

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND ELEVEN

S.P. 128 - L.D. 424

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

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

**Sec. 1. 22 MRSA §2622, first ¶**, as amended by PL 2003, c. 33, §4, 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, distribution 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. 2. 22 MRSA §2624-A, sub-§6**, as enacted by PL 1995, c. 442, §2, is amended to read:

**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 in the State.

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

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

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

All licenses 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. A person who fails to renew that person's license within 2 years following the expiration ~~date shall take an examination~~ of the license must take an examination as a condition of licensure.

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

**§2628. Rules**

The Board of Licensure of Water 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. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

**§2629. Fees**

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

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

**Water System Operators - Board of Licensure 0104**

Initiative: Deallocates funds as a result of savings from reduced costs for testing.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$0	(\$10,600)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>(\$10,600)</b>

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In House of Representatives, ..... 2011

Read twice and passed to be enacted.

..... Speaker

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In Senate, ..... 2011

Read twice and passed to be enacted.

..... President

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Approved ..... 2011

..... Governor