

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Transmitted by Director of Legislative Research pursuant to joint order.

N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 1269

S. P. 455

In Senate, March 4, 1953

Referred to the Committee on Legal Affairs. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Weeks of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Licensing of Electricians.

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

Sec. 1. R. S., c. 73-B, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 73-B, to read as follows:

'CHAPTER 73-B

LICENSING OF ELECTRICIANS.

Sec. 1. Electricians. No electrical installations shall hereafter be made for compensation, except as hereinafter provided, unless made by an electrician or other person licensed by the Electricians Examining Board hereinafter created.

Sec. 2. Definitions. The following words and phrases when used in sections 1 to 14, inclusive, shall be construed as follows:

I. "Electrical installations" shall mean the installation, repair, alteration and maintenance of electrical conductors, fittings, devices and fixtures for heating, lighting and power purposes. They shall not include the installation or repair of portable appliances and other portable electrical

equipment, installation of which involves only the insertion of an attachment plug into a receptacle outlet.

II. An "electrician" shall mean any person, firm or corporation that, as a business, hires or employs a person or persons to make electrical installations, or without hiring any person does such work as a principal business or as auxiliary to a principal business for his or its own account, or any person who customarily performs such work under the direction of another electrician or who does such work as a regular part-time occupation.

III. "Apprentice electrician" shall mean any person who is engaged in learning and assisting in making electrical installations under the supervision of an "electrician." An "Apprentice electrician" shall be exempt from the licensing requirements of sections 1 to 14, inclusive, during the period of his apprenticeship.

IV. "The board" shall be the Electricians Examining Board appointed under the provisions of section 3.

Sec. 3. Appointment of Electricians Examining Board; vacancies; removal of members; compensation. An Electrician Examining Board, hereinafter in sections 3 to 14, inclusive, called "the board" is hereby established and shall consist of an executive secretary, who shall be the insurance commissioner of a representative from the insurance department delegated by the insurance commissioner, and 4 other members, hereinafter called the appointive members, who shall be appointed by the governor with the advice and consent of the council. Two of said appointive members shall be electricians who are active in the trade and who have had at least 5 years experience as such electricians. The other 2 appointive members shall be persons who have had at least 10 years experience in the electrical field as electricians, electrical inspectors or otherwise and who need not be active electricians at the time of appointment. Said appointive members shall be appointed for terms of 2 years, provided, however, that, of the first 4 members appointed, 2 shall be appointed for a term of 1 year each and 2 for terms of 2 years each. As the terms of said appointive members expire, new appointive members shall be appointed for terms of 2 years. Any vacancy in said board caused by death, resignation or removal of any member shall be filled by the appointment of a person qualified as aforesaid, to hold office during the unexpired term of the member whose place is thus filled. Any member of said board may be removed from office for cause, by the governor, with the advice and consent of the council. The members of the board shall each be allowed the sum of \$10 per day and their necessary traveling

expenses for actual attendance upon any examination of candidates for license, and for any necessary hearings.

Sec. 4. Employees. The board shall be empowered to appoint and remove such employees as it shall deem necessary and to fix their compensation within the limits of the funds provided by sections 1 to 14, inclusive.

Sec. 5. Meetings; rules and regulations. The electricians examining board shall hold regular meeting semi-annually and shall hold additional meetings at such other times as they shall determine by their rules, or upon request of the appointive members of the board, or upon request of the executive secretary. Said board shall keep correct records of all its proceedings and shall be authorized to make such rules and regulations as it shall deem necessary for the holding of examinations and for carrying out the purpose of the provisions of sections 1 to 14, inclusive, and to provide for reciprocity of licensing with similar boards of other states which maintain standards at least equal to this state.

Sec. 6. Licensing of electricians.

I. The board may, at any time prior to June 30, 1954, without examination and upon payment of a fee of \$5, issue a license to any applicant therefor who shall present satisfactory evidence that he has the qualifications of such electrician and has engaged in the business or occupation, as the case may be, of making electrical installations within the state for at least 2 years prior to June 30, 1953.

II. The board shall issue a license to any person who files an application therefor and who meets the following qualifications:

A. At least 2 years' service as an apprentice electrician. The board may give credit toward such service for the satisfactory completion of a course of instruction in the field in a school approved by the board, such credit not to exceed a maximum of 1 year.

B. Satisfactory passing of an examination conducted by said board as provided in section 7 to determine his fitness to receive such license.

All persons licensed by the board shall receive a certificate thereof under the seal of the board and with the signature of the executive secretary, which shall state the facts and which must be publicly displayed at the principal place of business of said electrician, or, if no such place of business, must be carried on the person and displayed at any time upon request, as long as said person continues in the business as herein defined.

Sec. 7. Examinations for license. Each applicant for license shall present to the executive secretary of the board on blanks furnished by the board, a written application for examination and license, containing such information as the board may require, accompanied by a fee of \$5. Examinations shall be in whole or in part in writing and shall be of a thorough and practical character. They shall include such provisions of the National Electrical Code as the board may deem appropriate.

Any person failing to pass his first such examination may be re-examined at any subsequent meeting of said board, within 1 year of such first examination without additional fee and thereafter may be examined as often as he may desire upon the payment of the fee of \$5 for each examination.

Sec. 8. Renewal of licenses. All licenses issued as aforesaid shall expire on the last day of the calendar year in which issued, and they may be renewed thereafter for periods of 1 year without further examination on payment of a fee of \$5 for each year.

Sec. 9. Corporations and partnership may be licensed. The board may issue its license to corporations and partnerships engaged in the business of making electrical installations and applying therefor, provided that one or more officers or employees of any such corporation directly in charge of the business affairs of such corporation, or the members of such partnership directly in charge of its business affairs, apply for the examinations hereinbefore provided and satisfy the board of their qualifications as electricians.

Sec. 10. Disposal of fees. All fees received by the board shall be paid by the executive officer thereof into the treasury of the state and may be used for carrying out the provisions of sections 1 to 14, inclusive.

Sec. 11. Investigation of complaints; licenses may be revoked. The board shall investigate all complaints made to it and all cases of noncompliance with or violation of the provisions of sections 1 to 14, inclusive. The board shall have the power to suspend or to revoke the license of any licensed electrician who is found guilty of:

- I. The practice of any fraud or deceit in obtaining a license;
- II. Any gross negligence, incompetency or misconduct in the performance of the work of making electrical installations. Continued failure to conform with applicable regulations of the National Electrical Code, National Electrical Safety Code or of other codes which have been approved by the American Standards Association shall be prima facie evidence of such gross negligence and incompetency.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against any licensed electrician. Such charges shall be in writing, and shall be sworn to by the person making them, and shall be filed with the executive secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within 3 months after the date on which they shall have been preferred.

The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed by registered mail to the last known address of such licensed electrician at least 30 days before the date fixed for hearing. At any hearing, the accused shall have the right to appear personally and by counsel, to cross examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

After such hearing, the board may suspend or revoke the license of such licensed electrician provided that at least 4 members of the board vote in favor of such suspension or revocation. The board shall furnish such licensed electrician with a definite statement in writing of its findings of facts and its reason or reasons for the suspension or revocation of the license.

The licensee may appeal from such suspension or revocation within 30 days thereof to any justice of the superior court, in term time or vacation, by certiorari, or mandamus, or by any other method permissible under the rules and practices of said court, or the laws of this state, and said court may make such further orders in respect thereto as justice may require.

The board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, providing 3 or more members of the board vote in favor of such reissuance.

Sec. 12. Records. The board shall keep a record of the name and residence of all persons registered under the provisions of sections 1 to 14, inclusive, and a record of all moneys received and disbursed by it, and said records or duplicates thereof shall be open for inspection during office hours.

Sec. 13. Exceptions. The provisions of sections 1 to 14, inclusive, shall not apply to the following:

I. Any person, firm or corporation, under jurisdiction of the public utilities commission of this state, or the Federal Communications Commission, or the interstate commerce commission, or any employee of such

person, firm or corporation; for the purpose of making electrical installations in the course of such employment.

II. The electrical work and equipment employed in connection with the construction, installation, operation, repair or maintenance of any utility by a utility corporation in rendering its authorized service, or in any way incidental thereto;

III. Any electrical equipment and work including construction; installation, operation, maintenance and repair in or about industrial or manufacturing plants;

IV. Any electrical equipment and work, including construction, installation, operation, maintenance and repair in, on or about other properties, equipment or buildings, residential or of any other kind, owned or controlled by the operators of industrial or manufacturing plants, provided such work is done under the supervision of an electrical engineer in the employ of said operator;

V. The electrical work and equipment in mines, pipe-lines systems, ships, railway rolling stock or automotive equipment, or the operation of portable sound equipment;

VI. Any electrical installations or equipment involved in the manufacture, test or repair of electrical equipment in the manufacturer's plant; and

VII. Installations in suitable laboratories of exposed electrical wiring for experimental purposes only.

Sec. 14. Penalty for violation. Any person who makes electrical installations without having first obtained a license hereunder or who, being himself in the business, employs a person to do such work who has not such a license, unless he be an apprentice within the meaning of subsection III of section 2, or unless the work done comes within the exceptions set out in section 13, or procures any license wrongfully or by fraud, or violates any of the provisions of sections 1 to 14, inclusive, shall be deemed guilty of a misdemeanor and if convicted thereof shall be punished by a fine of not more than \$100, or by imprisonment for not more than 3 months, or by both such fine and imprisonment.

Sec. 15. Provisions in city charters not affected. The preceding sections 1 to 14 inclusive, shall not prevent the licensing of electricians licensed hereunder by cities under the provisions of the charters or ordinances thereof.'

Sec. 2. R. S., c. 15, § 27, amended. The 1st sentence of section 27 of chapter 15 of the revised statutes, as amended, is hereby further amended to read as follows:

'All money received by the treasurer of state from the board of registration in medicine, the board of registration of nurses, the board of examiners of applicants for admission to the bar, the board of accountancy, the board of veterinary examiners, the board of osteopathic examination and registration, the board of examiners of funeral directors and embalmers, the state board of registration and examination in optometry, the board of dental examiners, the state board of registration for professional engineers, the state board of architects, **the electricians examining board**, the state board of barbers and hairdressers, the examiners of podiatrists, the board of chiropractic examination and registration and the board of commissioners of pharmacy shall constitute a fund, which shall be a continuous carrying account for the payment of the compensation and expenses of the members, the expenses of the board and for executing the provisions of law relating to each board respectively, and so much thereof as may be required is appropriated for said purposes.'