

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

—
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 accordingly 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