

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 353

H. P. 279

House of Representatives, February 6, 1979

On Motion of Mrs. Prescott of Hampden, referred to the Committee on Public Utilities. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Huber of Falmouth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT to Amend the Safe Drinking Water Act.

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

Sec. 1. 22 MRSA § 2622, as enacted by PL 1975, c. 751, § 4, is amended to read:

§ 2622. Classification of public water systems and parts thereof

The Commissioner shall classify all public water systems and the water treatment plants or collection, treatment or storage facilities or structures that are part of a system with due regard to the size and type of facilities, the character of water to be treated and any other physical conditions affecting such system or part thereof and specify the qualifications **and duties of** the operator of the system or of a part of a system must have to supervise successfully the operation of the system or parts thereof so as to protect the public health or prevent nuisance conditions.

Sec. 2. 22 MRSA § 2624, 6th ¶, as enacted by PL 1975, c. 751, § 4, is amended by adding at the end the following new sentence:

The Commissioner, with the advice of the board, may establish classes of public water supply systems which do not require certified individuals as operators.

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

§ 2630. Certification; temporary

On and after October 1, 1971, **except as otherwise provided**, 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~~ **13 months** 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.

Sec. 4. 22 MRSA § 2630-A is enacted to read:

§ 2630-A. Operator replacement

Within 60 days of losing its operator, if a supplier of water has not secured a replacement operator, it shall enter into a contractual arrangement with an operator of proper classification until such time as an operator has been employed by the supplier of water. It shall be the duty of this operator to insure that the water supply is operated in compliance with this subchapter and any rules promulgated under this subchapter. The operator shall make a written report to the supplier of the water and the department by the 30th day of each month concerning his findings and recommendations. Further, the operator shall be available to the supplier of water at any time should problems occur in the day-to-day operation of the water system.

STATEMENT OF FACT

By statute, the Board of Certification is required to give an examination once a year. In practice, written examinations have been given every 6 months. The present statute requires that water systems having greater than 500 services, upon the resignation of an operator, secure the employment of a new operator within 60 days. Whereas, exams are 6 months apart, 60 days is not a reasonable length of time. Therefore, a change to 13 months for all water systems is more appropriate.