

MAINE STATE LEGISLATURE

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September 1, 1966

Dean Fisher, M. D., Commissioner
Attention: Earle W. Tibbetts, Director, Division of Sanitary Engineering
James M. Cohen, Assistant Attorney General

Health and Welfare

Plumbing Permits Required by Oil Burner Men

FACTS:

In your memo of August 17, 1966, you indicate that oil burner men may be installing hot water tanks without plumbing permits as required by the State Plumbing Code. The pertinent legal facts will be discussed in the Opinion below.

QUESTION:

Does an oil burner man need to secure a plumbing permit from the local plumbing inspector for the purpose of installing a hot water tank?

ANSWER:

Yes, but if no local plumbing inspector has been appointed the permit must issue from the Department of Health and Welfare, Bureau of Health.

OPINION:

PURSUANT to the provisions of 32 M. R. S. A. §§ 3301 - 3507, the Rules and Regulations of the Department of Health and Welfare pertaining to plumbing work and known as the "State Plumbing Code", provide inter alia:

7. Permits. By whom required.

A permit is a written form furnished by the State. Any person, firm or corporation desiring to engage in, or work at, the business of installing plumbing, or who shall install plumbing in connection with the dealing in and selling of plumbing material and supplies, or any other person installing plumbing, or the owner of any building having plumbing installed, in any city, town, plantation, or unorganized township within the state, shall first secure a permit to install said plumbing from the local plumbing inspector, or, if no local plumbing inspector has been appointed, from the Department of Health and Welfare, Bureau of Health.

Although licenses are required of those engaged in the plumbing business in accordance with 32 M. R. S. A. §§ 3301 - 3507, and of those engaged in the oil burner installation business in accordance with 32 M. R. S. A. §§ 2301 - 2404, some of the laws, rules and regulations pertaining to plumbers are also applicable to oil burner men.

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The exception provision of 32 M. R. S. A. §§ 3302 excludes from the application of the plumbing laws "any oil burner man duly licensed under Chapter 33 [32 M. R. S. A. §§ 2301 - 2404], Insofar as work covered by said license is involved." [Emphasis added.] In other words the business of installing oil burners to which the statute refers is excluded from regulations by the Plumber's provisions of the statute.

The term "oil burner installation" is defined to mean ...the installation, alteration or repair of oil and automatic coal burning heating equipment, including industrial, commercial 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. [32 M. R. S. A. §§ 2301]

The work of installing oil burners must be done by a licensed person as required by 32 M. R. S. A. §§ 2401.

However, the installation of a hot water tank falls within the definition of plumbing which is defined as

"the art of installing in buildings the pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water carried wastes, and shall include the necessary water piping and water connections to all types of heating apparatus using water". [32 M. R. S. A. §§ 3301]

State Plumbing Code Rule 7, quoted above, applies to anyone. Since a hot water tank is a heating apparatus using water, an oil burner man is required to obtain a permit before the tank can be installed.

The permit fee is \$3.00 [Rule 8 (a) State Plumbing Code]. A \$2.00 fixture fee is charged for each hot water tank or tankless heater installed or re-located in addition to the permit fee. [See Rule 8 (b) and (f) State Plumbing Code.]

JMC:rhk

cc: Attorney General

/s/ James M. Cohen
James M. Cohen
Assistant Attorney General