

§4700-H. Powers and duties

The commission has the following powers and duties. [PL 1991, c. 455, Pt. B, §1 (NEW).]

1. Hold hearings. The commission shall conduct hearings in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

[PL 1991, c. 455, Pt. B, §1 (NEW).]

1-A. Administer examinations. The commission shall develop and administer all examinations required by section 4700-I, subsection 4. All examinations must be written examinations and must test an applicant's knowledge of the following matters as is appropriate for the license or license endorsement for which the application is made:

A. Principles of water well drilling; [PL 2009, c. 153, §9 (NEW).]

B. Principles of geothermal heat exchange well drilling; [PL 2009, c. 153, §9 (NEW).]

C. Abandonment of water wells; [PL 2009, c. 153, §9 (NEW).]

D. Abandonment of geothermal heat exchange wells; [PL 2009, c. 153, §9 (NEW).]

E. Installation of water well pump systems; [PL 2009, c. 153, §9 (NEW).]

F. Installation of geothermal heat exchange well pump systems; and [PL 2009, c. 153, §9 (NEW).]

G. The code of performance adopted by the commission. [PL 2009, c. 153, §9 (NEW).]
[PL 2009, c. 153, §9 (AMD).]

2. Licensing. The commission shall license well drillers, geothermal heat exchange well drillers, well drilling companies, geothermal heat exchange well pump installers, pump installers and pump installation companies and may initiate action for the revocation or suspension of such licenses.

[PL 2009, c. 153, §10 (AMD).]

3. Investigate complaints. The commission shall investigate complaints and cases of noncompliance with, or violation of, this chapter or of the code of performance adopted by the commission. Complainants must petition the commission in writing within 24 months of completion of a water well or geothermal heat exchange well or the installation, repair or replacement of a pump system. At its discretion, the commission may request that an investigation of an alleged violation be conducted by a neutral qualified individual, acceptable to both the alleged violator and the commission, who shall report to the commission. At its discretion, the commission may refer a complaint to the Attorney General.

[PL 2009, c. 153, §11 (AMD).]

4. Revocation and suspension of license. If the commission determines a violation of this chapter, the code of performance adopted by the commission or other laws and rules in effect, including for a well driller or a well drilling company the water well information laws under Title 12, section 550-B, has occurred, the commission shall notify the responsible well driller, geothermal heat exchange well driller, well drilling company, geothermal heat exchange well pump installer, pump installer or pump installation company by certified or registered mail of the violation. The commission may order the responsible party or parties to correct, within 48 hours of notification, any violation it determines to be a significant threat to public health, including, but not limited to, potential contamination by pathogenic organisms. The commission may order that all other violations be corrected within a period of 60 days following receipt of notification. If the violation is not corrected within 60 days, or within 48 hours for significant threats to public health, the commission may revoke or suspend the license of the responsible party or parties. A licensee who receives a written notice of a violation or of a revocation or suspension of a license under this subsection may request a hearing before the commission. The commission shall conduct such hearings and issue its decision within 30 days of the request. A decision of the

commission under this subsection is a final agency action. The commission shall adopt rules governing criteria for license reinstatement. Rules adopted by the commission pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2009, c. 153, §12 (AMD).]

5. Adopt code of performance. The commission shall adopt rules establishing a minimum code of performance for well drillers, pump installers, geothermal heat exchange well drillers and geothermal heat exchange well pump installers. The code of performance must set forth appropriate minimum standards of professional conduct for well drillers, pump installers, geothermal heat exchange well drillers and geothermal heat exchange well pump installers.

[PL 2009, c. 153, §13 (AMD).]

6. Levy fines. The commission may levy fines for violations of the code of performance adopted by the commission of not more than \$1,000 per violation.

[PL 2009, c. 153, §14 (AMD).]

7. Order well abandonment. The commission shall adopt rules establishing procedures for determining that a water well or geothermal heat exchange well must be abandoned because of prior contamination or because it has been constructed in violation of existing regulations and standards, can not be altered or repaired to meet existing regulations or standards and poses a significant threat to public health or groundwater contamination. Rules adopted by the commission pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2009, c. 153, §15 (AMD).]

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.

[PL 2017, c. 230, §4 (NEW).]

SECTION HISTORY

PL 1991, c. 455, §B1 (NEW). PL 1993, c. 25, §§8,9 (AMD). PL 1993, c. 25, §15 (AFF). PL 2001, c. 209, §§B7-9 (AMD). PL 2009, c. 153, §§9-15 (AMD). PL 2017, c. 230, §4 (AMD).

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