

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 909

H.P. 667

House of Representatives, March 23, 1989

Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative LORD of Waterboro.

Cosponsored by Representative ANDERSON of Woodland, Representative MICHAUD of East Millinocket and Representative GOULD of Greenville.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Amend the Underground Oil and Hazardous Substance
Storage Tank Installer Laws.



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

3 Sec. 1. 32 MRSA §10006, sub-§3 is enacted to read:

5 3. Proper underground oil storage tank installer
7 certification class required. No persons may practice or hold
9 themselves out as authorized to install underground oil storage
11 tanks unless the person has the appropriate class of
13 certification in accordance with this paragraph.

11 A. A Class 1 underground oil storage tank installer may
13 install any type of underground oil storage tank, with the
15 exception of field-constructed underground oil storage tanks.

15 B. A Class 2 underground oil storage tank installer may
17 install any type of underground oil storage tank, with the
19 exception of field-constructed, heavy oil storage or
21 impressed-current cathodically-protected tanks.

19 C. A Class 3 underground storage tank installer may only
21 install underground oil storage tanks for the storage of #2
23 heating oil. Class 3 installers are not certified to
25 install field-constructed or impressed-current
27 cathodically-protected tanks.

25 D. Currently certified underground oil storage tank
27 installers shall be certified as Class 2 installers until
29 they can demonstrate to the satisfaction of the board one of
31 the following: training and experience commensurate with a
33 Class 1 certification; completion of additional
35 board-approved training in the areas of cathodic protection
37 and heavy oil storage tank installations; or passing the
39 Class 1 written final examination.

35 E. Certified underground oil storage tank installers may
37 upgrade their certification by demonstrating to the
39 satisfaction of the board training and experience comparable
41 to completion of the appropriate apprenticeship requirements
43 and passage of the written final examination in that class.

41 Sec. 2. 32 MRSA §10010, sub-§3, ¶A, as amended by PL 1987, c.
43 410, §11, is repealed and the following enacted in its place:

43 A. Passage of an initial written examination based on the
45 laws outlined in and any rules promulgated under Title 38,
47 chapter 3, subchapter II-B, by the Board of Environmental
49 Protection concerning the installation of underground oil
51 storage tanks;

49 Sec. 3. 32 MRSA §10010, sub-§3, ¶B, as enacted by PL 1985, c.
51 496, Pt. A, §2, is repealed and the following enacted in its
place:

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B. Successful completion of a 4-year apprenticeship in accordance with this section and under the direct supervision of a certified underground oil storage tank installer; and

Sec. 4. 32 MRSA §10010, sub-§3, ¶C is enacted to read:

C. Passage of a final written examination specific to the class for which the applicant is applying that is based on the laws outlined in and any rules promulgated under Title 38, chapter 3, subchapter II-B, by the Board of Environmental Protection concerning the installation of underground oil storage tanks.

Sec. 5. 32 MRSA §10010, sub-§3-A is enacted to read:

3-A. Apprenticeship requirements for new underground oil storage tank installers. An applicant must meet the following apprenticeship requirements.

A. To be eligible to take the final certification examination for a Class 1 certification, the applicant must provide documentation of completion of 4 years of satisfactory apprenticeship under the supervision of a Class 1 certified underground oil storage tank installer and completion of 4 underground oil storage tank installations, at least one of which shall be marketing and distribution or other motor fuel storage tanks and one shall be a heavy oil tank installation.

B. To be eligible to take the final certification examination for a Class 2 certification, the applicant must provide documentation of completion of 4 years of satisfactory apprenticeship under the supervision of a Class 1 or Class 2 certified underground oil storage tank installer and completion of at least 4 installations, at least 2 of which shall be marketing and distribution or other motor fuel storage tanks.

C. To be eligible to take the final certification examination for a Class 3 certification, the applicant must provide documentation of completion of 4 years of satisfactory apprenticeship under the supervision of a certified underground oil storage tank installer and completion of at least 4 heating oil installations.

D. The board may adopt rules to administer this section and to provide a variance to the apprenticeship requirements of this subsection if the applicant can satisfactorily demonstrate training and experience comparable to completion of an apprenticeship.

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2 **Sec. 6. 32 MRSA §10010-A**, as amended by PL 1987, c. 410, §13,
3 is repealed.

4 **Sec. 7. 32 MRSA §10011, sub-§2**, as amended by PL 1987, c. 410,
5 §14, is further amended to read:
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7 **2. Content.** The written examination shall test the
8 applicant's knowledge of the skills and knowledge relating to
9 storage tank installation and such other subjects as the board
10 requires to determine the applicant's fitness to practice. The
11 board shall approve ~~an examination~~ examinations required by this
12 chapter for underground oil storage tank installers and
13 underground hazardous substance storage tank installers and
14 establish standards for an acceptable performance.
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16 **Sec. 8. 32 MRSA §10015, sub-§2**, as amended by PL 1987, c. 410,
17 §17, is further amended to read:
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19 **2. Disciplinary action; grounds.** The board may modify,
20 reclassify, suspend or revoke a certificate pursuant to Title 5,
21 section 10004. The board may refuse to issue or renew a
22 certificate or the Administrative Court may suspend, revoke or
23 refuse to renew a certificate of any certified person. The
24 following shall be grounds for an action to modify, reclassify,
25 suspend, revoke or refuse to issue or renew a certificate:
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27 A. The practice of any fraud or deceit in obtaining a
28 certificate under this chapter or in connection with
29 services rendered within the scope of the certificate issued;
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31 B. Unprofessional conduct, including any gross negligence,
32 incompetency or misconduct in the certified person's
33 performance of the work of underground oil or underground
34 hazardous substance storage tank installation or removal, or
35 violation of any standard of professional behavior which has
36 been established by the board;
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38 C. Subject to the limitation of Title 5, chapter 341,
39 conviction of a crime which involves dishonesty or false
40 statement or which relates directly to the practice for
41 which the certified person is certified or conviction of any
42 crime for which imprisonment for one year or more may be
43 imposed; or
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45 D. Any violation of this chapter or any rule adopted by the
46 board.
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STATEMENT OF FACT

This bill replaces the current certification requirements of an on-site examination with an apprenticeship requirement. The on-site installation examinations have proven to take 4-5 days on average, causing long delays before some examinations can be administered. The apprentice program would ensure only experienced and well-qualified installers are certified, without the delay of waiting for an on-site exam.