

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
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ONE HUNDRED AND EIGHTH LEGISLATURE
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CHAPTER 468

AN ACT to Require Adequate Polling Facilities in Municipalities.

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

21 MRSA § 603, sub-§ 1, 1st sentence, is amended to read:

The municipal officers of each municipality shall provide at least one voting booth for each 200 voters qualified to vote at each voting place, except that at general elections the municipal officers in each municipality of 15,000 or more population shall provide at least one voting booth for each 150 voters qualified to vote at each voting place.

Effective October 24, 1977

CHAPTER 469

AN ACT Relating to the Licensure of Plumbers.

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

Sec. 1. 32 MRSA § 3301, sub-§ 1, as repealed and replaced by PL 1975, c. 118, § 1, is repealed and the following enacted in its place:

1. Apprentice plumber. "Apprentice plumber" shall mean any person who is an apprentice as defined in Title 26, chapter 11 and who, under written agreement, is engaged in learning and assisting in the installation of plumbing under the direct supervision of a journeyman plumber or a master plumber. The biennial fee for an apprentice plumber license shall be \$4.

Sec. 2. 32 MRSA § 3301, sub-§ 3, is amended by adding at the end the following new sentence:

The biennial fee for a journeyman plumber's license shall be \$30.

Sec. 3. 32 MRSA § 3301, sub-§ 4 is repealed and the following enacted in its place:

4. Limited license. "Limited license" shall mean a limited plumber's license to install and service plumbing work related to a specific type of plumbing equipment or to specific plumbing installations shall be granted to any person who has passed a satisfactory examination before the board. It shall specify the name of the person who shall be limited to engage in the occupation of installing and servicing the plumbing work related to the type of

equipment or to specific plumbing installations only as authorized by the license. The biennial fee for a limited license shall be \$30.

Sec. 4. 32 MRSA § 3301, sub-§ 5, as repealed and replaced by PL 1973, c. 521, § 9, is repealed and the following enacted in its place:

5. Master plumber. "Master plumber" shall mean any person, firm or corporation, qualified under this chapter, engaging in, or about to engage in, the business of installing plumbing or plumbing systems. The license shall specify the name of the person, who, in case of a firm, shall be one of its members or employees and in case of a corporation, one of its officers or employees passing the examination, by which he or it shall be authorized to enter upon or engage in business as set forth in this chapter. In the case of a firm or corporation, the license shall become void upon the death of, or the severance from the company of, that person. The biennial fee for a master plumber's license shall be \$80.

Sec. 5. 32 MRSA § 3301, sub-§ 7 is enacted to read:

7. Trainee plumber. "Trainee plumber" shall mean any person who is engaged in assisting in making plumbing installations under the direct supervision of a journeyman plumber or a master plumber but who does not qualify under subsection 1. The biennial fee for a trainee plumber license shall be \$4.

Sec. 6. 32 MRSA § 3302, as repealed and replaced by PL 1973, c. 521, § 6, is repealed and the following enacted in its place:

§ 3302. Applicability

1. License required. A license shall be required for any person, corporation, partnership or other entity who is engaged in plumbing or working in plumbing. No license is required for any activity for which a permit is not required under Title 30, section 3223 or its successor. This section shall not apply to the following:

A. Employees of public utilities. Plumbing by regular employees of public utilities as defined in Title 35, section 15, when working as such;

B. Licensed oil burner men. Plumbing by oil burner men, duly licensed under chapter 33, provided that this exception only applies to hot and cold water connections to existing piping in the same room where an oil burner is being installed and does not apply beyond any existing branch connection supplying water; and

C. Private owners. Plumbing in a dwelling house or place and its appurtenant structures by the owner thereof.

2. Municipal licenses not required. No municipality shall require plumbers to be municipally licensed nor shall any municipality issue a permit for any plumbing installation unless satisfied that the person, firm or corporation applying for the permit complies with this chapter.

3. Supervision of apprentice and trainee plumber. Each master or journeyman plumber may have a total of 3 apprentice plumbers or trainee plumbers or a combination of apprentice or trainee plumbers working with him under his personal supervision.

Sec. 7. 32 MRSA § 3303 is repealed.

Sec. 8. 32 MRSA § 3304, as last amended by PL 1973, c. 521, § 7, is repealed and the following enacted in its place:

§ 3304. Penalties

1. Fines. Any person who engages in or works in plumbing without having first obtained a license as required by this chapter shall be punished by a fine of not less than \$25 nor more than \$100 for a first offense and by a fine of not less than \$100 nor more than \$250 for a 2nd or subsequent offense.

2. Nuisances. It is hereby declared to be a public nuisance for any person to perform any acts for which a license is required by this chapter without having in effect such a license. The commissioner or any aggrieved party may file a complaint in the Superior Court for the county in which the nuisance exists to enjoin the nuisance.

Sec. 9. 32 MRSA § 3305, as enacted by PL 1973, c. 521, § 8, is repealed.

Sec. 10. 32 MRSA § 3401, 1st sentence, as last amended by PL 1975, c. 771, § 362, is further amended to read:

A Plumbers' Examining Board, as heretofore established, shall consist of an executive officer who shall be the Director of the Division of ~~Sanitary~~ **Health** Engineering of the Bureau of Health and 3 other members, hereinafter called the appointive members, who shall be appointed by the Governor.

Sec. 10-A. 32 MRSA § 3401, last sentence, as amended by PL 1965, c. 234, § 2, is further amended to read:

The members of the board shall each be allowed the sum of ~~\$20~~ \$35 per day and their necessary traveling expenses for actual attendance upon any examination of candidates for license and for any necessary hearings.

Sec. 11. 32 MRSA § 3401 is amended by adding at the end the following new sentence:

The board shall have the authority to examine and license plumbers.

Sec. 12. 32 MRSA § 3402 is repealed and the following enacted in its place:

§ 3402. Employees

The Commissioner of Human Services, with the advice and consent of the board, shall be empowered to appoint, subject to the Personnel Law, such employees as may be necessary to carry out this chapter. Any person so employed shall be located in the Department of Human Services and under the administrative and supervisory direction of the Commissioner of Human Services.

Sec. 13. 32 MRSA § 3403, 1st sentence, as amended by PL 1975, c. 575, § 39, is further amended to read:

The board shall hold regular meetings semiannually and shall hold additional meetings at such other times as they shall determine by their rules, or upon request of the 3 appointive members of their board, or upon request of the Director of the Division of ~~Sanitary~~ Health Engineering.

Sec. 14. 32 MRSA § 3404, as amended by PL 1973, c. 303, § 3, is repealed and the following enacted in its place:

§ 3404. Investigation of complaints; revocation of license

The board shall investigate or cause to be investigated all complaints made to it and all cases of noncompliance with or violation of this chapter. The board shall have the authority, after hearing, to suspend a license until the complaint can be heard by the Administrative Court Judge. The Administrative Court Judge shall have the power to suspend or revoke the license of any licensed plumber who is found guilty of:

1. Fraud or deceit. The practice of any fraud or deceit in obtaining a license; or

2. Negligence or misconduct. Any gross negligence, incompetency or misconduct in the performance of the work of making plumbing installations. Continued failure to conform with applicable regulations of the State of Maine Plumbing Code or of other codes which have been approved by the department shall be prima facie evidence of such gross negligence and incompetency.

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

Sec. 15. 32 MRSA § 3501 is repealed and the following enacted in its place:

§ 3501. Plumbing licenses

1. License required. No plumbing installation shall be made, except as provided in this chapter, unless done by a plumber or other person licensed by the board.

2. Issuance of licenses; application; qualifications. The board shall issue a license to any person who files a sworn application therefor and who meets the following qualifications:

A. For a journeyman plumber's license or a limited plumber's license, at least 2 years' service as an apprentice or trainee plumber or its equivalency, except that the board may give such credit as it deems justified toward service for satisfactory completion of a course of instruction in the trade in a school approved by the board. Any person qualified under Title 20, section 2361, shall be eligible to write the journeyman plumber's examination;

or for a master plumber's license, at least one year's service as a journeyman plumber or at least 3 years' service as an apprentice or trainee plumber or its equivalency; and

B. Satisfactory passing of an examination conducted by the board, as provided in subsection 5, to determine his fitness to receive a license.

3. Apprentice or helper. The board may issue a license, without examination, to any person who applies therefor and pays a fee of \$2, provided the applicant submits evidence satisfactory to the board that he has entered the employ of a licensed master plumber as an apprentice or to assist him as a plumber's trainee. Any person employed by a plumber as an apprentice plumber or trainee plumber shall apply for a license within 10 business days after the day he commences employment.

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

5. When the unexpired term of license of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial license fee.

Applications for a first examination shall be received by the board at least 15 days prior to a scheduled meeting of the board.

The passing grade on any examination shall be not less than 70%. A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the board. Any candidate for registration having an average grade of less than 50% may not apply for reexamination for one year.

When the unexpired term of license of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial license fee.

Sec. 16. 32 MRSA § 3502, as amended by PL 1965, c. 234, § 3, is repealed.

Sec. 17. 32 MRSA § 3503, as amended by PL 1965, c. 234, § 4, is repealed.

Sec. 18. 32 MRSA § 3504, as amended by PL 1965, c. 234, § 5, is repealed and the following enacted in its place:

§ 3504. Renewals

All licenses shall expire October 31st of each biennial period as to master plumbers and April 30th of each biennial period as to other licensees and may be renewed thereafter for 2-year periods without further examination, upon the payment of the proper renewal fee as set forth in section 3301. The expiration dates for licenses issued under this chapter may be established at

such other times as the Commissioner of Human Services may designate. Any person who fails to renew his license within 6 months following the expiration date shall be required to take an examination, provided that any person, who fails to so renew his license due to the fact he was on active duty in the Armed Forces of the United States, shall not be required to take an examination if he renews his license within 6 months from the date of his separation from the Armed Forces of the United States. The waiver of examination shall not be granted if the person served more than 4 years in the Armed Forces, unless he was required by some mandatory provision to serve a longer period and he shall submit satisfactory evidence thereof to the board.

The board shall notify everyone registered under this chapter of the date of expiration of his license and the fee required for its renewal for a 2-year period. The notice shall be mailed to the person's last-known address at least 30 days in advance of the expiration date of his license.

Any master plumber giving up his master plumber's license for a lower grade license shall be required to successfully pass an examination in order to reinstate his master plumber's license.

Sec. 19. 32 MRSA § 3505, as last amended by PL 1975, c. 510, § 43, is repealed.

Sec. 20. 32 MRSA § 3505-A, as repealed and replaced by PL 1975, c. 118, § 4, is repealed.

Sec. 21. 32 MRSA § 3506, as amended by PL 1965, c. 234, § 8, is repealed.

Effective October 24, 1977

CHAPTER 470

AN ACT to Provide Home Health Care Coverage in all Health Care Policies and Contracts.

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

Sec. 1. 24 MRSA § 2320 is enacted to read:

§ 2320. Home health care coverage

Every nonprofit hospital and medical service organization which issues groups and individual health care contracts providing coverage for inpatient hospital care to residents of this State shall make available coverage for home health services by a home health care provider which has contracted with the nonprofit hospital or medical service organization under terms and conditions which the organization deems satisfactory to its membership.

The contract providing coverage for home health care services may contain