

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 878

H. P. 651

House of Representatives, February 15, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Stillings of Berwick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Revising the Laws Relating to Electricians.

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

R. S., T. 32, c. 17, repealed and replaced. Chapter 17 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

SUBCHAPTER I

GENERAL PROVISIONS

§ 1101. Definitions

As used in this chapter, unless the context otherwise indicates, the following words and phrases shall have the following meanings:

1. Apprentice electrician. "Apprentice electrician" shall mean a person who is as defined in Title 26, chapter 11 and who is engaged in such a written agreement to work at and learn the trade of an electrician under the direct supervision of a master or journeyman electrician.

2. Electrical installations. "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 receptacle 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.

3. Helper electrician. "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 4.

4. Journeyman electrician. "Journeyman electrician" 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.

5. Limited license. 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 specific electrical installations only authorized by this license. The annual fee for a limited electrician's license shall be \$15.

6. Master electrician. "Master electrician" 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 in this chapter. 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.

§ 1102. Exceptions

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

1. Commissions. Any person, firm or corporation under jurisdiction of the Public Utilities Commission of this State, or the Federal Communications Commission or the Interstate Commerce Commission, or any employee of such person, firm or corporation for the purpose of making electrical installations in the course of such employment.

2. Utility corporations. Regular employees of utility corporations performing electrical work in connection with the construction, installation, operation, repair or maintenance of any utility by a utility corporation in rendering its authorized service, or in any way incidental thereto;

3. Mines, ships, carriers, sound equipment. The electrical work and equipment in mines, pipe-line systems, ships, railway rolling stock or automotive equipment, or the operation of portable sound equipment;

4. Certain laboratories. Installations in suitable laboratories of exposed electrical wiring for experimental purposes only;

5. Oil burner men. Any person duly licensed under chapter 33 subject to the restrictions of the license as issued;

6. Elevator mechanics. Any person licensed under Title 26, sections 439 to 442, subject to the restrictions of the license as issued.

§ 1102-A. Exceptions to licensing requirements

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

1. Industrial plants. Any electrical equipment and work including constructions, installation, operation, maintenance and repair in or about industrial or manufacturing plants or electrical generating plants;

2. Other properties of industrial plants. Any electrical equipment and work, including construction, installation, operation, maintenance and repair in, on or about other properties, equipment or buildings, residential or of any other kind, owned or controlled by the operators of industrial or manufacturing plants, provided such work is done under the supervision of an electrical engineer in the employ of said operator;

3. Manufacturers' plants. Any electrical installations or equipment involved in the manufacture, test or repair of electrical equipment in the manufacturer's plant.

§ 1103. Municipal licenses not required; municipal permits

No municipality, provisions in charters to the contrary, shall require electricians to be municipally licensed, nor shall any municipality issue a permit for an electrical installation unless satisfied that the person, firm or corporation applying for the permit complies with this chapter.

§ 1104. State electrical inspectors

State electrical inspectors, upon written complaint of any owner, lessee or tenant of a building, state fire inspector, fire chief, fire department inspector, personnel of an electric utility or local electrical inspector or whenever they shall deem it necessary at all reasonable hours, for purposes of examination, may enter into and upon all buildings or premises within their jurisdiction and inspect the same. They may enter any building only with the permission of the person having control thereof, or after hearing, upon order of court. Whenever any state electrical inspector shall find any electrical installation in any building or structure which does not comply with this chapter, he shall order the same to be removed or remedied and such order shall forthwith be complied with by the owner or occupant of such premises or buildings.

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.

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.

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.

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.

§ 1104-A. Failure to comply with order of inspector

If the owner or occupant of any building neglects or refuses without justification for more than 10 days to comply with any order of a state electrical inspector concerning electrical installations as provided in this chapter, he shall be punished by a fine of not less than \$5 for each day's neglect.

§ 1105. Violations; penalty

Any person, firm or corporation who makes electrical installations without being licensed as provided in this chapter; any person, firm or corporation who, being in such business, employs an unlicensed person, firm or corporation to do such work, unless he is an apprentice electrician or an electrician's helper as set forth in this chapter, unless the person, firm or corporation or work is exempted under section 1102 or 1102-A; any person, firm or corporation who procures a license as provided in this chapter wrongfully or by fraud; or any person, firm or corporation who violates this chapter or rules or regulations promulgated thereunder, or standards adopted by the board, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.

Nothing in this chapter shall prevent a person from making electrical installations in a single family residence occupied by him or to be occupied by him as his bona fide personal abode, providing such installation conforms with the standards of the National Electric Code.

SUBCHAPTER II

ELECTRICIANS' EXAMINING BOARD

§ 1151. Appointment; vacancies; removal; compensation

An Electricians' Examining Board, as heretofore established and in this chapter called the "board", shall consist of an executive secretary, who shall

be the Commissioner of Public Safety or a representative appointed by said commissioner, with the approval of a majority of the board, 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 appointed from a slate, at the time of each such appointment, of 3 persons nominated by the State Electrical Associates. Said appointive members shall consist of one master electrician, one electrician who is a bona fide member from organized labor classified as an inside electrician, one electrical inspector and 2 other persons experienced in the electrical field, all with at least 10 years' experience in the electrical field and the latter 3 need not be active electricians at the time of appointment.

Said appointive members shall be appointed for a term of 5 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 was the board member being replaced, to hold office during the unexpired term of the member whose place is thus filled.

Any appointive 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, other than state employees, shall each be allowed the sum of \$30 per day and their necessary traveling expenses for actual attendance at meetings of the board held for the purposes of examining candidates, hearing on complaints or conducting business required of the board.

Annually, in the month of January, the 5 appointive members of the board shall choose one of their members to act as chairman.

§ 1152. Employees

The Commissioner of Public Safety, with the advice and consent of the board, shall be empowered to appoint, subject to the Personnel Law, such employees as may be necessary to carry out this chapter. Any persons so employed shall be located in the Department of Public Safety and under the administrative and supervisory direction of the Commissioner of Public Safety.

Electrical inspectors appointed under this section shall have the same powers throughout the several counties of the State, as sheriffs have in their respective counties, relating to enforcement of this chapter and rules and regulations promulgated thereunder.

§ 1153. Meetings; rules and regulations

The board shall hold regular meetings semiannually and such other meetings as they determine are necessary. Said board shall keep correct records of all its proceedings and shall be authorized to make such rules and regulations as it shall deem necessary for the holding of examinations and for carrying out this chapter, and to provide for reciprocity of licensing with similar boards of other states which maintain standards at least equal to this State.

§ 1153-A. Standards; installation

All installations of electrical equipment shall comply with the current edition of the National Electrical Code, pamphlet #70, published by National Fire Protection Association and with applicable statutes of the State and all applicable ordinances, orders, rules and regulations of any city or town or the Electricians' Examining Board.

§ 1154. Disposal of fees

All fees received by the board shall be paid by the executive secretary to the Treasurer of State to be used for carrying out this chapter. Any balance of said fees shall not lapse but shall be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

§ 1155. Investigation of complaints; revocation of license

The board shall investigate or cause to be investigated all complaints made to it and all cases of noncompliance with or violation of this chapter. The board shall have the authority, after hearing, to suspend a license until said complaint can be heard by the Administrative Hearing Commissioner. The Administrative Hearing Commissioner shall have the power to suspend or revoke the license of any licensed electrician 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 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.

The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been revoked, providing 3 or more members of the board vote in favor of such reissuance.

§ 1156. Records

The board shall keep a record of the name and residence of all persons licensed under this chapter and a record of all moneys received and disbursed by it. Said records or duplicates thereof shall be open for inspection during office hours. The board shall at least once each biennium publish a roster of all licenses, which shall be available at cost to the public.

SUBCHAPTER III

LICENSES

§ 1201. License required

No electrical installations shall be made except as provided in this chapter, unless made by an electrician or other person licensed by the board.

§ 1202. Issuance of licenses

1. Application; qualifications. The board shall issue a license to any person who files a sworn application therefor and who meets the following qualifications:

A. For a journeyman electrician's or limited license 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. For a master electrician's license at least one year's service as a journeyman electrician or at least 3 years' service as an apprentice or helper electrician;

B. Satisfactory passing of an examination conducted by said board as provided in section 1203 to determine his fitness to receive such license.

2. Apprentice or helper. The board may issue a license upon payment of a fee of \$1 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 electrician as an apprentice electrician or to assist him as an electrician's helper. Any such person employed by an electrician as an apprentice for the purpose of qualifying for any license mentioned in section 1203, or as electrician's helper, shall apply for a license as such immediately after commencing such employment.

3. Certificate. All persons licensed by the board shall receive a certificate thereof under the seal of the board and with the signature of the executive secretary, which shall state the facts and which must be publicly displayed at the principal place of business of said electrician 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.

§ 1203. Examinations

The following applicants for license shall present to the executive secretary of the board a written application for examination and license, containing such information as the board may require, accompanied by the required fee of \$25 for a master electrician's license, \$10 for a journeyman's license and \$5 for a type S journeyman's license. 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. They shall include such provisions of the National Electrical Code as the board may deem appropriate.

Applications for a first examination shall be received by the board at least 15 days prior to a scheduled meeting of the board. Any person failing to pass his first such examination shall be reexamined at any subsequent meeting of said board, within one year of such first examination, without additional fee and thereafter shall be examined as often as he may desire, upon payment of the application fee as set forth in this section.

§ 1204. Renewals

All licenses issued shall expire December 31st of each year as to master electricians and June 30th as to other licensees and 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 1203. Any person who fails to renew his license for a period of over 2 years shall be required to take an examination, providing that any person, who fails to so renew his license due to the fact he was on active duty in the Armed Forces of the United States, shall not be required to take such examination, if he renews his license within 90 days from the date of his separation under conditions other than dishonorable from the Armed Forces of the United States. Such waiver of examination shall not be granted if the person served more than 4 years in the Armed Forces, except if he be required by some mandatory provision to serve any longer period and he shall submit satisfactory evidence thereof to the board.

Any master electrician giving up his master's license for a lower grade license will be required to successfully pass an examination in order to reinstate his master license.

STATEMENT OF FACT

The purpose of this bill is to clarify responsibilities and authority of electricians, the Electricians' Examining Board and the Commissioner of Public Safety, as well as remove ambiguities from the law.