

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 133

S.P. 56

In Senate, January 21, 2003

An Act to Clarify the Laws Relating to Public Water Systems

Reference to the Committee on Health and Human Services suggested and ordered printed.

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MAYO of Sagadahoc.
Cosponsored by Representative CLARK of Millinocket and
Senators: BROMLEY of Cumberland, HALL of Lincoln, KNEELAND of Aroostook,
YOUNGBLOOD of Penobscot, Representatives: RICHARDSON of Brunswick, SULLIVAN
of Biddeford.

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

2 **Sec. 1. 5 MRSA §12004-A, sub-§46**, as enacted by PL 1995, c.
4 442, §1, is amended to read:

6 **46.** Board of Expenses Only 22 MRSA @2624-A
Licensure of Water
8 ~~Treatment-Plant System~~ Operators

10 **Sec. 2. 22 MRSA §2621, sub-§1-A**, as enacted by PL 1999, c.
12 688, §2, is amended to read:

14 **1-A. Board.** "Board" means the Board of Licensure of Water
~~Treatment-Plant System~~ Operators.

16 **Sec. 3. 22 MRSA §2621, sub-§2**, as amended by PL 1985, c. 748,
18 §25, is further amended to read:

20 **2. License.** "License" means a license issued by the
22 ~~commissioners board~~ stating that the applicant has met the
requirements for the specified operator classification.

24 **Sec. 4. 22 MRSA §2622, first ¶**, as amended by PL 2001, c. 471,
Pt. D, §20, is further amended to read:

26 The board, with the advice of the department, shall classify
28 all community public water systems, all nontransient,
noncommunity public water systems, all public water systems
30 utilizing surface water and the water treatment plants or
collection, treatment or storage facilities or structures that
32 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
34 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
36 operation of the system or parts thereof so as to protect the
public health or prevent nuisance conditions.

38 **Sec. 5. 22 MRSA §2624-A**, as amended by PL 2001, c. 471, Pt.
40 D, §21, is further amended to read:

42 **§2624-A. Board of Licensure of Water System Operators**

44 The Board of Licensure of Water ~~Treatment--Plant System~~
46 Operators, referred to in this section as the "board," is
established within the department pursuant to Title 5, chapter
379.

48 **1. Membership; general qualifications.** The board consists
50 of 9 members appointed by the Governor as follows: 3 water

2 ~~system-or-water-treatment-plant~~ treatment or water distribution
3 system operators, one holding a Class II license, one holding a
4 Class III license and one holding a Class IV license; one member
5 of the public who is a registered professional engineer; one
6 person who is an educator in the field of water supply or
7 service; one person who is a water management representative; one
8 person who represents ~~eonsurers-of-public-water-systems~~ a "very
9 small water system," as that term is defined in rules of the
10 board; one person who is an owner or manager of a nontransient,
11 noncommunity public water system; and one person from the
12 department, as the commissioner may recommend, subject to
13 appointment by the Governor.

14 ~~2. Terms. Except-as-provided-in-this-subsection,-each~~ Each
15 member of the board is appointed for a 3-year term. The-initial
16 appointee--who-is-a-water--system--or--water--treatment--operator
17 holding-a-Class-II-license-and-the-initial-appointee-who-is-a
18 registered-professional-engineer-employed-by-a-water-utility-are
19 appointed-for-one-year-terms,---The-initial-appointee-who-is-a
20 water-system-or-water-treatment-operator--holding-a-Class-III
21 license-and-the-initial-appointee-who-is-an-educator-in-the-field
22 of-water-supply-or-service-are-appointed-for-2-year-terms. The
23 appointee from the department serves at the pleasure of the
24 Governor. The commissioner may recommend to the Governor at any
25 time that the appointee from the department be replaced.
26 Vacancies must be filled by appointment of the Governor for all
27 unexpired terms.

28 **3. Chair; secretary.** Members of the board shall elect from
29 among the members a chair at the first meeting of each year.
30 Members shall also elect from among the members a secretary who
31 is responsible for maintaining records and providing
32 administrative support.

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

36 **5. Conduct of meetings.** A majority of the members of the
37 board constitutes a quorum for the purpose of conducting the
38 business of the board and exercising all the powers of the
39 board. A vote of the majority of members present is sufficient
40 for all actions of the board.

41 **6. Powers and duties.** The powers and duties of the board
42 are as follows.

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

45

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

4
6 C. The board may enter into contracts to carry out its
responsibilities under this section.

8 **7. Fund.** The Board of Licensure of Water Treatment-Plant
10 System Operators Fund is established and is governed by the
following provisions.

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

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

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

32 **8. Records.** The board shall keep all records and minutes
necessary to the ordinary dispatch of its functions. The board
34 shall keep a register of all applicants for licensure and a
register of all licensees.

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

44 **10. Staff.** The commissioner, to the extent possible and
reasonable, shall make available to the board such staff,
46 facilities, equipment, supplies, information and other assistance
as the board may reasonably require to carry out its activities.
48 The commissioner may also appoint, subject to the Civil Service
Law, the employees necessary to carry out this section. Any

2 person so employed must be located in the department and under
the administrative and supervisory direction of the commissioner.

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

8 **Sec. 6. 22 MRSA §2625, first ¶,** as amended by PL 1995, c. 442,
§3, is further amended to read:

10 The Board of Licensure of Water ~~Treatment--Plant~~ System
12 Operators shall issue biennial licenses to individuals to act as
operators. The license must indicate the classification level of
14 the systems or parts of systems for the operation of which the
individual is qualified to act as an operator.

16 **Sec. 7. 22 MRSA §2625-A,** as amended by PL 1995, c. 442, §6,
18 is further amended to read:

20 **§2625-A. Renewals**

22 All licenses shall expire on December 31st of each biennial
period and may be renewed thereafter for 2-year periods without
24 further examination, upon the payment of the proper renewal fee
as set forth in the rules. Any A person who fails to renew his
26 that person's license within ~~the--6-month-grace-period~~ 2 years
following the expiration date shall ~~be--required--to~~ take an
28 examination.

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

36 **Sec. 8. 22 MRSA §2626, first ¶,** as amended by PL 1995, c. 442,
38 §7, is further amended to read:

40 The Board of Licensure of Water ~~Treatment--Plant~~ System
Operators, upon application for licensure, may issue a license
42 without examination, in a comparable classification, to any
person who holds a license in any state, territory or possession
44 of the United States or any country, providing the requirements
for licensure of operators under which the person's license was
46 issued does not conflict with this chapter and, in the opinion of
the board, are of a standard not lower than that specified by
48 ~~regulations~~ rules adopted under this chapter.

2 **Sec. 9 22 MRSA §2628, first ¶**, as amended by PL 1995, c. 442,
§7, is further amended to read:

4 The Board of Licensure of Water Treatment--Plant System
Operators, in accordance with any other appropriate state laws,
6 shall make such rules as are reasonably necessary to carry out
the intent of this subchapter. The rules must include, but are
8 not limited to, provisions establishing requirements for
licensure and procedures for examination of candidates and such
10 other provisions as are necessary for the administration of this
subchapter.

12 **Sec. 10. 22 MRSA §2629**, as amended by PL 1995, c. 442, §7, is
14 further amended to read:

16 **§2629. Fees**

18 The ~~application~~ examination fees, licensure fees, biennial
renewal fees and reinstatement fees must be established by the
20 Board of Licensure of Water Treatment-Plant System Operators by
rule ~~and must be based upon different classifications of water~~
22 ~~treatment systems and the levels of competence to operate various~~
water--systems. The ~~application--fee~~ examination and licensure
24 fees may not exceed \$35 \$70, and the biennial renewal fee ~~and the~~
reinstatement fee may not exceed \$30 \$60. Revenues derived from
26 applicants failing the examination must be retained.

28 **Sec. 11. 22 MRSA §2630**, as amended by PL 1999, c. 688, §7, is
further amended to read:

30 **§2630. Licensure**

32 If a ~~supplier--of--water~~ public water system loses its
34 licensed operator, it shall secure a new licensed operator or
enter into a contractual agreement with a licensed operator of
36 proper classification until a new operator has been employed for
~~the-supplier-of-water~~ that public water system.

38 **Sec. 12. Transition provision.**

40 1. The Board of Licensure of Water System Operators is the
42 successor in every way to the power, duties and functions of the
former Board of Licensure of Water Treatment Plant Operators.

44 2. All existing rules, regulations and procedures in
46 effect, in operation or promulgated in or by the Board of
Licensure of Water Treatment Plant Operators or any of its
48 administrative units or officers are hereby declared in effect
and continue in effect until rescinded, revised or amended by the
50 proper authority.

2 3. All existing contracts, agreements and compacts
currently in effect in the Board of Licensure of Water Treatment
4 Plant Operators continue in effect.

6 4. Any positions authorized and allocated subject to the
personnel laws to the former Board of Licensure of Water
8 Treatment Plant Operators are transferred to the Board of
Licensure of Water System Operators and may continue to be
10 authorized.

12 5. All records, property and equipment previously belonging
to or allocated for the use of the former Board of Licensure of
14 Water Treatment Plant Operators become, on the effective date of
this Act, part of the property of the Board of Licensure of Water
16 System Operators.

18 6. All existing forms, licenses, letterheads and similar
items bearing the name of or referring to the Board of Licensure
20 of Water Treatment Plant Operators may be utilized by the Board
of Licensure of Water System Operators until existing supplies of
22 those items are exhausted.

24 7. That person appointed to the Board of Licensure of Water
System Operators who represents a very small water system shall
26 serve the balance of the term of the former member who
represented consumers of public water systems. Thereafter, the
28 term of the representative of a very small water system is
subject to the Maine Revised Statutes, Title 22, section 2624-A,
30 subsection 2.

32

SUMMARY

34

This bill renames the Board of Licensure of Water Treatment
36 Plant Operators as the Board of Licensure of Water System
Operators and changes the membership of the board to require a
38 representative of a "very small water system," as that term is
defined in rules of the board. The bill also makes other changes
40 to clarify that the board has licensing and regulatory powers
over water distribution system operators as well as water
42 treatment system operators.