

CHAPTER 157-A

HEALTH AND ENVIRONMENTAL TESTING LABORATORY

§565. Health and Environmental Testing Laboratory

The Health and Environmental Testing Laboratory is established within the department for the chemical and microbiological testing and examination of water supplies, food products, drinking water, environmental and forensic samples and the testing and examination of cases and suspected cases of infectious and communicable diseases. [PL 1991, c. 499, §2 (NEW); PL 1991, c. 499, §26 (AFF).]

1. Coordination with the Department of Environmental Protection. In coordination with the Department of Environmental Protection, the department shall also provide laboratory services for environmental testing and analysis as necessary to implement the programs and duties of the Department of Environmental Protection, pursuant to Title 38, section 342, subsection 4. The commissioner and the Commissioner of Environmental Protection shall enter into joint agreements and establish joint policies as necessary to ensure the provision of appropriate laboratory services. [PL 1991, c. 499, §2 (NEW); PL 1991, c. 499, §26 (AFF).]

2. Director; duties. The Director of the Bureau of Health shall appoint a Director of the Health and Environmental Testing Laboratory, subject to the Civil Service Law and in this chapter known as the "laboratory director." The laboratory director or a designated chief of laboratory operations shall administer the laboratory to safeguard the public health and environment. [PL 1999, c. 62, §1 (AMD).]

3. Fees for services. The department shall establish by rule a schedule of charges for services rendered by the Health and Environmental Testing Laboratory based on the average costs for those services. The department shall establish services essential to the public health. These services must be provided free to residents of the State. [PL 1991, c. 499, §2 (NEW); PL 1991, c. 499, §26 (AFF).]

SECTION HISTORY

PL 1991, c. 499, §2 (NEW). PL 1991, c. 499, §26 (AFF). PL 1999, c. 62, §1 (AMD).

§565-A. Coordination with State Radiation Control Agency

The Health and Environmental Testing Laboratory shall provide laboratory services for environmental testing and analysis as necessary to implement the radiation protection services of the department conducted pursuant to section 680, subsection 2, paragraph D. [PL 2005, c. 254, Pt. B, §1 (AMD).]

SECTION HISTORY

PL 1993, c. 664, §5 (NEW). PL 1997, c. 686, §1 (AMD). PL 2005, c. 254, §B1 (AMD).

§566. Record of tests for water samples

A person requesting a water sample test must indicate the source of the water sample. A laboratory that tests any public water system for drinking water program compliance mandates shall forward a copy of the test results to the department. [PL 1999, c. 62, §2 (AMD).]

SECTION HISTORY

PL 1991, c. 499, §2 (NEW). PL 1991, c. 499, §26 (AFF). PL 1999, c. 62, §2 (AMD).

§567. Certification or accreditation program

The Director of the Bureau of Health shall establish a laboratory certification or accreditation program to ensure that all generated data of laboratories subject to the program is of known and appropriate quality of precision and accuracy when utilized for departmental programs and programs administered by the Department of Environmental Protection. The Director of the Bureau of Health shall designate a laboratory certification officer to administer this program. [PL 1999, c. 62, §3 (AMD).]

1. Acceptable data. Except as provided in this subsection, 6 months after the adoption of rules specified in subsection 2, certification is required of any commercial, industrial, municipal, state or federal laboratory that analyzes water, soil, air, solid or hazardous waste, or radiological samples for the use of programs of the department or the Department of Environmental Protection, except as provided under chapter 411, the Maine Medical Laboratory Act; Title 26, chapter 7, subchapter 3-A, Substance Use Testing; and Title 29-A, section 2524, administration of tests to determine an alcohol level or drug concentration.

A laboratory operated by a waste discharge facility licensed pursuant to Title 38, section 413 may analyze waste discharges for total suspended solids, settleable solids, biological or biochemical oxygen demand, chemical oxygen demand, pH, chlorine residual, fecal coliform, E. coli, enterococcus, conductivity, color, temperature and dissolved oxygen without being certified under this section. The exception provided under this paragraph applies to a laboratory testing its own samples for pollutants listed in its permit or license; pretreatment samples; and samples from other wastewater treatment plants for up to 60 days per year. The time period provided in this paragraph, which is a maximum period for each treatment plant for which analysis is provided, may be extended by memorandum of agreement between the Department of Environmental Protection and the Health and Environmental Testing Laboratory.

[PL 2019, c. 580, §1 (AMD).]

2. Certification or accreditation program requirements. The department and the Department of Environmental Protection shall establish by rule program requirements, standards and criteria for the evaluation and certification or accreditation of laboratories.

[PL 1999, c. 62, §3 (AMD).]

3. Certificate issued. A laboratory must be issued a certificate when the laboratory certification officer determines that the laboratory has the capability to analyze samples with known and appropriate quality of precision and accuracy and is in compliance with other certification or accreditation requirements. Certificates are effective for 2 years from date of issuance provided the laboratory continues to be in compliance with certification or accreditation requirements.

[PL 1999, c. 62, §3 (AMD).]

4. Certification or accreditation fees. A certification or accreditation fee schedule based on the cost of certifying or accrediting laboratories must be established by rule. Certification or accreditation fees are payable upon application for certification or accreditation and must be deposited in the Health and Environmental Testing Laboratory Special Revenue Account.

[PL 1999, c. 62, §3 (AMD).]

SECTION HISTORY

PL 1991, c. 499, §2 (NEW). PL 1991, c. 499, §26 (AFF). PL 1993, c. 537, §§1,2 (AMD). PL 1995, c. 65, §A59 (AMD). PL 1995, c. 65, §A153,C15 (AFF). PL 1999, c. 62, §3 (AMD). PL 2009, c. 447, §21 (AMD). PL 2017, c. 407, Pt. A, §68 (AMD). PL 2019, c. 580, §1 (AMD).

§568. Health and Environmental Testing Laboratory Special Revenue Account

The Health and Environmental Testing Laboratory Special Revenue Account is established as a dedicated account for the operation of the laboratory's analytical and certification programs and may be known in this chapter as the "account." Funds deposited to the account include, but are not limited

to, appropriations made to the account, funds transferred to the account from within the department and revenues received from analytical services and the certification or accreditation of laboratories. [PL 1999, c. 62, §4 (AMD).]

SECTION HISTORY

PL 1991, c. 499, §2 (NEW). PL 1991, c. 499, §26 (AFF). PL 1999, c. 62, §4 (AMD).

§569. Cannabis testing facility certification program and fund established

1. Program established. The Department of Administrative and Financial Services, in consultation with the Maine Center for Disease Control and Prevention, shall establish within the Maine Center for Disease Control and Prevention a laboratory certification program, referred to in this section as "the certification program," for the testing of medical and adult use cannabis in accordance with chapter 558-C and Title 28-B.

[PL 2019, c. 354, §1 (NEW); PL 2021, c. 669, §5 (REV).]

2. Rules. The Department of Administrative and Financial Services, in consultation with the Maine Center for Disease Control and Prevention, shall adopt rules for the certification of a cannabis testing facility under chapter 558-C and a testing facility under Title 28-B, which must include a certification fee schedule. The annual fee for certifying a cannabis testing facility under chapter 558-C or a testing facility under Title 28-B may not exceed \$2,500 per year. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2019, c. 354, §1 (NEW); PL 2021, c. 669, §5 (REV).]

3. Fund established. The Cannabis Testing Facility Certification Fund, referred to in this section as "the fund," is established as an Other Special Revenue Funds account in the Maine Center for Disease Control and Prevention for the purposes specified in this subsection.

A. The State Controller shall credit to the fund:

- (1) All money received as a result of fees assessed by the Maine Center for Disease Control and Prevention under the certification program;
- (2) All money from any other source, whether public or private, designated for deposit into or credited to the fund; and
- (3) Interest earned or other investment income on balances in the fund. [PL 2019, c. 354, §1 (NEW).]

B. The fund may be used for expenses of the Maine Center for Disease Control and Prevention to administer the certification program. [PL 2019, c. 354, §1 (NEW).]

C. By January 15, 2021 and every 2 years thereafter, the Department of Administrative and Financial Services, in consultation with the Maine Center for Disease Control and Prevention, shall review the balance in the fund. If the balance in the fund exceeds \$200,000, the Department of Administrative and Financial Services, in consultation with the Maine Center for Disease Control and Prevention, shall adopt rules to reduce the fees established under subsection 2 for a 2-year period beginning with the calendar year following the review. [PL 2019, c. 354, §1 (NEW).]

[PL 2019, c. 354, §1 (NEW); PL 2021, c. 669, §5 (REV).]

SECTION HISTORY

PL 2019, c. 354, §1 (NEW). PL 2021, c. 669, §5 (REV).

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