

MAINE STATE LEGISLATURE

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NEW DRAFT OF: S. P. 315; L. D. 1029

ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1452

S. P. 434

In Senate, April 15, 1969

Reported by Senator Berry of Cumberland from Committee on Natural Resources. Printed under Joint Rules No. 18.

JERROLD B. SPEERS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Requiring the Licensing of Sewage Treatment Operators.

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

R. S., T. 32, c. 62, additional. Title 32 of the Revised Statutes is amended by adding a new chapter 62, to read as follows:

CHAPTER 62

SEWAGE TREATMENT OPERATORS

§ 4171. Definitions

As used in this chapter:

1. Commission. "Commission" shall mean the Water and Air Environmental Commission.
2. Certificate. "Certificate" shall mean a certificate of competency issued by the commission stating that the applicant has met the requirements for the specified operator classification.
3. Operator. "Operator" shall mean the person who has direct responsibility for the operation of any wastewater treatment plant serving a public purpose. The person who shall be certified shall be the person who has management responsibility over the plant. Shift operators or other employees under the supervision of the manager need not be certified.
4. Wastewater treatment plant. "Wastewater treatment plant" shall mean the facility or group of units provided for the treatment of wastewater,

either or both sewage and industrial wastes, and for the reduction and handling of sewage removed from such wastes.

§ 4172. Classification

The commission shall classify all wastewater treatment plants actually used or intended for use by the public with due regard to the size, type, character of wastewater to be treated and other physical conditions affecting such treatment plants and shall 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 or unlawful pollution.

§ 4173. Certification

The commission shall certify persons as to their competency to supervise successfully the operation of wastewater treatment plants. No certification shall be required of an operator who is a registered professional engineer.

§ 4174. Examination; criteria; standards

The commission shall hold at least one examination each year for the purpose of examining candidates for certification at a time and place designated by it. Additional meetings may be called by the commission as may be necessary to carry out this chapter.

The commission shall establish the criteria and conditions for the classification of wastewater treatment plants or systems, using as a basis the standards established by the New England Water Pollution Control Association.

The commission shall establish by regulation the qualifications, conditions and licensing standards and procedures for the certification of individuals to act as operators.

§ 4175. Certificates

The commission shall issue certificates attesting to the competency of 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 commission.

The commission 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.

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 commission.

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

§ 4176. Without examination, other states

The commission, 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 are of a standard not lower than that specified by regulation adopted under this chapter.

§ 4177. Without examination, other owners

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 wastewater treatment plant on the effective date of this chapter. A certificate so issued will be valid only for that particular treatment plant or system.

§ 4178. Application

This chapter shall apply only to conventional wastewater treatment plants which are separate and apart from other facilities.

§ 4179. Rules and regulations

The commission, in accordance with Title 5, chapter 303, 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 the bases for classification or treatment plants in accordance with section 4172 and provisions establishing requirements for certification and procedures for examination of candidates and such other provisions as are necessary for the administration of this chapter.

§ 4180. Fees

Fees for certification shall not be 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.

§ 4181. Penalty

On and after one year following the effective date of this chapter, it shall be unlawful for any person, firm or corporation, both municipal and private, operating a wastewater treatment plant to operate same unless the competency of the operator only is certified to by the commission under this chapter. It shall be unlawful for any person to perform the duties of an operator, as defined, without being duly certified under this chapter.

§ 4182. Violations of law or rules and regulations

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