

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

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Legislative Document

No. 1031

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S. P. 317

In Senate, February 26, 1969

Referred to Committee on Natural Resources. Sent down for concurrence and 1,000 ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Berry of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-NINE

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AN ACT Relating to the Certification of Operators of Water Treatment  
Plants and Water Distribution Systems.

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

Sec. 1. R. S., T. 22, c. 560, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 560, to read as follows:

CHAPTER 560

WATER TREATMENT PLANTS AND WATER DISTRIBUTION  
SYSTEMS

§ 2441. Definitions

As used in this chapter:

1. Board. "Board" shall mean the Board for Certification referred to in this chapter.
2. Certificate. "Certificate" shall mean a certificate issued by the board stating that the applicant has met the requirements for the specified operator classification;
3. Commissioner. "Commissioner" shall mean the Commissioner of Health and Welfare;
4. Operator. "Operator" shall mean the person who has direct responsibility for the operation of any water treatment plant or water distribution system serving a public purpose;

5. **Water distribution system.** "Water distribution system" shall mean that portion of the water supply system in which water is conveyed from the water treatment plant or other supply point to the premises of the consumer ;

6. **Water supply system.** "Water supply system" shall mean the system of pipes, structures and facilities through which water is obtained, treated and sold, distributed or otherwise offered to the public as potable water ;

7. **Water treatment plant.** "Water treatment plant" shall mean that portion of the water supply system which is designed to alter the physical, chemical or bacteriological quality of the water.

#### § 2442. Classification

The commissioner shall classify all water treatment plants and water distribution systems actually used or intended for use by the public with due regard to the size, type and character of water to be treated and other physical conditions affecting such treatment plants and specify the qualifications the operator in responsible charge must have to supervise successfully the operation of said facilities so as to protect the public health or prevent nuisance conditions.

#### § 2443. Certification

The board shall certify persons as to their competency to supervise successfully the operation of water treatment plants, water distribution systems or water supply systems.

#### § 2444. Board of certification

The Governor shall appoint a Board of Certification composed of 5 persons as follows: Two operators; in the case of appointees to the first board the 2 operators must be eligible for certification and received certificates within one year; thereafter the 2 operator members shall be certified as to competency under this chapter, with one of these holding a certificate of the highest classification issued by the board; one from the Department of Health and Welfare as the commissioner may recommend; one a water utility management representative; and one an educator whose field of interest is related to water supply.

Each member of the board, with the exception of the ex officio from the Department of Health and Welfare, shall be appointed for a 3-year term except in the case of the initial appointments, the water utility management representative shall be appointed for one year, one of the operators and the educator member shall be appointed for 2 years, and the 2nd operator shall be appointed for 3 years. Vacancies shall be filled by appointment of the Governor for unexpired terms.

Members of the board, at the call of the commissioner, shall organize and elect from their number a chairman. Thereafter, annually, a chairman shall be elected. The Department of Health and Welfare representative of the board shall serve as secretary of the board and be responsible for maintaining records and providing administrative support.

The board shall hold at least one examination each year for the purpose of examining candidates for certification at a time and place designated by them. Additional meetings may be called by the chairman or by him at the request of any other 2 members as may be necessary to carry out this chapter.

The members of the board shall serve without compensation, except for their actual and necessary expenses incurred while discharging their official duties.

The commissioner with the advice of the board shall establish the criteria and conditions for the classification of water treatment plants, water distribution and water supply.

The board with the advice of the commissioner shall establish by regulation the qualification, conditions and licensing standards and procedures for the certification of individuals to act as operators.

#### § 2445. Certificates

The board shall issue certificates to individuals to act as operators. The certificate shall indicate the classification level of the systems or plants for the operation of which the individual is qualified to act as an operator.

Certificates shall continue in effect unless revoked by the board but remain the property of the board and the certification shall so state.

The board may revoke the certificate of an operator, following a hearing in accordance with Title 5, chapters 301 to 307, when it is found that the operator has practiced fraud or deception; that reasonable care, judgment or the application of his knowledge or ability was not used in the performance of his duties; or that the operator is incompetent or unable properly to perform his duties.

The certificates of operators who terminate their employment at a treatment plant or water distribution system will remain renewable for 3 years. After 3 years, the certificate will be automatically invalidated. Operators whose certificates are invalidated under this section may be issued new certificates of a like classification provided appropriate proof of competency is presented to the board.

This chapter shall not be construed to affect or prevent the practice of any other legally recognized profession.

#### § 2446. Certificate from outside Maine

The board, upon application therefor, may issue a certificate without examination, in a comparable classification, to any person who holds a certificate in any state, territory or possession of the United States or any country, providing the requirements for certification of operators under which the person's certificate was issued do not conflict with this chapter and in the opinion of the board are of a standard not lower than that specified by regulations adopted under this chapter.

#### § 2447. Certificate from owner of particular system

Certificates may be issued without examination to the person or persons certified by the governing body or owner to have been in direct responsible

charge of a water treatment plant or a water distribution or water supply system on the effective date of this chapter or within 3 years prior to said effective date. A certificate so issued will be valid only for that particular treatment plant or system.

§ 2448. Rules and regulations

The board, with the advice of the commissioner in accordance with any other appropriate state laws, shall make such rules and regulations as are reasonably necessary to carry out the intent of this chapter. The rules and regulations shall include, but are not limited to, provisions establishing requirements for certification and procedures for examination of candidates and such other provisions as are necessary for the administration of this chapter.

§ 2449. Fees

Fees for certification shall be not in excess of the following :

Initial certification with examination	\$25
Initial certification without examination	10
Reexamination	25
Reinstatement of certificate	5
Annual renewal fee	3

Fees from those failing to pass an examination will not be returned.

All fees shall be credited to the General Fund of the State.

§ 2450. Certification; temporary

On and after 2 years following the effective date of this chapter, it shall be unlawful for any person, firm or corporation, both municipal and private, operating a water treatment plant or water distribution system to operate same unless the competency of the operator is duly certified to by the board under this chapter. The commissioner may issue a temporary waiver for a period of time not exceeding 60 days in the event of extenuating circumstances. It shall be unlawful for any person to perform the duties of an operator, as defined, without being duly certified under this chapter.

§ 2451. Penalties

Any person, firm of corporation, both municipal and private, violating any provisions of this chapter or the rules and regulations adopted under this chapter is guilty of a misdemeanor. Each day of operation in violation of this chapter or any rules and regulations adopted under this chapter shall constitute a separate offense.

**Sec. 2. Appropriation.** There is appropriated from the General Fund the sum of \$5,000 to carry out the purposes of this Act. The breakdown shall be as follows :

	1969-70	1970-71
HEALTH AND WELFARE, DEPARTMENT OF		
Board of Certification		
All Other	\$2,500	\$2,500