

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-215)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 279, L.D. 353, Bill,
"AN ACT to Amend the Safe Drinking Water Act."

Amend the Bill by striking out everything after the
enacting clause and inserting in its place the following:

'Sec. 1. 22 MRSA §2624, as enacted by PL 1975, c. 751, §4,
is amended by adding at the end a new paragraph to read:

The ~~C~~ommissioner, with the advice of the board, may estab-
lish classes of public water supply systems which do not require
certified individuals as operators.

Sec. 2. 22 MRSA §2629, as enacted by PL 1975, c. 751, §4,
is repealed and the following enacted in its place:

§2629. Fees

Upon payment of a fee not to exceed \$25 and completion of
an application for examination, the applicant shall be scheduled
for an examination. The application fees shall be established
by the board by rule and shall be based upon different classifi-
cations of water treatment systems and the levels of competence
to operate various water systems. The revenues derived from
the fees shall be deposited by the board in a special account
to be used to defray the expenses incurred by the board. Revenues
derived from applicants failing the examination shall be retained
by the board.

Sec. 3. 22 MRSA §2630, as enacted by PL 1975, c. 751, §4,
is amended to read:

§2630. Certification; temporary conditional waiver

On and after October 1, 1971, it shall be unlawful for any supplier of water to operate a public water system unless the competency of the operator or operators is duly certified by the board under this subchapter. ~~The commissioner may issue a temporary waiver for a period of time not exceeding 60 days in the event of extenuating circumstances. The commissioner may further grant a waiver for a period not exceeding one year to a public water system serving not more than 500 service connections in the event that the certification requirements cannot be met.~~ It shall be unlawful for any person to perform the duties of an operator, as defined, without being duly certified under this subchapter.

If a supplier of water loses its certified operator, it shall secure a new certified operator or enter into a contractual agreement with a certified operator of proper classification until a new operator has been employed for the supplier of water.

The Commissioner may, in the event of extenuating circumstances, issue a waiver of the certification requirements for a period not exceeding 13 months. In granting the waiver, the Commissioner may impose such terms, conditions or requirements as, in his judgment, are necessary to protect the public health and interest.

2. OF B.

§2631. Violations

1. Violation. Any person violating any provision of this subchapter or the rules and regulations adopted under this subchapter, commits a civil violation for which a forfeiture of not more than \$500 may be adjudged. Each day of operation in violation of this subchapter or any rules and regulations adopted under this subchapter shall constitute a separate violation.

2. Injunctive relief. The Commissioner may commence or cause to be instituted a civil action in the Superior Court under subsection 1, to seek injunctive relief to prevent the violation of this subchapter, to prevent the violation of any rule or regulation issued pursuant to this subchapter or to require a public water system or supplier of water to take other action necessary to comply with this subchapter, with or without a prior order from the Commissioner or Department.

In addition to the county in which the principal place of business of the supplier of water is located, the action may be instituted in the Superior Court of Kennebec County.

Fiscal Note

This bill shall create a loss of revenues of \$2300 per year to the General Fund. These revenues shall be used by the Board of Certification to defray the costs of administering the Safe Drinking Water Act.

Statement of Fact

The purpose of this amendment is to facilitate the administration of the Safe Drinking Water Act. To accomplish this end, the amendment;

1. provides dedicated revenues of \$2,300 derived from examination application fees to fund the Board of Certification which presently is under funded at a level of \$2,000 per year;
2. authorizes the issuance of waivers, not to exceed 13 months, for water systems for which certified operators cannot be obtained;
3. authorizes the Board of Certification to establish classes of water supply systems that do not require certified operators; and
4. Authorizes the Commissioner of Human Services to initiate civil action against persons in violation of the law or seek injunctive relief to prevent violation of the law.