

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 1563

S. P. 483

In Senate, March 17, 1971

Referred to Committee on Legal Affairs. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Dunn of Oxford.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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AN ACT Relating to Electrical Inspection.

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

R. S., T. 32, § 1104, repealed and replaced. Section 1104 of Title 32 of the Revised Statutes, as repealed and replaced by section 4 of chapter 385 of the public laws of 1965 and as amended by section 2 of chapter 69 of the public laws of 1967, is repealed and the following enacted in place thereof:

§ 1104. State electrical inspections

1. Appointment of State electrical inspectors. When funds are available, the Electricians Examining Board shall appoint one or more state electrical inspectors, subject to the Personnel Law, to enforce this chapter, the cost thereof, including necessary electrical testing equipment, to be drawn from the funds accruing from license fees under this chapter. Said inspectors shall act under the supervision of the executive secretary, subject to the directions of the board.

2. Electrical inspection. A state electrical inspector shall enter into and upon all buildings or premises within his jurisdiction and inspect the same upon:

A. Written complaint of any owner, lessee or tenant of a building; or

B. Written request of any supervising state fire inspector, fire chief, fire department inspector, local electrical inspector, or personnel of an electric utility company.

Any such entry shall be made only with the permission of the person having control of the building or premises, or upon the order of a court.

3. **Correction of defects.** Whenever any state electrical inspector shall find any electrical installation in any building or premises which does not comply with this chapter, he shall order the owner or person responsible for the building or premises to correct the specified deficiency within a prescribed period of time. Such order shall be complied with unless appealed as provided in this section.

4. **Appeal to Electricians Examining Board.** Any person ordered by a state electrical inspector to correct an electrical deficiency may appeal such order to the Electricians Examining Board by filing with that board within 48 hours of receipt of such order a written notice of appeal. The Electricians Examining Board shall review that appeal and issue its written decision thereof within 10 days after receipt of the notice of appeal. If that board directs correction of an electrical deficiency, it shall prescribe the time period for the requisite correction specified in its written decision. Such decision shall be complied with unless appealed as provided herein.

5. **Appeal to Administrative Hearing Commissioner.** Any person ordered by the Electricians Examining Board to correct an electrical deficiency may appeal such order to the Administrative Hearing Commissioner by filing with that commissioner within 48 hours of receipt of such order a written notice of appeal. The Administrative Hearing Commissioner shall review that appeal and issue his written decision thereof within 20 days after receipt of the notice of appeal. If that commissioner directs correction of an electrical deficiency, he shall prescribe the time period for the requisite correction specified in his written decision.

6. **Finality of decision.** The decision of the Administrative Hearing Commissioner on an appeal as provided shall be final and not subject to appeal under Title 5, chapter 307. An order by a state electrical inspector and an order by the Electricians Examining Board shall likewise be final and subject to no further appeal upon failure to file a timely, written appeal therefrom as provided.

7. **Enforcement by court order.** Upon the failure of any person to carry out a final order as provided, the Electricians Examining Board may petition the Superior Court for the county in which the building or premises are located for an injunction to enforce that order. If the court determines upon hearing such petition that a lawful, final order was issued, it shall order compliance.

## STATEMENT OF FACT

The present Revised Statutes, Title 32, section 1104 provides for an appeal from an order of a State Electrical Inspector to the Electricians Examining Board, which board regulates this field and supervises these inspectors. The right of one more appeal to an entirely detached reviewing body is essential to assure objectivity and impartiality.