



# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1488

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H.P. 943

House of Representatives, April 5, 2023

**An Act to Expand Testing for Perfluoroalkyl and Polyfluoroalkyl  
Substances to Private Drinking Water Wells**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

*Robert B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative OSHER of Orono.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §2601, sub-§5-A** is enacted to read:

3 **5-A. Perfluoroalkyl and polyfluoroalkyl substances.** "Perfluoroalkyl and  
4 polyfluoroalkyl substances" has the same meaning as in Title 32, section 1732, subsection  
5 5-A.

6 **Sec. 2. 22 MRSA §2660-T**, as enacted by PL 2017, c. 230, §3, is amended to read:

7 **§2660-T. Uniform testing recommendation; specified contaminants and properties**

8 The department shall develop a uniform recommendation for the testing for specific  
9 contaminants or properties for which residential private drinking water wells should  
10 periodically be tested. The uniform recommendation must specify contaminants or  
11 properties that should be included in the periodic testing, including but not limited to  
12 arsenic, bacteria, nitrates, nitrites, chloride, hardness, copper, iron, pH, sodium, lead,  
13 uranium, manganese, fluoride, perfluoroalkyl and polyfluoroalkyl substances and radon,  
14 unless the department determines that testing for a contaminant or property listed in this  
15 section is not necessary based on previous test results or credible scientific evidence. The  
16 department or an entity that provides testing of or provides education or advertisements  
17 related to testing of a residential private drinking water well shall include the uniform  
18 recommendation developed by the department pursuant to this section in its written  
19 materials related to testing of a residential private drinking water well.

20 **Sec. 3. 22 MRSA §2660-Y**, as enacted by PL 2021, c. 483, Pt. BB, §7, is amended  
21 to read:

22 **§2660-Y. Landlord arsenic well water testing**

23 Beginning January 1, 2022 and every 5 years thereafter, a landlord of a residential  
24 building shall test the water for arsenic and other contaminants or properties specified  
25 pursuant to section 2660-T in each private drinking water well used to provide water to a  
26 tenant of the landlord. The landlord shall conduct testing under this section through a  
27 laboratory certified or accredited pursuant to section 567 and shall, within 10 days of  
28 notification of the results, provide to each of the landlord's tenants the results of any test  
29 conducted under this section of the private drinking water well used to provide water to the  
30 tenant. The landlord shall, within 10 days of notification of the results, notify any new  
31 tenant of the most recent results of a test conducted under this section on a private drinking  
32 water well that will be used to provide water to the tenant.

33 **Sec. 4. 33 MRSA §173, sub-§1, ¶E**, as enacted by PL 1999, c. 476, §1, is amended  
34 to read:

35 E. Whether the seller has experienced a problem such as an unsatisfactory water test  
36 ~~or~~ a water test with notations or a water test that detects perfluoroalkyl and  
37 polyfluoroalkyl substances as defined in Title 32, section 1732, subsection 5-A;

38 **Sec. 5. Residential testing for perfluoroalkyl and polyfluoroalkyl**  
39 **substances.** No later than January 1, 2024, a landlord of a residential building with a  
40 water supply provided by a private drinking water well shall test the well water for  
41 perfluoroalkyl and polyfluoroalkyl substances. The landlord shall conduct testing under  
42 this section through a laboratory certified or accredited pursuant to the Maine Revised

1 Statutes, Title 22, section 567 using the most recent analytical methods approved by the  
2 United States Environmental Protection Agency that quantifies the maximum amount of  
3 perfluoroalkyl and polyfluoroalkyl substances detected by the test. For purposes of this  
4 section, "perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as in Title  
5 32, section 1732, subsection 5-A.

6 **SUMMARY**

7 This bill requires testing of well water for perfluoroalkyl and polyfluoroalkyl  
8 substances by a landlord of a residential building supplied by a private drinking water well.  
9 Under the bill, for residential property that uses a private water supply, the seller of that  
10 property is required to disclose a water test that indicates the presence of perfluoroalkyl  
11 and polyfluoroalkyl substances. The bill also adds perfluoroalkyl and polyfluoroalkyl  
12 substances to the list of contaminants in the Department of Health and Human Services  
13 uniform testing recommendations for private drinking water wells.