

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
1995

(12) This vehicle combination may not transport cargo that has been prohibited for this vehicle combination by the Commissioner of Transportation.

The Secretary of State shall adopt rules for the permitting of this vehicle combination.

See title page for effective date.

CHAPTER 442

H.P. 1090 - L.D. 1534

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

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

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

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

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

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

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

1. Membership; general qualifications. The board consists of 7 members appointed by the Governor as follows: 3 water system or water treatment 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; and one person from the department, as the commissioner may recommend, subject to appointment by the Governor.

2. Terms. Except as provided in this subsection, each member of the board is appointed for a 3-year term. The initial appointee who is a water system or water treatment operator holding a Class II license and the initial appointee who is a registered professional engineer employed by a water utility are appointed for one-year terms. The initial appointee who is a water system or water treatment operator

holding a Class III license and the initial appointee who is an educator in the field of water supply or service are appointed for 2-year terms. The appointee from the department serves at the pleasure of the Governor. The commissioner may recommend to the Governor at any time that the appointee from the department be replaced. Vacancies must be filled by appointment of the Governor for all unexpired terms.

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

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.

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 board. A vote of the majority of members present is sufficient for all actions of the board.

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

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

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.

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

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

A. All money collected by the board in the form of application fees, reinstatement and renewal fees, expense reimbursements ordered by the board or payment for services such as reproduction and distribution of copies of board 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.

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

C. Except as specified in this paragraph, any amount within 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 board in carrying out its duties in succeeding fiscal years. Upon certification of the board that certain amounts in the fund are not required by the board, the Treasurer of State shall transfer the amounts to the General Fund.

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

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

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

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

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

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

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

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

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

The ~~commissioner~~ Board of Licensure of Water Treatment Plant Operators shall notify ~~everyone~~ a

person registered under this subchapter of the date of expiration of ~~his~~ that person's license and the fee required for its renewal for a 2-year period. The notice shall ~~must~~ be mailed to the person's last-known address at least 30 days in advance of the expiration date of ~~his~~ that person's license.

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

§2626. License from outside the State

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

§2628. Rules

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

§2629. Fees

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

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

The ~~commissioner~~ Board of Licensure of Water Treatment Plant Operators may, in the event of extenuating circumstances, issue a waiver of the licensure requirements for a period not exceeding 13 months. In granting the waiver, the ~~commissioner~~

board may impose such terms, conditions or requirements as, in ~~his~~ its judgment, are necessary to protect the public health and interest.

Sec. 9. Study. The Board of Licensure of Water Treatment Plant Operators shall conduct a study of the need for licensure of backflow prevention device testers and, if the board considers necessary, determine what standards for licensure would be appropriate. The results of this study must be communicated to the Commissioner of Human Services no later than June 1, 1996. In conducting this study, the board may hold any public hearings or seek any public comment as it considers necessary.

See title page for effective date.

CHAPTER 443

H.P. 841 - L.D. 1172

An Act to Increase Moose Hunting Permit Application Fees

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

Sec. 1. 12 MRSA §7463-A, sub-§4, as repealed and replaced by PL 1993, c. 680, Pt. A, §21, is amended to read:

4. Hunting permits. In accordance with the provisions of subsections 1-A and 2-A, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each moose hunting zone. No more than 10% of the moose hunting permits may be issued to nonresident and alien hunters. A person whose application is selected may purchase a moose hunting permit upon presentation of proof that the person possesses:

- A. A valid Maine hunting license, if the person is a resident of the State; or
- B. A valid Maine big game hunting license, if the person is a nonresident or alien.

The fee for a moose hunting permit is \$25 for 1993, \$27 for 1994, \$28 for 1995 and \$29 for 1996 and every year thereafter for residents and \$200 for 1993, \$202 for 1994, ~~\$203~~ \$300 for 1995 ~~and \$204 for 1996~~ and every year thereafter for nonresidents and aliens. While hunting moose, each nonresident or alien hunter, both permittee and subpermittee, must be in possession of a valid Maine nonresident or alien big game hunting license, whichever is applicable.

Sec. 2. 12 MRSA §7463-A, sub-§6, as enacted by PL 1981, c. 118, §2, is amended to read:

6. Application procedure. Eligible persons wishing to apply for a permit shall file a written application for a permit on a form furnished by the commissioner. The application ~~shall~~ must be accompanied by an application fee of \$5 for residents and ~~\$10~~ \$20 for nonresidents and aliens. The application fee may not be refunded. ~~No~~ A person may not file more than one application. Any person who submits more than one application ~~shall be~~ is disqualified from the selection of permittees.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1995-96	1996-97
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
Enforcement Operations - Inland Fisheries and Wildlife		
All Other	\$215,600	\$215,600
Provides additional funds for enforcement purposes.		

See title page for effective date.

CHAPTER 444

H.P. 734 - L.D. 1008

An Act to Provide a 3-day Nonresident Small Game Hunting License

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

Sec. 1. 12 MRSA §7101, sub-§5, ¶H-1 is enacted to read:

H-1. Nonresident 3-day small game hunting license (Permits hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat)

	<u>0</u>	<u>0</u>	<u>\$30</u>	<u>\$30</u>
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See title page for effective date.