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S.P. 137

In Senate, February 8, 2021

**An Act To Require Third-party Certification for Persons
Undertaking Corrosion Prevention and Mitigation Projects for
Public Water Supply and Wastewater Infrastructure and Bridges**

Received by the Secretary of the Senate on February 4, 2021. Referred to the Committee on Transportation pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator CHIPMAN of Cumberland.

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

2 **Sec. 1. 22 MRSA §42, sub-§3-C** is enacted to read:

3 **3-C. Corrosion prevention and mitigation; public water supply infrastructure**
4 **and public wastewater infrastructure.** The department shall adopt rules governing
5 corrosion prevention and mitigation methods for public water supply infrastructure and
6 public wastewater infrastructure for projects costing \$50,000 or more. Rules adopted
7 pursuant to this subsection must include, but are not limited to, establishing a process for
8 ensuring that corrosion prevention and mitigation activities are carried out in accordance
9 with established corrosion prevention and mitigation standards, requiring the use of
10 personnel who are industry-trained and industry-certified in corrosion prevention and
11 mitigation methods on any type of substrate or surface and requiring plans to prevent
12 environmental degradation that might result from corrosion prevention and mitigation
13 activities. Rules adopted pursuant to this subsection are routine technical rules as defined
14 in Title 5, chapter 375, subchapter 2-A.

15 **Sec. 2. 23 MRSA §357** is enacted to read:

16 **§357. Corrosion prevention and mitigation; bridges**

17 The Department of Transportation shall adopt rules governing corrosion prevention
18 and mitigation methods for bridges wholly or partly under the control of the State for
19 projects costing \$50,000 or more. Rules adopted pursuant to this section must include, but
20 are not limited to, establishing a process for ensuring that corrosion prevention and
21 mitigation activities are carried out in accordance with established corrosion prevention
22 and mitigation standards, requiring the use of personnel who are industry-trained and
23 industry-certified in corrosion prevention and mitigation methods on any type of substrate
24 or surface and requiring plans to prevent environmental degradation that might result from
25 corrosion prevention and mitigation activities. Rules adopted pursuant to this section are
26 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

27 **Sec. 3. Rulemaking.** Rulemaking conducted pursuant to this Act is governed by
28 this section.

29 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
30 following terms have the following meanings.

31 A. "Corrosion" means the deterioration of a material, usually a metal or concrete, that
32 results from a chemical or electrochemical reaction with its environment.

33 B. "Corrosion prevention and mitigation" means:

34 (1) The preparation, application, installation, removal and general maintenance as
35 necessary of a protective coating system, including but not limited to:

36 (a) Surface preparation and coating application on the interior or exterior of
37 the surface;

38 (b) Removal of a lead-based or other hazardous coating;

39 (c) Painting of structural steel fabricated for installation; and

40 (d) Installation of coatings and surfacing on concrete or other cementitious
41 substrates; and

1 (2) With respect to bridges, any activities related to corrosion prevention, including
2 cathodic protection, that in accordance with rules adopted pursuant to this Act must
3 be performed by industry-trained and industry-certified personnel.

4 C. "Corrosion prevention project" means a project costing \$50,000 or more consisting
5 of corrosion prevention and mitigation activities performed during construction,
6 alteration, maintenance or repair work or at any other time necessary on a bridge, public
7 water supply infrastructure or public wastewater infrastructure.

8 D. "Industry-trained and industry-certified" means:

9 (1) Completion of, or current enrollment in for at least the entire duration of a
10 corrosion prevention project, a state-certified apprenticeship training program that
11 requires concurrent on-the-job training and classroom instruction for an individual
12 to be considered adequately knowledgeable to perform corrosion prevention and
13 mitigation activities; or

14 (2) Confirmation from a corrosion prevention industry credentialing organization
15 whose standards for corrosion prevention and mitigation meet state requirements
16 that an individual is adequately trained to perform corrosion prevention and
17 mitigation activities or conduct inspections.

18 E. "Public wastewater infrastructure" means all mains, pipes and structures, intakes
19 and cribs, pumping stations and treatment plants, collectively or severally, through
20 which treated or untreated effluent, wastewater and storm water is collected, stored,
21 treated, disposed of or distributed.

22 F. "Public water supply infrastructure" means all mains, pipes and structures through
23 which water is obtained and distributed to the public, including wells and well
24 structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage
25 tanks and appurtenances, collectively or severally, used or intended for use for the
26 purpose of furnishing water for drinking or general domestic use in incorporated
27 municipalities, unincorporated communities where 10 or more separate lots or
28 properties are being served or intended to be served, state-owned parks and memorials
29 and state-owned educational, charitable or penal institutions.

30 **2. Rulemaking.** In adopting rules to implement the Maine Revised Statutes, Title 22,
31 section 42, subsection 3-C and Title 23, section 357, the Department of Health and Human
32 Services and the Department of Transportation, respectively, shall adopt rules that:

33 A. Provide the same standards and requirements for corrosion prevention and
34 mitigation methods as are established by the Society for Protective Coatings for its
35 coating application specialist program; the National Association of Corrosion
36 Engineers for its certified coating applicator program; and the National Association of
37 Corrosion Engineers International Institute;

38 B. Require the use of industry-trained and industry-certified personnel:

39 (1) To perform corrosion prevention and mitigation activities on any type of
40 substrate or surface; and

41 (2) As inspectors to ensure best practices and standards are followed in corrosion
42 prevention projects; and

1 C. For all corrosion prevention projects, require the development of a plan to prevent
2 environmental degradation that might result from corrosion prevention and mitigation
3 activities.

4 **SUMMARY**

5 This bill requires the adoption of rules by the Department of Health and Human
6 Services and the Department of Transportation governing projects costing \$50,000 or more
7 consisting of corrosion prevention and mitigation for bridges, public water supply
8 infrastructure and public wastewater infrastructure. Rules adopted pursuant to this
9 legislation must include establishing a process for ensuring that corrosion prevention and
10 mitigation activities are performed in accordance with established corrosion prevention and
11 mitigation standards, requiring the use of personnel who are industry-trained and industry-
12 certified in corrosion prevention and mitigation methods and requiring plans to prevent
13 environmental degradation that might result from corrosion prevention and mitigation
14 activities.