



128th MAINE LEGISLATURE

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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)

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

