



# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 40

S.P. 20

In Senate, January 10, 2017

### An Act To Strengthen Requirements for Water Testing for Schools

(EMERGENCY)

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator MILLETT of Cumberland.  
Cosponsored by Representative KORNFIELD of Bangor and  
Senators: BREEN of Cumberland, DESCHAMBAULT of York, GRATWICK of Penobscot,  
LANGLEY of Hancock, MAKER of Washington, Representatives: DAUGHTRY of  
Brunswick, FARNSWORTH of Portland, PIERCE of Falmouth.

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

3           **Whereas,** testing the water in schools that are served by public water utilities is not  
4 required; and

5           **Whereas,** old plumbing that contains lead soldering is often the cause of high lead  
6 levels; and

7           **Whereas,** requiring testing of water in school buildings more than 10 years old  
8 served by public water systems is immediately necessary to ensure safe drinking water;  
9 and

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

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

15           **Sec. 1. 22 MRSA §2604,** as enacted by PL 1975, c. 751, §4, is amended to read:

16           **§2604. Schools, sampling and examination of water; exemption**

17           Any school, ~~which that~~ takes water from a source other than a public water system  
18 and uses such water for drinking or culinary purposes; shall submit samples of such water  
19 to the department for analysis at least once during each school year. Such samples ~~shall~~  
20 must be analyzed by the department. If the water is found to violate the state primary  
21 drinking water regulations, the department shall issue an order prohibiting the use of the  
22 water for drinking or culinary purposes by the school, which order ~~shall~~ must remain in  
23 force until the water conforms to the state primary drinking water regulations. The  
24 department shall provide results of any analysis performed under this section to the  
25 Department of Education. The Department of Education shall make the results available  
26 to the public upon request.

27           The requirements of this section apply to a school that takes water from a public  
28 water system and uses that water for drinking or culinary purposes if the school building  
29 is more than 10 years old.

30           Violation of this section ~~shall~~ is, on conviction, ~~be~~ punishable by a fine of not more  
31 than \$500.

32           **Sec. 2. 22 MRSA §8402, sub-§3, ¶B,** as amended by PL 2001, c. 645, §10, is  
33 further amended to read:

34           B. Drinking water that is taken from sources other than a public water system must  
35 pass a test for bacteria, nitrates and nitrites every year and must pass a partial  
36 chemical test every 4 years. The provisions of this paragraph apply to a nursery  
37 school that takes drinking water from a public water system if the nursery school

1 building is more than 10 years old. A nursery school shall provide results of tests  
2 performed under this paragraph to the department. The department shall make the  
3 results available to the public upon request.

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

6 **SUMMARY**

7 Current law requires schools that take drinking water from sources other than public  
8 water systems to have that water tested. This bill requires schools that take drinking  
9 water from public water systems to have the same tests performed on that water, except  
10 that school buildings less than 10 years old are exempt from this requirement. Under the  
11 bill, after receiving results of school water tests, the Department of Education must make  
12 the results available to the public. The Department of Health and Human Services must  
13 make test results from nursery schools available to the public.