

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND THIRD LEGISLATURE

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**Legislative Document**

**No. 9**

H. P. 5

Office of the Clerk of the House

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JEROME G. PLANTE, Clerk

Presented by Mr. Rideout of Manchester.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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### AN ACT to Revise the Oil Burner Men's Law.

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

**Sec. 1. R. S., T. 32, § 2301, repealed and replaced.** Section 2301 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 2301. Definitions**

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

1. Oil burner installations. "Oil burner installations" shall mean the installation, alteration or repair of oil burning 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, 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, and shall include hot and cold water connections to existing piping in the same room but not beyond any existing branch connection supplying water.

2. Master oil burner man. "Master oil burner man" shall mean a person qualified under this chapter engaging in or about to engage in the business of installing or servicing oil burning equipment and who presents to the board satisfactory evidence that they have 4 years of practical experience, except that the board may grant a waiver for a maximum period of 3 years from the effective date of this Act to journeymen holding a current license without the 4 years experience until such time that he has acquired the necessary experience to allow him to take the master's examination.

3. Journeyman oil burner man. "Journeyman oil burner man" shall mean a person who is qualified under this chapter to clean, service and repair oil burning equipment. He shall install oil burner equipment only under the supervision of a master oil burner man. He shall present to the board satisfactory evidence that he has one year of practical experience.

4. Apprentice oil burner man. "Apprentice oil burner man" shall mean a person who is licensed under this chapter to assist in making oil burner installations, repairs and servicing of oil burning equipment under the direct supervision of a master or journeyman oil burner man. An apprentice oil burner man may clean oil burners and oil burning equipment without direct supervision.

Sec. 2. R. S., T. 32, § 2302, sub-§ 4, repealed. Subsection 4 of section 2302 of Title 32 of the Revised Statutes is repealed, as follows:

~~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.~~

Sec. 3. R. S., T. 32, § 2303, amended. Section 2303 of Title 32 of the Revised Statutes is amended to read as follows:

#### § 2303. Installations to conform to standards

No oil burning equipment of whatever type ~~may~~ shall 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.

Sec. 4. R. S., T. 32, § 2304, repealed and replaced. Section 2304 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

#### § 2304. Municipal licenses not required; municipal permits

No municipality, provisions in charters to the contrary, shall require oil burner men to be municipally licensed, but no municipality shall issue a permit for an oil burner installation unless satisfied that the person applying for the permit complies with this chapter.

Sec. 5. R. S., T. 32, §§ 2304-A - 2304-C, additional. Title 32 of the Revised Statutes is amended by adding 3 new sections to read as follows:

#### § 2304-A. State oil burner inspectors

The board when funds are available shall appoint one or more oil burner inspectors, subject to the Personnel Law, to enforce this chapter, the cost thereof, including necessary oil burner equipment, to be drawn from the funds from license fees under this chapter. Said inspectors shall act under the supervision of the chairman, subject to the directions of the board. Oil burner inspectors, upon the complaint of any person or whenever they shall deem it necessary, shall inspect or cause to be inspected and at all reasonable hours, for purpose of examination, enter into and upon all buildings or premises within their jurisdiction. Whenever any state oil burner inspector shall find an oil burner installation in any building or other structure which does not comply with this chapter, he shall order the same to be removed or remedied and in an emergency situation shall shut down the oil burner plant and if such order is made by an oil burner

inspector, said owner or occupant may within 24 hours appeal to the Oil Burner Men's Licensing Board, who shall within 10 days review such order and file their decision thereon, and their decision shall be final and shall be complied with, within such time as may be fixed in said order or decision of the Oil Burner Men's Licensing Board.

**§ 2304-B. Failure to comply with order of inspector**

If the owner of any building neglects or refuses for more than 10 days to comply with any order of the oil burner inspector concerning oil burner installations as provided in this chapter, he shall be punished by a fine of not less than \$5 for each day's neglect.

**§ 2304-C. Refusing admission to inspector**

Any owner or occupant of a building, who refuses to permit a state oil burner inspector to enter his building or willfully obstructs him in the inspection of such building as required by this chapter shall be punished by a fine of not less than \$1 nor more than \$20.

**Sec. 6. R. S., T. 32, § 2305, amended.** Section 2305 of Title 32 of the Revised Statutes is amended to read as follows:

**§ 2305. Funds for enforcement**

The Insurance Commissioner is empowered to expend up to ~~20%~~ \$2,500 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~~ oil burning equipment. ~~Such expenditures of accrued funds shall terminate upon the employment of one or more state oil burner inspectors.~~

**Sec. 7. R. S., T. 32, § 2351, amended.** The last sentence of section 2351 of Title 32 of the Revised Statutes is amended to read as follows:

The members of the board shall each be allowed the sum of ~~\$15~~ \$20 per day and their necessary expenses for travel, board and room while attending to the necessary duties of their office.

**Sec. 8. R. S., T. 32, § 2355, amended.** The first paragraph of section 2355 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

The board shall investigate all complaints made to it and all cases of non-compliance with or violation of this chapter. The board shall have the authority to temporarily suspend a license until the complaint can be heard by the Administrative Hearing Commissioner. The Administrative Hearing Commissioner shall have the power to suspend or to revoke the license of any licensed oil burner man who is found guilty of:

**Sec. 9. R. S., T. 32, § 2401, repealed and replaced.** Section 2401 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

**§ 2401. License required**

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

Sec. 10. R. S., T. 32, §§ 2402-2404, repealed and replaced. Sections 2402 to 2404 of Title 32 of the Revised Statutes are repealed and the following enacted in place thereof :

§ 2402. Rules; fees; application; 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. The board may make such reasonable rules and regulations as it deems suitable concerning the term and type of experience required by candidates for examination.

2. Fees.

- A. Master, \$25;
- B. Journeyman, \$10;
- C. Apprentice, \$5.

3. Application. The board shall issue a master or journeyman license upon the payment of the proper fee, as set forth in subsection 2, to any person who applies therefor and who presents evidence to the board that he has the required experience for the type of license for which application has been made and who has satisfactorily met the examination requirements of the board.

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 chairman, which shall state the facts and which must be publicly displayed at the principal place of business of said oil burner man 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 defined.

§ 2403. Examinations

Applicants for a master or journeyman's oil burner license shall present to the chairman of the board, a written application for examination, containing such information as the board may require, accompanied by a fee of \$5. Examinations shall be in whole or in part in writing, shall be conducted by the board and shall be of a thorough and practical character commensurate with the responsibilities of the prospective license holder. Examinations may include questions on the Standards of the Oil Burner Men's Licensing Board, provisions of the National Electrical Code as may be applicable to oil burner installations, and other pertinent factors concerned with oil burner installations and oil burner equipment. Any person failing to pass his first examination may be reexamined at any subsequent meeting of said board upon payment of examination fee.

§ 2404. Renewals

All licenses issued shall expire December 31st of each year as to a master oil burner man and June 30th as to other licenses. They may be renewed thereafter for periods of one year without further examination upon the payment of the proper fee as set forth in section 2402. Any person who fails to renew his license within a period of 2 years from the date of issuance of his last license shall be required to take an examination.