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Date: (Filing No. H-)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1387, L.D. 1943, “An Act To Protect Drinking Water for Low-income Maine Residents”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 22 MRSA §2602-A, sub-§2, as amended by PL 1991, c. 499, §3 and affected by §26, is further amended to read:

2. Fees. ~~The~~ Except as provided in subsection 3, the department shall charge the average cost of the analysis for an examination, testing or analysis of private residential water supplies requested under this chapter. These fees must be recalculated and deposited according to section 565, subsection 3 and section 568, ~~provided except~~ that the fee charged for testing a private residential water supply may not exceed \$150 when:

A. In the opinion of the department, initial testing or screening performed at the expense of the owner indicates the need for additional testing at a cost in excess of \$150 to determine whether that water supply contains contaminants potentially hazardous to human health and that additional testing is essential to the maintenance of public health; or

B. In the opinion of the department, there is reason to suspect that a private residential water supply may be affected by contamination potentially hazardous to human health and that additional testing is essential to the maintenance of public health. In making such a determination, the department shall consider the following:

- (1) The proximity of the private residential water supply to a known or suspected source of contamination;
- (2) The proximity of the private residential water supply to another private well or water supply known to be contaminated;
- (3) Information provided in writing to the department by a physician who has seen or treated a person and who has identified contaminated drinking water as a possible cause of the person's condition or symptoms; or

COMMITTEE AMENDMENT

1 (4) Information provided by the owner or a user of the private residential water
2 supply voluntarily or in response to questions asked by personnel of the
3 department.

4 The department may waive all fees incurred in connection with the testing of a private
5 residential water supply upon a showing of indigency.

6 **Sec. 2. 22 MRSA §2602-A, sub-§3** is enacted to read:

7 **3. Well water testing for low-income residents.** Within available resources, the
8 department shall establish and maintain a program through the Health and Environmental
9 Testing Laboratory to provide free well water testing for low-income residents of the State.
10 The department shall develop a targeted mailing campaign in order to implement this
11 program. Well water tests offered through this program must consist of a comprehensive
12 test for contaminants and radon developed in accordance with section 2660-T. The
13 department may not require justification for the testing from a geologist or a physician for
14 a person to receive well water tests through this program. The department may not collect
15 a fee, otherwise permitted under section 2660-U, on well water tests provided under this
16 program.

17 **Sec. 3. 22 MRSA §2660-U, first ¶**, as amended by PL 2017, c. 475, Pt. C, §7, is
18 further amended to read:

19 ~~The~~ Except as provided in section 2602-A, subsection 3, the Health and Environmental
20 Testing Laboratory established in section 565 shall collect a fee not to exceed \$10 from a
21 person or entity ordering a water test for a water sample from a residential private drinking
22 water well. The fees collected must be credited to the Private Well Safe Drinking Water
23 Fund established in section 2660-W and used for the purpose of increasing testing of
24 residential private drinking water wells. If more than one test of a water sample from the
25 same residential private drinking water well is conducted, the department may waive
26 payment of a fee established under this section for a one-year period. A fee collected under
27 this section is in addition to any fee charged by the department pursuant to section 2602-A,
28 subsection 2.

29 **Sec. 4. 22 MRSA §2660-W, sub-§3, ¶B**, as enacted by PL 2017, c. 230, §3, is
30 amended to read:

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

32 **Sec. 5. 22 MRSA §2660-W, sub-§3, ¶C**, as enacted by PL 2017, c. 230, §3, is
33 amended to read:

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

36 **Sec. 6. 22 MRSA §2660-W, sub-§3, ¶D** is enacted to read:

37 D. To implement the program established pursuant to section 2602-A, subsection 3 to
38 provide free well water testing for low-income residents.

39 **Sec. 7. 22 MRSA §2660-W, sub-§4**, as enacted by PL 2017, c. 230, §3, is amended
40 to read:

41 **4. Expenditures.** ~~The division of environmental health within the~~ department shall
42 expend funds with the review and advice of an advisory committee established by the

1 department. The advisory committee must include representatives from at least 2
 2 laboratories certified pursuant to section 567. Preference in expending funds must be given
 3 to community-based programs that reach high-risk or underserved populations. The
 4 department may contract for professional services to carry out the purposes of this section.

5 **Sec. 8. Report.** No later than January 1, 2022, the Department of Health and Human
 6 Services shall report to the joint standing committee of the Legislature having jurisdiction
 7 over health and human services matters regarding the program established pursuant to the
 8 Maine Revised Statutes, Title 22, section 2602-A, subsection 3 to provide free
 9 comprehensive well water tests to low-income residents of the State. The report must
 10 include but is not limited to an update on the implementation of the program, the efforts to
 11 increase testing of well water, the response rate of the program and the results of the well
 12 water tests conducted under the program. The joint standing committee may submit
 13 legislation to the Second Regular Session of the 130th Legislature regarding the program.

14 **Sec. 9. Appropriations and allocations.** The following appropriations and
 15 allocations are made.

16 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**
 17 **Maine Center for Disease Control and Prevention 0143**

18 Initiative: Provides funding to the Department of Health and Human Services to establish
 19 and maintain a program through the Maine Center for Disease Control and Prevention's
 20 Health and Environmental Testing Laboratory offering free well water testing for low-
 21 income residents of the State.

22	GENERAL FUND	2019-20	2020-21
23	All Other	\$0	\$51,487
24			
25	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$51,487</u>

26
 27 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 28 number to read consecutively.

29 **SUMMARY**

30 This amendment, which is the unanimous report of the committee, replaces the bill.
 31 The amendment provides for the establishment of a well water testing program within the
 32 Department of Health and Human Services to provide free comprehensive well water tests,
 33 within available resources, to low-income residents of Maine. It provides an ongoing
 34 appropriation of \$51,487 to establish and maintain this program. It also allows the program
 35 to be funded through the Private Well Safe Drinking Water Fund. It directs the department
 36 to report to the joint standing committee of the Legislature having jurisdiction over health
 37 and human services matters regarding the program. The joint standing committee may
 38 submit legislation to the Second Regular Session of the 130th Legislature regarding the
 39 program. The amendment also removes a reference in current law to the division of
 40 environmental health within the department.

41 **FISCAL NOTE REQUIRED**
 42 **(See attached)**