



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1400
TTY: MAINE RELAY 711

Daniel J. Ankeles

Dan.Ankeles@legislature.maine.gov

Cell Phone: (207) 756-3793

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Testimony of Rep. Dan Ankeles presenting

LD 2115, An Act to Protect Private Wells from Hazardous Substances

Before the Joint Standing Committee on Environment and Natural Resources

Senator Tepler, Representative Doudera and fellow members of the Joint Standing Committee on Environment and Natural Resources, thank you for the opportunity to testify. I am Dan Ankeles, and I represent House District 100, a central slice of Brunswick that includes our downtown, Bowdoin College, the former naval airbase, Mere Point, Maquoit Bay and the Mere Brook Watershed. It's an honor to bring you **LD 2115, An Act to Protect Private Wells from Hazardous Substances**, as Maine continues its critical efforts to remove toxins from our environment and, in the case of this bill, the water we drink.

The core of this bill is an ask for funding in an area of environmental policy where we simply haven't done enough: the safety of private wells in both rural and urban areas of Maine where access to public water districts is logistically difficult. The bill as drafted takes an existing fund within the Department of Environmental Protection that is both empty and unused, changes the name to the Well Contamination Response Fund and redeploys it to help those dependent on private wells living in proximity to an external contamination event.

This is a bill for the whole state, but it draws from the critical lessons we learned in Brunswick when a discharge of aqueous film-forming foam (AFFF) did massive environmental damage to our community in August of 2024. The spill raised great uncertainty around questions of groundwater hydrology, calling into question people's sense of basic safety in their own homes and destroying peace of mind for well users along the entire perimeter of the former Brunswick Naval Air Station. In upcoming testimony, you may hear or read about some of those lessons directly from constituents who experienced them in person.

Since the AFFF spill in Brunswick, there have also been reports of contamination at a Gorham mobile home park, an unsafe result in the Holden school district and a growing sense of unease that our septic tanks and even our treated wastewater have become vehicles to spread per- and polyfluoroalkyl substances (PFAS) into groundwater systems throughout the state as we struggle to adopt expensive countermeasures.

Uses of this new fund in LD 2115 as drafted would include well testing, abatement, remediation, installation and maintenance of filtration systems, the provision of bottled water and even facilitating connections to local water districts when possible. These are all things my constituents and Rep. Golek's constituents told me they struggled with right after our spill and continue to struggle with even today.

After speaking with multiple stakeholders and getting a wide array of feedback, some of which came in as recently as yesterday, I have scrambled to come up with a basic framework for a sponsor's amendment, which you will all have the opportunity to review prior to the work session.

But for the purpose of transparency and getting my fellow committee members the best possible information, let me summarize what I am suggesting.

First, the bill as drafted strikes references to soil and groundwater. I inadvertently had those references removed as part of the attempt to change the name and purpose of the fund. But it turns out that being able to sample the soils and groundwater in the general vicinity of a well is a very important part of evaluating the potential contamination at a well site. So, the sponsor's amendment will reincorporate those references.

Next, while the funding in the initial draft of the bill is primarily intended for the rising threat of the PFAS family of chemicals, the testing protocols eligible for this fund should include potability more generally. This fits logically with a Department of Environmental Protection (DEP) site visit to a well and is something that DEP would likely love to be able to do in concurrence with any activity related to PFAS.

Third, given the likelihood that some level of PFAS contamination in Maine's private wells is widespread, triage and speed are vitally important. Accordingly, the sponsor's amendment will suggest starting with those wells where PFAS levels are at 20 ppt or above and then broadening the scope of the work as more resources become available. The amendment also sets this amount directly and strikes any reference to a lengthy and potentially cumbersome rule making process.

Finally, it's clear the fund—no matter where you put it—cannot be operated without additional headcount because DEP is chronically under-resourced. Under the bill as drafted, the fiscal impact begins in FY 27 and is ongoing, so I would suggest that the amount of funding be kept the same but now be used to both capitalize the fund and cover a position to ensure we have enough staff to effectively manage more of the troubled wells in the state. I would even be open to trying to kill two birds with one stone by having the new position be shared between the DEP and the Maine Center for Disease Control, which runs the drinking water program. This way we could improve coordination between the two major government instruments that keep drinking water clean and get more work done for the people who need it most.

So, before we go to questions, I do just want to pull back and return the focus to the larger picture. We've had a lot of important debates about what government should do and what our tax dollars should pay for. Guaranteeing access to clean drinking water seems like it ought to be a high enough priority to both transcend core partisan disagreements and justify asking the administration and the Appropriations and Financial Affairs Committee to safeguard this most basic aspect of our public health. We literally can't live without it.

We learned last night that the clouds have finally darkened and that the Rainy Day Fund is no longer out of bounds. Just think of me then as the guy with the bill to make sure that the rain water itself is clean enough to drink.

But in all seriousness, I see this bill as unfinished business from 2024. The spill revealed that well users have something new to be afraid of, and it is on us to help, regardless of who is ultimately responsible for making the mess.

I am happy to answer questions to the best of my ability, but I also want to make sure the experts and members of the public get the lion's share of the airtime. Thank you for the chance to testify and thank you in advance for what your votes will do for public health and Maine's quality of life.