

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 2

Discard Previous Pocket Part Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
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Sec. 10. Qualifications.

Engineering and architecture are separate species of engineering genus.—Professional engineering and architecture in the legislative estimation are patently re-

garded as separate species of the engineering genus. State v. Beck, 156 Me. 403, 165 A. (3d) 433.

Sec. 16. Fees.

I. For an application for examination and registration an amount to be fixed by the board which shall at no time exceed the sum of \$100;

II. Certificate of registration. For a certificate of registration, or by transfer of registration from another state or country, an amount to be fixed by the board;

(1959, c. 6. 1961, c. 259, § 3.)

Effect of amendments. — The 1959 amendment substituted "\$100" for "\$25" in subsection I, and rewrote subsection II of this section.

The 1961 amendment deleted "which shall be the same as charged for the transfer of registration of a Maine registrant to

the state or country of the person asking registration but at no time to exceed the sum of \$100" at the end of subsection II.

As the rest of the section was not affected by the amendments, only subsections I and II are set out.

Sec. 18. Hearings. — Any person may prefer charges of fraud, deceit, gross negligence, incompetency or misconduct against any registrant. Such charges shall be sworn to by the person making them and shall be filed with the secretary of the board.

All charges, deemed worthy of consideration by the board, shall be heard within 3 months after the date upon which they are received by the secretary.

Upon a finding of guilt, the hearing officer as designated by chapter 20-A shall revoke the certificate of registration of such architect.

The board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has lapsed or has been suspended or revoked, provided no charges of violation of this chapter are pending in any court of record of this state and that the board is unanimous in its decision; except in the case where charges have been maintained and the registrant has been proven guilty, in which case no certificate shall be reissued during 12 months from the date of revocation of the previous certificate. (1945, c. 356, § 1. 1961, c. 394, § 45.)

Effect of amendment.—The 1961 amendment substituted the second and third paragraphs above set out for the former

second, third, fourth and fifth paragraphs of this section.

Chapter 82.

Licensing of Electricians.

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, power purposes or heat activated fire alarms and electrically supervised manual fire alarms and sprinkler systems. 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 fixed receptable outlet. It is the meaning and intent of this subsection that the word "portable" shall not include or apply to any type of fixed electrically operated or driven equipment.

II. The words "master electrician" as used in this chapter shall mean a person, firm or corporation, qualified under this chapter, engaging in, or about to engage in, the business of installing electrical wires, conduits, apparatus, fixtures and other electrical equipment. The certificate 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 said examination, by which he or it shall be authorized to enter upon or engage in business as set forth herein. In the case of a firm or corporation the license shall become void upon the death of, or the severance from the company of said person.

III. The words "journeyman electrician" as used in this chapter shall mean a person doing work of installing electrical wires, conduits, apparatus, fixtures and other electrical equipment in the employment of a master electrician. Each master electrician or journeyman electrician may have one apprentice electrician, or one helper electrician working with him and under his personal supervision.

IV. The words "apprentice electrician" shall mean a person who is as defined in sections 148 to 154, inclusive, of chapter 30 and who is engaged in learning and assisting in making electrical installations under the direct supervision of a master or journeyman electrician.

V. The words "helper electrician" shall mean a person who is engaged in assisting in making electrical installations under the direct supervision of a master or journeyman electrician but does not qualify under subsection IV.

VI. A limited electrician's license to install and service the electrical work related to a specific type of electrically operated equipment or to specific electrical installations shall be granted to any person who has passed a satisfactory examination before the board. It shall specify the name of such person who shall be limited to engage in the occupation of installing and servicing the electrical work related to the type of equipment or to the specific electrical installations only authorized by this license. (1953, c. 307, § 1. 1955, c. 413, § 1. 1959, c. 47. 1961, c. 331.)

Effect of amendments. — The 1955 amendment rewrote this section. The 1959 amendment rewrote subsection VI of this section, adding the provisions as to specific electrical installations in the first and second sentences. The 1961 amendment added the provisions as to fire alarms and sprinkler systems at the end of the first sentence of subsection 1.

Sec. 3. Appointment of electricians examining board; vacancies; removal of members; compensation.—An electricians 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 or a representative from the insurance department delegated by the insurance commissioner and 6 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 4 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 and may be reappointed. 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 \$15 per day and their necessary traveling

expenses for actual attendance upon an examination of candidates for license, and for any necessary hearings. (1953, c. 307, § 1. 1955, c. 413, § 2. 1959, c. 363, § 39.)

Effect of amendments.—The 1955 amendment rewrote this section, increasing the number of appointive members from 4 to 6 and the sum in the last sentence from \$10 to \$15.

The 1959 amendment repealed the for-

mer sixth sentence of this section, reading as follows: "It is the intent of the legislature that the present members of the board shall continue in office until the expiration of their terms."

Sec. 4. Employees.—The board shall be empowered to appoint and remove, subject to the provisions of the personnel law, such employees as may be necessary to carry out the provisions of this chapter. (1953, c. 307, § 1. 1955, c. 413, § 3.)

Effect of amendment.—The 1955 amendment rewrote this section.

Sec. 6. Licensing of electricians.

II.

A. At least 2 years' service as an apprentice or helper electrician, except that the board may give such credit as it deems justified toward such service for satisfactory completion of a course of instruction in the trade in a school approved by the board. (1955, c. 413, § 4)

III. The board may issue a license upon the payment of a fee of \$1 to any person who applies therefor, without examination, provided that said applicant submits evidence satisfactory to the board that he has entered the employ of a licensed electrician to assist him as an apprentice or helper. Any such person entering the employ of such electrician to assist him as an apprentice or helper for the purpose of qualifying for any of the licenses mentioned in section 7 shall apply for such license after commencing such employment. Any person who enters such employ as a helper without the intention of qualifying for any of such licenses shall not be required to apply for a license under this section. [1955, c. 413, § 4] (1953, c. 307, § 1. 1955, c. 413, §§ 4, 4-A.)

Effect of amendment.—The 1955 amendment rewrote paragraph A of subsection II and added subsection III. As the rest

of the section was not changed by the amendment, only paragraph A of subsection II and subsection III are set out.

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 the required fee of \$10 for a master's license, \$5 for a journeyman's license or \$3 for a limited license. 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 electric 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 required fee as set forth above. Existing licenses shall be recognized as valid until expiration and equal to a journeyman's license, or may be exchanged for a master's license upon payment of the additional fee and either satisfactory proof of qualifications or passing of the necessary examinations. (1953, c. 307, § 1. 1955, c. 413, § 5.)

Effect of amendment.—The 1955 amendment substituted the present provisions as to fees for the former requirement of a fee of \$5 from each applicant. The amend-

ment also added the last sentence, and made certain minor changes in the form and wording of the section.

Sec. 8. Renewal of licenses.—All licenses issued as aforesaid shall expire 1 year from date of issue and they may be renewed thereafter for periods of

1 year without further examination on payment of a fee of \$5 for a master's license, \$2 for a journeyman's license, \$1 for a limited, apprentice or helper's license, commencing January 1, 1956. (1953, c. 307, § 1. 1955, c. 413, § 6.)

Effect of amendment.—The 1955 amendment rewrote this section.

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 this chapter. The hearing officer as designated in chapter 20-A shall have the power to suspend or to revoke the license of any licensed electrician who is found guilty of:

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

II. Negligence, misconduct, etc. 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 safety 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.

After hearing, the hearing officer may suspend or revoke the license of such licensed electrician.

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. (1953, c. 307, § 1. 1959, c. 317, § 34. 1961, c. 394, § 46.)

Effect of amendments. — The 1959 amendment made changes in the former next to last paragraph, subsequently repealed by the 1961 amendment.

The 1961 amendment substituted "this chapter" for "the provisions of sections 1 to 14, inclusive" at the end of the first sentence, substituted "hearing officer as designated in chapter 20-A" for "board" near the beginning of the second sentence, deleted the last sentence of the second paragraph, deleted the former third paragraph, rewrote the first sentence of the present third paragraph, deleted the second sentence of that paragraph and deleted the former next to last paragraph.

Effective date and applicability of Public Laws 1959, c. 317.—Section 420, chapter 317, Public Laws 1959, provides as follows: "This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pending, except to the extent that in the opinion of the court the application of this act in a particular action pending on December, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail."

Sec. 13. Exceptions.

VIII. Regular employees of owners or lessees of real property when working as such; and (1955, c. 413, § 7)

IX. Any person duly licensed under the provisions of chapter 82-A; but subject to the restrictions of the license as issued. [1955, c. 413, § 7-A] (1953, c. 307, § 1. 1955, c. 413, §§ 7, 7-A.)

Effect of amendment.—The 1955 amendment eliminated a former provision in subsection VIII relating to persons doing miscellaneous jobs of manual labor, and

added subsection IX. As the rest of the section was not changed by the amendment, only subsections VIII and IX are set out.

Sec. 13-A. Funds for enforcement.—The insurance commissioner is hereby empowered to expend up to 20% of the funds accrued to the electricians examining board for the employment of one or more state fire inspectors subject to

the provisions of the personnel law to assist in the enforcement of the provisions of this chapter and for the purchase of necessary electrical testing equipment. (1955, c. 413, § 8.)

Chapter 82-A.

Licensing of Oil Burnermen.

Sec. 1. Oil burner installation.—No oil burner installation shall hereafter be made for compensation except as herein provided unless made by a person licensed by the oil burnermen's licensing board, hereinafter created. (1955, c. 352, § 1.)

Sec. 2. Definitions.—The following words and phrases when used in this chapter shall be construed as follows:

I. "Oil burner installations" shall mean the installation, alteration or repair of oil and automatic coal burning heating equipment, including industrial, commercial and domestic type central heating plants, and domestic type range burners and space heaters and further including all accessory equipment, control systems, whether electric, thermostatic or mechanical, and all electrical wiring in connection therewith to a suitable distribution panel or disconnect switch, but excluding all other electrical equipment or work in the building or structure where the above equipment is installed.

II. The "board" shall mean the oil burnermen's licensing board created under the provisions of section 3 hereof. (1955, c. 352, § 1.)

Sec. 3. Appointment of oil burnermen's licensing board; vacancies; removal of members; compensation.—An oil burnermen's licensing board, herein called the board, is hereby established and shall consist of a chairman who shall be the director of state fire prevention, ex officio, and 2 other members, hereinafter called the appointive members, who shall be appointed by the governor with the advice and consent of the council. Both of said appointive members shall be oil burnermen who are active in the trade, one shall have had at least 5 years' and the other at least 10 years' experience as such. The appointive members shall be appointed for terms of 2 years, provided, however, that of the first 2 members appointed, one shall be appointed for a term of 1 year and the other for a term of 2 years. As the term of each appointive member expires, he may be reappointed or a new member appointed for a term 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 to take his place, to hold office during the unexpired term of the member whose place is 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 \$15 per day and their necessary expenses for travel, board and room while attending to the necessary duties of their office. (1955, c. 352, § 1.)

Sec. 4. Employees.—The board shall be empowered to appoint and remove, subject to the provisions of the personnel law, such employees as may be necessary to carry out the provisions of this chapter. (1955, c. 352, § 1.)

Sec. 5. Meetings, rules and regulations.—The oil burnermen's licensing board shall hold regular meetings semiannually and shall hold additional meetings at such other times and such places as it shall determine by its rules, or upon the request of the chairman or any member of the board. Said board shall keep proper records of its proceedings and shall be authorized to make such rules and regulations as it shall deem necessary for the holding of examinations and for the carrying out of the provisions of this chapter, and to provide for reciprocity of licensing with similar boards of other states which maintain standards at least equal to this state. (1955, c. 352, § 1.)