

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

---

Legislative Document

No. 1534

H.P. 1090

House of Representatives, May 17, 1995

### **An Act to Establish the Board of Licensure of Water Treatment Plant Operators.**

---

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TAYLOR of Cumberland.  
Cosponsored by Representatives: BAILEY of Township 27, BUCK of Yarmouth, CAMERON of Rumford, CLARK of Millinocket, DAMREN of Belgrade, DESMOND of Mapleton, DONNELLY of Presque Isle, GIERINGER of Portland, GOOLEY of Farmington, GREENLAW of Standish, HEINO of Boothbay, LEMONT of Kittery, LIBBY of Buxton, MADORE of Augusta, MITCHELL of Vassalboro, MORRISON of Bangor, MURPHY of Berwick, NICKERSON of Turner, O'NEAL of Limestone, POIRIER of Saco, SIROIS of Caribou, STONE of Bangor, TRUE of Fryeburg, TUFTS of Stockton Springs, Senators: CARPENTER of York, McCORMICK of Kennebec.

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

4 **Sec. 1. 5 MRSA §12004-A, sub-§46** is enacted to read:

6 46. Board of Expenses Only 22 MRSA §2624-A  
7 Licensure of Water  
8 Treatment Plant Operators

10 **Sec. 2. 22 MRSA §2624-A** is enacted to read:

12 **§2624-A. Board of Licensure of Water Treatment Plant Operators**

14 The Board of Licensure of Water Treatment Plant Operators,  
15 referred to in this section as the "board," is established within  
16 the department pursuant to Title 5, chapter 379.

18 1. **Membership; general qualifications.** The board consists  
19 of 7 members appointed by the Governor as follows: 3 water  
20 system or water treatment operators, one holding a Class II  
21 license, one holding a Class III license and one holding a Class  
22 IV license; one member of the public who is a registered  
23 professional engineer employed by a water utility; one person who  
24 is an educator in the field of water supply or service; one  
25 person who is a water utility management representative; and one  
26 person from the department, as the commissioner may recommend,  
27 subject to appointment by the Governor.

28 2. **Terms.** Except as provided in this subsection, each  
29 member of the board is appointed for a 3-year term. The initial  
30 appointee who is a water system or water treatment operator  
31 holding a Class II license and the initial appointee who is a  
32 registered professional engineer employed by a water utility are  
33 appointed for one-year terms. The initial appointee who is a  
34 water system or water treatment operator holding a Class III  
35 license and the initial appointee who is an educator in the field  
36 of water supply or service are appointed for 2-year terms. The  
37 appointee from the department serves at the pleasure of the  
38 Governor. The commissioner may recommend to the Governor at any  
39 time that the appointee from the department be replaced.  
40 Vacancies must be filled by appointment of the Governor for all  
41 unexpired terms.

42 3. **Chair; secretary.** Members of the board shall elect from  
43 among the members a chair at the first meeting of each year.  
44 Members shall also elect from among the members a secretary who  
45 is responsible for maintaining records and providing  
46 administrative support.

2       4. Call of meetings. Meetings of the board may be called  
by the chair, or by the chair at the request of any other 2  
members, as necessary to carry out this chapter.

4  
6       5. Conduct of meetings. A majority of the members of the  
board constitutes a quorum for the purpose of conducting the  
business of the board and exercising all the powers of the  
8 board. A vote of the majority of members present is sufficient  
for all actions of the board.

10  
12       6. Powers and duties. The powers and duties of the board  
are as follows.

14       A. The board shall license persons to serve as operators of  
all or part of any public water system.

16       B. The board shall design and hold at least one examination  
18 each year at a time and place designated for the purpose of  
examining candidates for licensure.

20       C. The board may enter into contracts to carry out its  
22 responsibilities under this section.

24       7. Fund. The Board of Licensure of Water Treatment Plant  
Operators Fund is established and is governed by the following  
26 provisions.

28       A. All money collected by the board in the form of  
30 application fees, reinstatement and renewal fees, expense  
32 reimbursements ordered by the board or payment for services  
such as reproduction and distribution of copies of board  
34 decisions and photocopying or for the use of facilities must  
be deposited with the Treasurer of State in a separate  
account to be known as the Board of Licensure of Water  
Treatment Plant Operators Fund.

36       B. The board may use the fund to defray the reasonable  
38 costs incurred by the board in carrying out its duties.

40       C. Except as specified in this paragraph, any amount within  
42 the fund that is not expended at the end of a fiscal year  
does not lapse, but is carried forward to be expended by the  
44 board in carrying out its duties in succeeding fiscal  
years. Upon certification of the board that certain amounts  
46 in the fund are not required by the board, the Treasurer of  
State shall transfer the amounts to the General Fund.

48       8. Records. The board shall keep all records and minutes  
necessary to the ordinary dispatch of its functions. The board

2 shall keep a register of all applicants for licensure and a  
3 register of all licensees.

4 **9. Reports.** No later than August 1st of each year, the  
5 board shall submit to the commissioner a report of its  
6 transactions in the preceding fiscal year ending June 30th and  
7 shall transmit to the commissioner a complete statement of all  
8 the receipts and expenditures of the board, attested by  
9 affidavits of the board's chair and secretary.

10 **10. Staff.** The commissioner, to the extent possible and  
11 reasonable, shall make available to the board such staff,  
12 facilities, equipment, supplies, information and other assistance  
13 as the board may reasonably require to carry out its activities.  
14 The commissioner may also appoint, subject to the Civil Service  
15 Law, the employees necessary to carry out this section. Any  
16 person so employed must be located in the department and under  
17 the administrative and supervisory direction of the commissioner.

18 **11. Compensation of members.** Members of the board are  
19 entitled to reimbursement for expenses only pursuant to Title 5,  
20 section 12004-A, subsection 46.

21 **Sec. 3. 22 MRSA §2625, first ¶,** as amended by PL 1985, c. 748,  
22 §27, is further amended to read:

23 ~~The commissioner~~ Board of Licensure of Water Treatment Plant  
24 Operators shall issue biennial licenses to individuals to act as  
25 operators. The license shall must indicate the classification  
26 level of the systems or parts of systems for the operation of  
27 which the individual is qualified to act as an operator.

28 **Sec. 4. 22 MRSA §2625, 3rd ¶,** as amended by PL 1985, c. 748,  
29 §27, is repealed.

30 **Sec. 5. 22 MRSA §2625, last ¶,** as amended by PL 1985, c. 748,  
31 §27, is repealed.

32 **Sec. 6. 22 MRSA §2625-A, last ¶,** as amended by PL 1985, c. 748,  
33 §28, is further amended to read:

34 ~~The commissioner~~ Board of Licensure of Water Treatment Plant  
35 Operators shall notify everyone a person registered under this  
36 subchapter of the date of expiration of his that person's license  
37 and the fee required for its renewal for a 2-year period. The  
38 notice shall must be mailed to the person's last-known address at  
39 least 30 days in advance of the expiration date of his that  
40 person's license.

2           **Sec. 7. 22 MRSA §§2626, 2628 and 2629**, as amended by PL 1985,  
c. 748, §29, are further amended to read:

4           **§2626. License from outside the State**

6           The ~~commissioner~~ Board of Licensure of Water Treatment Plant  
7 Operators, upon application ~~therefor~~ for licensure, may issue a  
8 license without examination, in a comparable classification, to  
9 any person who holds a license in any state, territory or  
10 possession of the United States or any country, providing the  
11 requirements for licensure of operators under which the person's  
12 license was issued does not conflict with this chapter and, in  
13 the opinion of the ~~commissioner~~, ~~with the advice of the~~ board,  
14 are of a standard not lower than that specified by regulations  
adopted under this chapter.

16           **§2628. Rules**

18           The ~~commissioner~~, ~~with the advice of the~~ Board of  
19 Licensure of Water Treatment Plant Operators, in accordance with  
20 any other appropriate state laws, shall make such rules as are  
21 reasonably necessary to carry out the intent of this subchapter.  
22 The rules shall must include, but are not limited to, provisions  
23 establishing requirements for licensure and procedures for  
24 examination of candidates and such other provisions as are  
25 necessary for the administration of this subchapter.

28           **§2629. Fees**

30           The application fees, biennial renewal fees and  
31 reinstatement fees shall must be established by the ~~commissioner~~  
32 Board of Licensure of Water Treatment Plant Operators by rule and  
33 shall must be based upon different classifications of water  
34 treatment systems and the levels of competence to operate various  
35 water systems. ~~The application fee shall not exceed \$35, and the~~  
36 ~~biennial renewal fee shall not exceed \$30.~~ Revenues derived from  
applicants failing the examination shall must be retained.

38           **Sec. 8. 22 MRSA §2630, 2nd ¶**, as amended by PL 1983, c. 819,  
40 Pt. A, §55, is further amended to read:

42           The ~~commissioner~~ Board of Licensure of Water Treatment Plant  
43 Operators may, in the event of extenuating circumstances, issue a  
44 waiver of the licensure requirements for a period not exceeding  
45 13 months. In granting the waiver, the ~~commissioner~~ board may  
46 impose such terms, conditions or requirements as, in his its  
judgment, are necessary to protect the public health and interest.

48           **Sec. 9. Study.** The Board of Licensure of Water Treatment  
50 Plant Operators shall conduct a study of the need for licensure

2 of backflow prevention device testers and, if the board considers  
3 necessary, determine what standards for licensure would be  
4 appropriate. The results of this study must be communicated to  
5 the Commissioner of Human Services no later than June 1, 1996.  
6 In conducting this study, the board may hold any public hearings  
7 or seek any public comment as it considers necessary.

8

### 9 **STATEMENT OF FACT**

10

11 In light of recent expansions in the requirements of the  
12 laws governing safe drinking water, this bill establishes the  
13 Board of Licensure of Water Treatment Plant Operators within the  
14 Department of Human Services. The primary purpose of the board  
15 is to provide expert support and direction within the department  
16 for the examination and licensure of water treatment plant  
17 operators. Specific fees and licensure standards must be  
18 established by rule of the board. Funding for the board is  
19 expected to come from fees generated through license  
20 applications, renewals and reinstatements. The fees must be  
21 deposited in a nonlapsing account dedicated to the board. The  
22 board is also commissioned to study the necessity of licensing  
testers of backflow prevention devices.