

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1210

H.P. 853

House of Representatives, February 11, 1999

An Act to Amend the Site Evaluator Licensing Laws.

Submitted by the Department of Human Services pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator KILKELLY of Lincoln and
Representatives: BROOKS of Winterport, GOODWIN of Pembroke, TESSIER of Fairfield,
VOLENIK of Brooklin, Senator: KONTOS of Cumberland.

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

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Sec. 1. 22 MRSA §42, sub-§3-A, as amended by PL 1985, c. 612, §2, is further amended to read:

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3-A. Licensing of persons to evaluate soils for subsurface wastewater disposal systems. The department shall adopt rules providing for professional qualification and competence, ethical standards, licensing and relicensing and revocation of licenses of persons to evaluate soils for the purpose of designing subsurface waste-water wastewater disposal systems. The hearings provided for in subsection 3 shall must include consideration of the adoption or change of those rules.

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The department shall investigate or cause to be investigated all cases or complaints of noncompliance with or violations of this section and the rules adopted pursuant to this section. The department has the authority to grant or amend, modify or refuse to issue or renew a license in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter V. The Administrative Court shall--have has the exclusive jurisdiction to suspend or revoke the license of any person who is found guilty of noncompliance with or violation of the rules adopted pursuant to this subsection or subsection 3.

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The department may charge applicants no more than ~~\$60~~ \$100 for examination to become a licensed site evaluator. The department shall by rule charge a biennial site evaluator license fee of \$40 not more than \$150. A licensed site evaluator who is employed by the department to administer this section and does not practice for the public is exempt from the licensee fee requirement. Appropriate rules shall must be adopted by the department defining the appropriate financial procedure. The fees shall-be are paid to the Treasurer of State to be maintained as a permanent fund and used by the department for carrying out its plumbing and subsurface waste-water wastewater disposal rules and site evaluation program.

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SUMMARY

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This bill clarifies the authority of the Department of Human Services to adopt rules governing licensing of persons to evaluate soils and to design subsurface wastewater disposal systems and raises fees for the examination of licensed site evaluators and the site evaluator license.