An Act To Ensure Safe Drinking Water for Families in Maine

Reference to the Committee on Health and Human Services suggested and ordered printed.

Presented by Representative VACHON of Scarborough.
Cosponsored by Representatives: ACKLEY of Monmouth, COOPER of Yarmouth, President THIBODEAU of Waldo and Representatives: DENNO of Cumberland, GATTINE of Westbrook, HEAD of Bethel, HILLIARD of Belgrade, Senators: BELLOWS of Kennebec, LANGLEY of Hancock, VOLK of Cumberland.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §566, as amended by PL 1999, c. 62, §2, is further amended to read:

§566. Record of tests for water samples

A person requesting a water sample test must indicate the source of the water sample. A laboratory that tests any public water system for drinking water program compliance mandates shall forward a copy of the test results to the department. A laboratory that tests any residential private drinking water well for contaminants identified by the department pursuant to section 2660-T shall forward a copy of the test results to the department by an annual date set by the department. The department shall keep confidential the addresses included on the copy of residential private drinking water well test results and use them only for the purpose of recording multiple tests for the same well. The department shall establish by rule a system for facilitating the collection of data from private laboratories to avoid significant new costs for private laboratories and the department. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 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 in residential private drinking water wells.

Sec. 3. 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 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 accordingly provides for state-funded testing as set forth in this section.

Sec. 4. 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

The department shall develop a uniform recommendation for the testing for specific contaminants for which residential private drinking water wells should periodically be tested. The uniform recommendation must specify contaminants that should be included in the periodic testing, including but not limited to arsenic, uranium, manganese, fluoride and radon, unless the department determines that testing for a contaminant listed in this section is not necessary based on previous test results or credible scientific evidence. A person who recommends or provides testing of or provides education or advertisements related to testing of a residential private drinking water well shall clearly identify the uniform recommendation developed by the department pursuant to this section.

§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-X 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 and conduct educational outreach regarding residential private drinking water wells, including the need to conduct testing for contaminants specified pursuant to section 2660-T, the potential health effects of those contaminants and options for water treatment to reduce the level of those contaminants.

§2660-W. Rental property

The landlord or building manager of a dwelling that is rented for human habitation and for which the water supply is a residential private drinking water well shall obtain a water test every 3 to 5 years for the contaminants specified pursuant to section 2660-T and shall disclose the results of the water test to each tenant of the dwelling within 10
business days after receiving the results from a laboratory. The landlord or building
manager shall allow each prospective tenant of the dwelling to review results of the most
recent water test prior to signing a lease or moving into the dwelling.

§2660-X. 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. Allocations from the fund must be made for the following purposes:
A. To improve the rate of testing of residential private drinking water wells for
contaminants 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.

4. Administration. The division of environmental health within the department
shall administer the fund allocations with the review and advice of an advisory committee
established by the department. Preference in allocating 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-Y. 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 specified
pursuant to section 2660-T, water sample test reporting and fee schedules.

Sec. 5. 32 MRSA §4700-H, sub-§8 is enacted to read:

8. Educational materials. The commission shall develop educational materials for
distribution to the 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 specified in Title 22, section 2660-T and adopt rules to require the
distribution of the materials. Rules adopted by the commission pursuant to this
subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. 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.

SUMMARY

This bill establishes provisions regarding testing for contaminants in residential
private drinking water wells that are otherwise exempt from state and federal safe
drinking water laws.

The bill requires the Department of Health and Human Services to develop a uniform
recommendation for testing of residential private drinking water wells.

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.

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 the testing of residential private drinking water
wells conducted by the Health and Environmental Testing Laboratory within the
department.