

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2654

S.P. 1060

In Senate, March 27, 2000

**An Act to Amend the Laws Regarding the Board of Licensure of Water
Treatment Plant Operators.**

Reported by Senator PARADIS of Aroostook for the Joint Standing Committee on Health
and Human Services pursuant to Joint Order S.P. 1033.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

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

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Sec. 1. 22 MRSA §2601, sub-§5, as enacted by PL 1975, c. 751, §4, is amended to read:

5. **Operator.** "Operator" means ~~the--individual--who--has direct-management-responsibility-for-the-routine-supervision-and operation-of-a-public-water-system-or-of-a-water-treatment-plant or-collection,-treatment,-storage-or-distribution-facility-or structure--that--is--a--part-of--a--system~~ an individual either employed or retained by a public water system who, as part of the individual's job duties, is assigned the responsibilities for operational activities that will have a direct impact on the quality or quantity of water provided to consumers. Shift operators--or--other--employees--under--the--supervision--of--the operator-in-the-performance-of-their-duties-are-not-operators.

Sec. 2. 22 MRSA §2621, sub-§1-A is enacted to read:

1-A. Board. "Board" means the Board of Licensure of Water Treatment Plant Operators.

Sec. 3. 22 MRSA §2622, first ¶, as amended by PL 1997, c. 705, §11, is further amended to read:

The board, with the advice of the department, shall classify all community public water systems, all noncommunity nontransient water systems and the water treatment plants or collection, treatment or storage facilities or structures that are part of a system with due regard to the size and type of facilities, the character of water to be treated and any other physical conditions affecting such system or part thereof and specify the qualifications the operator of the system or of a part of a system must have to supervise successfully the operation of the system or parts thereof so as to protect the public health or prevent nuisance conditions.

Sec. 4. 22 MRSA §2624-A, sub-§1, as enacted by PL 1995, c. 442, §2, is amended to read:

1. **Membership; general qualifications.** The board consists of 7 9 members appointed by the Governor as follows: 3 water system or water treatment plant operators, one holding a Class II license, one holding a Class III license and one holding a Class IV license; one member of the public who is a registered professional engineer; one person who is an educator in the field of water supply or service; one person who is a water utility management representative; one person who represents consumers of public water systems; one person who is an owner or manager of a noncommunity nontransient public water system; and one person

2 from the department, as the commissioner may recommend, subject
to appointment by the Governor.

4 **Sec. 5. 22 MRSA §2625, 2nd ¶**, as amended by PL 1985, c. 748,
§27, is further amended to read:

6 The ~~commissioner~~ board may ~~file a complaint with the~~
8 ~~Administrative Court to~~ suspend or revoke a license of an a
certified operator when ~~he determines it is determined~~ that the
10 operator has practiced fraud or deception; that ~~he~~ the operator
has been negligent in that reasonable care, judgment or the
12 application of ~~his~~ knowledge or ability was not used in the
performance of ~~his~~ the operator's duties; or that the operator is
14 incompetent or unable to perform ~~his~~ the operator's duties
properly.

16 **Sec. 6. 22 MRSA §2627**, as amended by PL 1983, c. 819, Pt. A,
18 §55, is repealed.

20 **Sec. 7. 22 MRSA §2630**, as amended by PL 1995, c. 442, §8, is
further amended to read:

22 **§2630. Licensure**

24 If a supplier of water loses its licensed operator, it
26 shall secure a new licensed operator or enter into a contractual
agreement with a licensed operator of proper classification until
28 a new operator has been employed for the supplier of water.

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

36 ~~Holders of a water treatment plant operator's certificate~~
38 ~~valid as of June 30, 1984, shall be deemed to hold a license~~
~~expiring on the same day as the certificate.~~

42 **FISCAL NOTE**

44 The Department of Human Services will incur some minor
46 additional costs as a result of the increase in the number of
members on the Board of Licensure of Water Treatment Plant
Operators. These costs can be absorbed within the department's
48 existing budgeted resources.

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SUMMARY

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4 This bill amends the laws regarding the Board of Licensure
of Water Treatment Plant Operators. It does the following:

6 1. Modifies the definition of "operator" to coincide with
the federal definition;

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10 2. Clarifies the classification requirements to apply to
all community public water systems and all noncommunity
nontransient water systems;

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14 3. Increases the membership on the Board of Licensure of
Water Treatment Plant Operators from 7 to 9, in order to provide
representation to the new classes of supply that are required to
16 have licensed operators;

18 4. Authorizes the board to suspend or revoke a license of a
certified operator;

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22 5. Repeals the provision that grandfathered operators who
operated between October 1, 1966 and October 1, 1969; and

24 6. Repeals the provision that authorized a 13-month waiver
provision to allow an applicant time to pass an annual exam.