

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1282

S. P. 392

In Senate, March 25, 1975

Referred to Committee on Public Utilities. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Cyr of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT Certifying Persons to Evaluate Private Sewage Disposal Systems.

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

Sec. 1. 32 MRSA § 4902, sub-§§ 13 and 14 are enacted to read:

13. Sewage disposal system investigation. "Sewage disposal investigation" means the investigation of sites for private sewage disposal systems as required under the Maine Plumbing Code and related municipal ordinances, provided that such proposed private sewage disposal system shall be designed to handle less than 2,000 gallons per day of sewage.

14. Certified sewage disposal system investigator. "Certified sewage disposal system investigator" means a person certified under this chapter to investigate sites for private sewage disposal systems as required under the Maine Plumbing Code and applicable provisions of the Revised Statutes provided that such systems shall be designed to handle less than 2,000 gallons per day of sewage.

Sec. 2. 32 MRSA § 4904-A is enacted to read:

§ 4904-A. Certification procedure for sewage disposal system investigators

An application for certification as a sewage disposal system investigator shall be made to the board on a form prescribed by it and shall be accompanied by the application fee fixed by this chapter. An applicant shall complete an examination developed by the board testing an applicant's familiarity with applicable laws and regulations and the applicant's competency in conducting actual site investigations.

The board shall determine an appropriate examination scoring and grading system. The State Soil Scientist and the State Geologist or their representative shall administer and score the examination. An applicant who has passed the examination shall have a certificate as a sewage disposal system investigator upon payment of the certification fee fixed by this chapter.

An applicant failing in an examination may be examined again upon filing a new application and upon payment of the application fee fixed by this chapter.

Any applicant who is denied certification shall, in writing and within a reasonable period after the examination, be so notified and informed of the reason therefor. Within 30 days after receipt of notice, such applicant may make a written request to the board for a hearing which, if granted, shall be conducted under the Administrative Code.

Sec. 3. 32 MRSA § 4905, as enacted by PL 1973, c. 558, § 1, is amended to read:

§ 4905. Application

Any person, except as in this chapter specifically exempted, who shall practice or offer to practice geology or soil science or make a sewage disposal system investigation for the public in this State is subject to this chapter.

Sec. 4. 32 MRSA § 4906, sub-§ 4, as enacted by PL 1973, c. 558, § 1, is amended to read:

4. State of Maine and United States Government employees. Officers and employees of the State of Maine and the Government of the United States while engaged within the State in the practice of the profession of geologist or soil scientist or making a sewage disposal system investigation for said government.

Sec. 5. 32 MRSA § 4906-A is enacted to read:

§ 4906-A. Registered professional engineers

Registered professional engineers experienced in the field of soils engineering are authorized to make sewage disposal system investigations for individual sewerage systems and community sewerage systems as defined in the Maine Plumbing Code.

Sec. 6. 32 MRSA § 4908, sub-§ 1, 2nd ¶, 1st sentence, as enacted by PL 1973, c. 558, § 1 is amended to read:

A list showing the names and places of business of all certified geologists ~~and~~, certified soil scientists ~~and~~ certified sewage disposal system investigators shall be prepared by the board during the month of January of each year.

Sec. 7. 32 MRSA § 4908, sub-§ 2, 1st sentence, as enacted by PL 1973, c. 558, § 1, is amended to read:

The board shall keep a record of its proceedings and a register of all applications for certificates as geologists ~~and~~, soil scientists ~~and~~ sewage disposal system investigators.

Sec. 8. 32 MRSA § 4910, 1st sentence, as enacted by PL 1973, c. 558, § 1, is amended to read:

A certificate as a geologist ~~or~~, soil scientist, or sewage disposal system investigator expires at 12 p.m. on December 31st of each even-numbered year.

Sec. 9. 32 MRSA § 4911, 1st sentence, as enacted by PL 1973, c. 558, § 1, is amended to read:

Certificates as a geologist ~~or~~, a soil scientist, or a sewage disposal system investigator which are not renewed within 5 years after expiration may not be renewed, restored, reinstated, or reissued thereafter.

Sec. 10. 32 MRSA § 4912, sub-§§ 1 and 2, as enacted by PL 1973, c. 558, § 1, are amended to read:

1. The fee for filing each application for certification as a geologist ~~or~~, soil scientist, or a sewage disposal system investigator is \$25.

2. The initial and renewal fees for certification as a geologist ~~or~~, soil scientist, or sewage disposal system investigator shall be fixed at \$15.

Sec. 11. 32 MRSA § 4913, as enacted by PL 1973, c. 558, § 1, is amended to read:

§ 4913. Complaints

The board may receive and investigate complaints against certified geologists ~~or~~, soil scientists or sewage disposal system investigators and persons granted temporary authorizations pursuant to this chapter and make findings thereon.

Sec. 12. Transitional clause. Within the first year after this legislation becomes law, the State Board of Certification for Geologists and Soil Scientists shall provide examinations for the certification of sewage disposal system investigators in at least 6 locations in the State and upon adequate notice. Those persons who have successfully completed examinations of their ability to conduct site investigations for private sewage disposal systems, as administered by the Department of Health and Welfare, and have received notice of such writing prior to the effective date of this Act shall be certified by the board as sewage disposal system investigators upon payment of the certification fee within 90 days after the effective date of this Act. The board shall provide adequate notice to this effect to such persons.

STATEMENT OF FACT

Currently, there are too few persons certified and authorized to make investigations of private sewage disposal systems under the Maine Plumbing Code, resulting in added delay and expense to homeowners. This bill provides for the certification of persons to make investigations of private sewage disposal systems. The examination and certification process will be administered by the State Board of Certification for Geologists and Soil Scientists.