

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1004

S.P. 348

In Senate, February 25, 2003

An Act To Clarify the Status of Regulated Water Utility Plumbing Permits

Reference to the Committee on Business, Research and Economic Development 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 DAVIS of Piscataquis.

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

4 **Sec. 1. 30-A MRSA §4211, sub-§1,** as amended by PL 1999, c.
5 228, §1, is further amended to read:

6 **1. Municipal ordinances.** Municipalities may enact
7 ordinances under their home rule authority that are more
8 restrictive than rules governing plumbing or subsurface
9 wastewater disposal systems adopted by the Department of
10 Professional and Financial Regulation and the Department of Human
11 Services, respectively. Either department may provide technical
12 assistance to municipalities in the development of ordinances
13 under this subchapter, pertaining to their respective rules. The
14 municipality shall enforce any such ordinance. A municipality
15 may not impose a permit requirement that is inconsistent with
16 rules adopted by the Plumbers' Examining Board pursuant to Title
17 32, section 3403-B relating to installation of water meters,
18 related valves or backflow prevention devices by a water utility
19 regulated by the Public Utilities Commission or by a contractor
20 for such a water utility.

21 **Sec. 2. 32 MRSA §3403-B, sub-§1,** as amended by PL 2001, c.
22 215, §1, is further amended to read:

23 **1. Plumbing and plumbing code.** The board shall adopt
24 minimum rules relating to plumbing, including a plumbing code.
25 All rules, including installation and inspection rules, must be
26 consistent with this chapter and Title 30-A, chapter 185,
27 subchapter III, ~~---except---that---the~~ 3. The authority of
28 municipalities to adopt more restrictive ordinances under Title
29 30-A, section 3001 is not preempted, except that a municipality
30 may not impose a permit requirement that is inconsistent with
31 rules adopted by the board relating to installation of water
32 meters, related valves and backflow prevention devices by a water
33 utility regulated by the Public Utilities Commission or by a
34 contractor for such a water utility. Notwithstanding the Maine
35 Administrative Procedure Act, the adoption of a national or
36 international published plumbing code as a new plumbing code for
37 the State constitutes a major substantive rule and must receive
38 affirmative action by the Legislature before adoption.
39 Subsequent technical amendments to any national or international
40 published plumbing code that may be adopted pursuant to this
41 section are routine technical rules as defined in Title 5,
42 chapter 375, subchapter II-A 2-A.

43 **Sec. 3. Plumbing code revision.** The Plumbers' Examining Board,
44 as established by the Maine Revised Statutes, Title 5, section
45 12004-A, subsection 32, shall review and revise its rules
46 relating to plumbing in order to clarify and codify the
47 long-standing interpretation by water utilities and
48 municipalities that excludes from permit requirements all
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2 installations of water meters, related valves and backflow
prevention devices by a water utility regulated by the Public
4 Utilities Commission or by a contractor for such a water
utility. The rules must specify that, in accordance with the
6 Maine Revised Statutes, Title 32, section 3403-B, a municipality
may not create a permit requirement for such installations by
8 such entities. Adoption of amended rules to comply with this
section are routine technical rules as defined in Title 5,
chapter 375, subchapter 2-A.

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SUMMARY

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This bill directs the Plumbers' Examining Board to review
and revise its rules to clarify and codify long-standing
16 interpretation by water utilities and municipalities that
excludes from permit requirements all installations of water
18 meters, related valves and backflow prevention devices by a water
utility or its contractor. The bill specifies that a
20 municipality may not create a permit requirement for such
installations.