



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 424

S.P. 128

In Senate, February 10, 2011

An Act To Revise the Laws Governing the Licensure of Public Water System Operators

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator GOODALL of Sagadahoc.
Cosponsored by Representative FITTS of Pittsfield and
Senator: CRAVEN of Androscoggin, Representatives: CLARKE of Bath, HINCK of Portland,
KENT of Woolwich.

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

2 **Sec. 1. 22 MRSA §2622, first ¶**, as amended by PL 2003, c. 33, §4, is further
3 amended to read:

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

13 **Sec. 2. 22 MRSA §2624-A, sub-§6**, as enacted by PL 1995, c. 442, §2, is
14 amended to read:

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

16 A. The board shall license persons to serve as operators of all or part of any public
17 water system in the State.

18 B. The board shall design or approve and hold at least one examination each year at
19 a time and place designated for the purpose of examining candidates for licensure.
20 The board may accept results of examinations approved by the board administered by
21 a 3rd party, whose fees are not governed by section 2629.

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

24 **Sec. 3. 22 MRSA §2625-A, first ¶**, as amended by PL 2003, c. 33, §7, is further
25 amended to read:

26 All licenses expire on December 31st of each biennial period and may be renewed
27 thereafter for 2-year periods without further examination, upon the payment of the proper
28 renewal fee as set forth in the rules. A person who fails to renew that person's license
29 within 2 years following the expiration ~~date shall take an examination~~ of the license must
30 take an examination as a condition of licensure.

31 **Sec. 4. 22 MRSA §2628**, as amended by PL 2003, c. 33, §9, is further amended to
32 read:

33 **§2628. Rules**

34 The Board of Licensure of Water System Operators, in accordance with any other
35 appropriate state laws, shall make such rules as are reasonably necessary to carry out the
36 intent of this subchapter. The rules must include, but are not limited to, provisions
37 establishing requirements for licensure and procedures for examination of candidates and
38 such other provisions as are necessary for the administration of this subchapter. Rules

1 adopted pursuant to this section are routine technical rules as defined in Title 5, chapter
2 375, subchapter 2-A.

3 **Sec. 5. 22 MRSA §2629**, as amended by PL 2003, c. 33, §10, is further amended
4 to read:

5 **§2629. Fees**

6 ~~The examination fees, licensure fees, biennial renewal fees and reinstatement fees~~
7 ~~must be established by the Board of Licensure of Water System Operators by rule. The~~
8 ~~examination and licensure fees may not exceed \$70, and the biennial renewal fee and the~~
9 ~~reinstatement fee may not exceed \$60. The Board of Licensure of Water System~~
10 Operators shall establish by rule fees authorized pursuant to this subchapter. These fees
11 may include examination, licensure, biennial renewal and reinstatement fees in amounts
12 that are reasonable and necessary for their respective purposes, except that the fee for any
13 one purpose may not exceed \$95. Revenues derived from applicants failing the
14 examination must be retained.

15 **SUMMARY**

16 This bill adds distribution facilities to the list of public water systems that the Board
17 of Licensure of Water System Operators shall classify. The bill authorizes the board to
18 license persons to serve as operators of only public water systems in the State and allows
19 the board to design or approve examinations. The bill requires a person who fails to
20 renew that person's license within 2 years following the expiration of the license to take
21 an examination as a condition of licensure. The bill increases the fee limit for the various
22 water system operator fees from \$60 to \$95. The bill also has a separate fee for the
23 examination and licensure of public water system operators.