

## §2602-A. Fees for testing private water supplies

**1. Purpose.** The Legislature finds that there is a growing threat to the State's drinking water from a variety of contaminants or properties and that testing of private residential water supplies is necessary 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.

[PL 2017, c. 230, §2 (AMD).]

**2. Fees.** 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, 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 [PL 1983, c. 837, §1 (NEW).]

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
- (4) Information provided by the owner or a user of the private residential water supply voluntarily or in response to questions asked by personnel of the department. [PL 1991, c. 499, §3 (AMD); PL 1991, c. 499, §26 (AFF).]

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

[PL 2021, c. 483, Pt. BB, §1 (AMD).]

**3. Well water testing for low-income residents.** The department shall establish and maintain a program through the Health and Environmental Testing Laboratory established in section 565 to provide free testing for arsenic of the private residential water supplies of low-income residents of the State. The department may not charge any fee or recover any cost as otherwise permitted by this chapter for a test of a private residential water supply performed for a low-income resident of the State under the program established pursuant to this subsection. As used in this subsection, "low-income resident" means a person who receives assistance under the MaineCare program or the food supplement program under section 3104.

[PL 2021, c. 483, Pt. BB, §2 (NEW).]

### SECTION HISTORY

PL 1981, c. 703, §A20 (NEW). PL 1983, c. 837, §1 (RPR). PL 1991, c. 499, §3 (AMD). PL 1991, c. 499, §26 (AFF). PL 2017, c. 230, §2 (AMD). PL 2021, c. 483, Pt. BB, §§1, 2 (AMD).

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