations from the Private Well Safe Drinking Water Fund may be used to defray costs resulting from the department's waiver of fees for water supply testing upon a showing of indigency. It requires that the advisory committee for the Private Well Safe Drinking Water Fund include representatives from at least two state-certified laboratories. It requires that the Maine Water Well Commission distribute educational materials to landowners when a residential private drinking water well is drilled or deepened. It also provides funding to the Department of Health and Human Services for additional water testing and other duties of the department related to the requirements of the bill.