

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 5
Titles 26 to 32



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes

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CHAPTER 33
OIL BURNER MEN

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SUBCHAPTER I
GENERAL PROVISIONS

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§ 2301. Definitions

The following words and phrases when used in this chapter shall be construed as follows:

“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.

1955, c. 352, § 1.

§ 2302. Exceptions

The licensing provisions of this chapter shall not apply to the following:

- 1. Electricians.** Any electrician duly licensed under chapter 17 insofar as the installation of electrical equipment or the

performance of any electrical work involved in the installation of oil burners is concerned;

2. Plumbers. Any plumber duly licensed under chapter 49 insofar as the work covered by said chapter is involved;

3. Industrial plants. The maintenance and operation of oil burner installations in or about industrial or manufacturing plants, electrical generating plants or other plants operated by a public utility;

4. Employees of owners of real property. The maintenance and operation of oil burner installations when done by regular employees of owners or lessees of real property when working as such.

1955, c. 352, § 1.

§ 2303. Installations to conform to standards

No oil burning equipment of whatever type may hereafter be installed in this State unless it conforms to the standards adopted by the board. No installation of such equipment shall hereafter be made unless such installation complies with the regulations issued by the board.

1955, c. 352, § 1.

§ 2304. Provisions in city charters not affected

This chapter shall not prevent the licensing of oil burner men licensed hereunder by cities under the charters or ordinances thereof.

1955, c. 352, § 1.

§ 2305. Funds for enforcement

The Insurance Commissioner is empowered to expend up to 20% of the funds accruing to the board for the employment of one or more state fire inspectors, subject to the Personnel Law, to assist in the enforcement of this chapter and for the purchase of necessary electrical testing equipment.

1955, c. 352, § 1.

§ 2306. Penalties for violation

Any person who makes oil burner installations for compensation without having first obtained a license hereunder or who,

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being himself in the business, employs a person to do such work who has not such a license, unless the work done comes within the exception set out in section 2302, or procures any license wrongfully or by fraud, or violates any of the provisions of this chapter 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.

1955, c. 352, § 1.

SUBCHAPTER II

LICENSING BOARD

Sec.

2351. Appointment; vacancies; removal; compensation.

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§ 2351. Appointment; vacancies; removal; compensation

An Oil Burner Men's Licensing Board, as heretofore established and in this chapter called the "board", shall consist of a chairman who shall be the Director of State Fire Prevention, ex officio, and 2 other members, 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 burner men 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 that of the first 2 members appointed, one shall be appointed for a term of one 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.

§ 2352. Employees

The board shall be empowered to appoint and remove, subject to the Personnel Law, such employees as may be necessary to carry out this chapter.

1955, c. 352, § 1.

§ 2353. Meetings, rules and regulations

The 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 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.

§ 2354. Disposal of fees

All fees received by the board shall be paid by the chairman thereof to the Treasurer of State and may be used for carrying out this chapter.

1955, c. 352, § 1.

§ 2355. Investigation of complaints; suspension or revocation of licenses

The board shall investigate all complaints made to it and all cases of noncompliance with or violation of this chapter. The Administrative Hearing Commissioner, as designated in Title 5, chapters 301 to 307, shall have the power to suspend or to revoke the license of any licensed oil burner man who is found guilty of:

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

2. **Negligence or misconduct.** Any gross negligence, incompetency or misconduct in the performance of the work of

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making oil burner installations. Continued failure to conform to the regulations issued by the board 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 oil burner man. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the chairman of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the Administrative Hearing Commissioner 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 Administrative Hearing Commissioner.

After such hearing, the Administrative Hearing Commissioner may suspend or revoke the license of such licensed oil burner man.

There shall be no appeal from the failure of the board to issue a license because an applicant has failed to pass an examination where the results of said examination have been unanimously certified by the board to be correct.

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

1955, c. 352, § 1; 1961, c. 394, § 47; 1963, c. 412, § 23.

§ 2356. Records

The board shall keep a record of the name and residence of all persons registered under this chapter, 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.

1955, c. 352, § 1.

SUBCHAPTER III

LICENSES

Sec.

- 2401. License required.
- 2402. Application; rules; fees; certificates.
- 2403. Examinations.
- 2404. Renewal of licenses.

§ 2401. License required

No oil burner installation shall hereafter be made for compensation, except as provided in this chapter, unless made by a person licensed by the board.

1955, c. 352, § 1.

§ 2402. Application; rules; fees; certificates

1. Rules and regulations. The board may make such reasonable rules and regulations as it deems suitable for the issuance of various types and classes of license to cover the various types of oil burner installations as set forth in section 2301. A license may cover one or more or all types of installations or may be limited to a specific type of installation. The board may make such reasonable rules and regulations as it deems suitable concerning the term and type of apprenticeship required by candidates for examination.

2. Application; examination. The board shall issue a license upon the payment of a fee of \$5 to any person who applies therefor and who presents evidence to the board that he has completed a satisfactory period of apprenticeship for the type license for which application has been made and who has satisfactorily passed an examination conducted by the board to determine his fitness to receive such license.

3. Apprentice license. The board shall issue an apprentice's license upon payment of a fee of \$3 to any person who applies therefor, without examination, provided said applicant submits evidence satisfactory to the board that he has entered the employ of a licensed oil burner man to assist him while learning. Any such person entering the employ of such oil burner man to assist him shall apply for an apprentice's license within 30 days after commencing such employment.

4. Certificate. All persons licensed by the board shall receive a certificate thereof under the seal of the board, signed by the chairman, which shall state the type of license and which shall be carried upon the person of the licensee and displayed by him at any time upon request, as long as he continues in such business.

1955, c. 352, § 1.

§ 2403. Examinations

Each applicant for examination shall present to the chairman of the board on blanks furnished by the board a written applica-

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tion therefor, containing such information as the board may require accompanied by an examination fee of \$1. In the event that a license is granted to the applicant, the examination fee shall be credited towards the payment of his license fee. Examinations shall be in whole or in part in writing at the discretion of the board. They shall include such provisions of the standards of the National Board of Fire Underwriters, including such provisions of the National Electrical Code as may be applicable to oil burner installations, as the board may deem appropriate.

Any person failing to pass such an examination may be re-examined as often as he may desire, at periods when examinations are being conducted, upon payment of the examination fee of \$1. The board shall conduct examinations at least semiannually at such times and places as it deems appropriate.

1955, c. 352, § 1.

§ 2404. Renewal of licenses

All licenses issued shall expire one year from the date of issue and may be renewed thereafter for periods of one year from date without further examination upon the payment of the fees therefor. In the event that any person licensed under this chapter fails to renew his license, he may renew it at any time within a period of 2 years without further examination provided he presents satisfactory proof to the board that he was so licensed.

1955, c. 352, § 1.