

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

section 575-A. For the purposes of this paragraph, "to review" means to see or possess a copy of a plan for a reasonable amount of time to verify that the plan exists or to facilitate an evaluation as to whether the plan is appropriate and is being followed. Upon completion of the review, the plan must be returned to the owner or an agent of the owner. A forest management and harvest plan provided in accordance with this section is confidential and is not a public record as defined in Title 1, section 402, subsection 3.

See title page for effective date.

CHAPTER 31

H.P. 94 - L.D. 85

An Act to Further Define a Strain of Maine Standardbred Horses

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the breeding season for horses begins February 15th; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 8 MRSA §281-A is enacted to read:

§281-A. Standardbred horses eligible for registration

Notwithstanding section 281, a foal resulting from insemination during the 2003, 2004 or 2005 breeding season may be registered as a Maine Standardbred if it is the offspring of a stallion registered with the department to stand at stud in the State for the breeding season during which the insemination took place and all other registration requirements are met.

Sec. 2. Report on breeding and registration of Maine Standardbred horses. No later than February 1, 2005, the State Harness Racing Commission shall report to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the breeding of Maine Standardbred horses. The report must include a discussion of the definition of "Maine Standardbred horse" and the impact on Maine breeders and racing of allowing

registration as a Maine Standardbred of the offspring of a mare inseminated with semen transported out of state. The commission shall make recommendations regarding the definition of "Maine Standardbred horse." During the First Regular Session of the 122nd Legislature, the joint standing committee of the Legislature having jurisdiction over agricultural matters may report out legislation regarding the definition of "Maine Standardbred horse."

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 8, 2003.

CHAPTER 32

S.P. 212 - L.D. 603

An Act To Simplify the Bonding Limitations of the Maine Turnpike Authority

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

Sec. 1. 23 MRSA §1968, sub-§1, as amended by PL 2001, c. 311, §1, is further amended to read:

1. Turnpike revenue bonds. In addition to bonds outstanding pursuant to any other provision of this chapter, the authority may provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding ~~\$210,000,000~~ \$291,000,000 in the principal amount at any one time outstanding exclusive of refundings, for any purpose described in section 1969, subsection 1.

Sec. 2. 23 MRSA §1968, sub-§2, as amended by PL 1997, c. 646, §1, is repealed.

Sec. 3. 23 MRSA §1968, sub-§2-B, as enacted by PL 1997, c. 646, §3, is repealed.

See title page for effective date.

CHAPTER 33

S.P. 56 - L.D. 133

An Act to Clarify the Laws Relating to Public Water Systems

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

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

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

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

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

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

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

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

The board, with the advice of the department, shall classify all community public water systems, all nontransient, noncommunity public water systems, all public water systems utilizing surface water 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. 5. 22 MRSA §2624-A, as amended by PL 2001, c. 471, Pt. D, §21, is further amended to read:

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

The Board of Licensure of Water ~~Treatment Plant System~~ 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 9 members appointed by the Governor as follows: 3 water ~~system or water treatment plant~~ treatment or water distribution system 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 management representative; one person who represents ~~consumers of public water systems~~ a "very small water system," as that term is defined in rules of the board; one person who is an owner or manager of a nontransient, noncommunity public water system; 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~~ 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 System~~ 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 System~~ 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. 6. 22 MRSA §2625, first ¶, as amended by PL 1995, c. 442, §3, is further amended to read:

The Board of Licensure of Water ~~Treatment Plant System~~ Operators shall issue biennial licenses to individuals to act as operators. The license 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. 7. 22 MRSA §2625-A, as amended by PL 1995, c. 442, §6, is further amended to read:

§2625-A. Renewals

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

The Board of Licensure of Water ~~Treatment Plant System~~ Operators shall notify a person registered under this subchapter 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 mailed to the person's last-known address at least 30 days in advance of the expiration date of that person's license.

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

The Board of Licensure of Water ~~Treatment Plant System~~ Operators, upon application 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 board, are of a standard not lower than that specified by ~~regulations~~ rules adopted under this chapter.

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

The Board of Licensure of Water ~~Treatment Plant System~~ 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 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.

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

§2629. Fees

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

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

§2630. Licensure

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

Sec. 12. Transition provision.

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

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

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

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

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

6. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the

Board of Licensure of Water Treatment Plant Operators may be utilized by the Board of Licensure of Water System Operators until existing supplies of those items are exhausted.

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

See title page for effective date.

CHAPTER 34

S.P. 339 - L.D. 995

An Act To Exempt a Person Who Performs Work on Certain Vessels from the Laws Governing Professional Engineers

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

Sec. 1. 32 MRSA §1255, sub-§7 is enacted to read:

7. Person who performs work on certain vessels. A person who performs work only on vessels under 200 feet long.

See title page for effective date.

CHAPTER 35

H.P. 9 - L.D. 2

An Act to Extend the Time to Pay a Premium to the Insured

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

Sec. 1. 24-A MRSA §1449, as enacted by PL 1997, c. 457, §23 and affected by §55, is repealed and the following enacted in its place:

§1449. Reporting and accounting for premiums

All premiums and return premiums received by an insurance producer are trust funds received by the licensee in a fiduciary capacity in accordance with this section.

1. Return premiums; accounting and payment to an insured. The licensee shall account for