

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 813

S. P. 256

In Senate, March 9, 1977

Referred to the Committee on Business Legislation. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Pierce of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Relating to the Licensure of Plumbers.

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

Sec. 1. 32 MRSA § 3301, sub-§ 1, as repealed and replaced by PL 1975, c. 118, § 1, is repealed and the following enacted in its place:

1. Apprentice plumber. "Apprentice plumber" shall mean any person who is an apprentice as defined in Title 26, chapter 11 and who, under written agreement, is engaged in learning and assisting in the installation of plumbing under the direct supervision of a journeyman plumber or a master plumber. The biennial renewal fee for an apprentice plumber license shall be \$4.

Sec. 2. 32 MRSA § 3301, sub-§ 3, is repealed and the following enacted in its place:

3. Journeyman plumber. "Journeyman plumber" shall mean any person doing the work of installing plumbing and in the employment of a master plumber. The biennial renewal fee for a journeyman plumber's license shall be \$30.

Sec. 3. 32 MRSA § 3301, sub-§ 4 is repealed and the following enacted in its place:

4. Limited license. "Limited license" shall mean a limited plumber's license to install and service plumbing work related to a specific type of plumbing equipment or to specific plumbing installations shall be granted to any person who has passed a satisfactory examination before the board. It shall specify the name of the person who shall be limited to engage in the occupation of installing and servicing the plumbing work related to the type of equipment or to specific plumbing installations only as authorized by the license.

Sec. 4. 32 MRSA § 3301, sub-§ 5, as repealed and replaced by PL 1973, c. 521, § 9, is repealed and the following enacted in its place:

5. **Master plumber.** "Master plumber" shall mean any person, firm or corporation, qualified under this chapter, engaging in, or about to engage in, the business of installing plumbing or plumbing systems. The license 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 the 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, that person. The biennial renewal fee for a master plumber's license shall be \$80.

Sec. 5. 32 MRSA § 3301, sub-§ 6, as enacted by PL 1975, c. 118, § 2, is repealed and the following enacted in its place:

6. **Plumbing.** "Plumbing" means the practice, materials and fixtures used in the installation, maintenance, extension, alteration and removal of all piping, plumbing fixtures, plumbing appliances and plumbing appurtenances in connection with any of the following: Sanitary drainage or storm facilities and venting system and the public or private water supply systems within or adjacent to any building, structure or conveyance and also the practice and materials used in the installation, maintenance, extension, alteration or removal of storm water, refrigeration and air conditioning drains, liquid waste or sewage, and water supply systems of any premises to their connection with the public water supply systems or to an acceptable disposal facility.

Except for the initial connection to a potable water supply and the final connection that discharges indirectly into a public or private disposal system, the following are excluded from this definition: All piping, equipment or material used exclusively for environmental control, for incorporation of liquids or gases into any product or process for use in the manufacturing or storage of any product, including product development, or the installation, alteration, repair or removal of automatic sprinkler systems installed for fire protection only or their related appurtenances or standpipes connected to automatic sprinkler systems or overhead or underground fire lines beginning at a point where water is used exclusively for fire protection.

Sec. 6. 32 MRSA § 3301, sub-§ 7 is enacted to read:

7. **Trainee plumber.** "Trainee plumber" shall mean any person who is engaged in assisting in making plumbing installations under the direct supervision of a journeyman plumber or a master plumber but who does not qualify under subsection 1. The biennial renewal fee for a trainee plumber license shall be \$4.

Sec. 7. 32 MRSA § 3302, as repealed and replaced by PL 1973, c. 521, § 6, is repealed and the following enacted in its place:

§ 3302. Applicability

1. **License required.** A license shall be required for any person, corporation, partnership or other entity who is engaged in plumbing or working in

plumbing. No license is required for any activity for which a permit is not required under Title 30, section 3223 or its successor. This section shall not apply to the following:

A. Employees of public utilities. Plumbing by regular employees of public utilities as defined in Title 35, section 15, when working as such;

B. Licensed oil burner men. Plumbing by oil burner men, duly licensed under chapter 33, provided that this exception only applies to hot and cold water connections to existing piping in the same room where an oil burner is being installed and does not apply beyond any existing branch connection supplying water; and

C. Private owners. Plumbing in a dwelling house or place and its appurtenant structures by the owner thereof.

2. Municipal licenses not required. No municipality shall require plumbers to be municipally licensed nor shall any municipality issue a permit for any plumbing installation unless satisfied that the person, firm or corporation applying for the permit complies with this chapter.

3. Supervision of apprentice and trainee plumber. Each master plumber or journeyman plumber may have one apprentice or one trainee plumber working with him and under his personal supervision.

Sec. 8. 32 MRSA § 3303 is repealed.

Sec. 9. 32 MRSA § 3304, as last amended by PL 1973, c. 521, § 7, is repealed and the following enacted in its place:

§ 3304. Penalties

1. Fines. Any person who engages in or works in plumbing without having first obtained a license as required by this chapter shall be punished by a fine of not less than \$25 nor more than \$100 for a first offense and by a fine of not less than \$100 nor more than \$250 for a 2nd or subsequent offense.

2. Nuisances. It is hereby declared to be a public nuisance for any person to perform any acts for which a license is required by this chapter without having in effect such a license. The commissioner or any aggrieved party may file a complaint in the Superior Court for the county in which the nuisance exists to enjoin the nuisance.

Sec. 10. 32 MRSA § 3305, as enacted by PL 1973, c. 521, § 8, is repealed.

Sec. 11. 32 MRSA § 3401, 1st sentence, as last amended by PL 1975, c. 771, § 362, is further amended to read:

A Plumbers' Examining Board, as heretofore established, shall consist of an executive officer who shall be the Director of the Division of ~~Sanitary~~ Health Engineering of the Bureau of Health and 3 other members, hereinafter called the appointive members, who shall be appointed by the Governor.

Sec. 12. 32 MRSA § 3401 is amended by adding at the end the following new sentence:

The board shall have the authority to examine and license plumbers.

Sec. 13. 32 MRSA § 3402 is repealed and the following enacted in its place:

§ 3402. Employees

The Commissioner of Human Services, 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 person so employed shall be located in the Department of Human Services and under the administrative and supervisory direction of the Commissioner of Human Services.

Sec. 14. 32 MRSA § 3403, 1st sentence, as amended by PL 1975, c. 575, § 39, is further amended to read:

The board shall hold regular meetings semiannually and shall hold additional meetings at such other times as they shall determine by their rules, or upon request of the 3 appointive members of their board, or upon request of the Director of the Division of ~~Sanitary~~ Health Engineering.

Sec. 15. 32 MRSA § 3404, as amended by PL 1973, c. 303, § 3, is repealed and the following enacted in its place:

§ 3404. 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 the complaint can be heard by the Administrative Court Judge. The Administrative Court Judge shall have the power to suspend or revoke the license of any licensed plumber who is found guilty of:

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

2. Negligence or misconduct. Any gross negligence, incompetency or misconduct in the performance of the work of making plumbing installations. Continued failure to conform with applicable regulations of the State of Maine Plumbing Code or of other codes which have been approved by the department 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 the reissuance.

Sec. 16. 32 MRSA § 3501 is repealed and the following enacted in its place:

§ 3501. Plumbing licenses

1. License required. No plumbing installation shall be made, except as provided in this chapter, unless done by a plumber or other person licensed by the board.

2. **Issuance of licenses; 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 plumber's license or a limited plumber's license, at least 2 years' service as an apprentice or trainee plumber or its equivalency, except that the board may give such credit as it deems justified toward service for satisfactory completion of a course of instruction in the trade in a school approved by the board. Any person qualified under Title 20, section 2361, shall be eligible to write the journeyman plumber's examination; or for a master plumber's license, at least one year's service as a journeyman plumber or at least 3 years' service as an apprentice or trainee plumber or its equivalency; and

B. Satisfactory passing of an examination conducted by the board, as provided in subsection 5, to determine his fitness to receive a license.

3. **Apprentice or helper.** The board may issue a license, without examination, to any person who applies therefor and pays a fee of \$2, provided the applicant submits evidence satisfactory to the board that he has entered the employ of a licensed master plumber as an apprentice or to assist him as a plumber's trainee. Any person employed by a plumber as an apprentice or a plumber's trainee shall apply for a license immediately after commencing employment.

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 executive officer, which shall state the facts and which must be publicly displayed at the principal place of business of the plumber or, if no such place of business, shall be carried on the person and displayed at any time upon request, as long as that person continues in the business as defined.

5. **Examinations.** The following applicants for license shall present to the executive officer of the board a written application for examination and license, containing such information as the board may require, accompanied by the required fee of \$15 for a master plumber's examination, \$10 for a journeyman plumber's examination and \$15 for a limited plumber's examination. 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.

Applications for a first examination shall be received by the board at least 15 days prior to a scheduled meeting of the board.

The passing grade on any examination shall be not less than 70%. A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the board. Any candidate for registration having an average grade of less than 50% may not apply for reexamination for one year.

When the unexpired term of license of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed $\frac{1}{2}$ the biennial license renewal fee.

Sec. 17. 32 MRSA § 3502, as amended by PL 1965, c. 234, § 3, is repealed.

Sec. 18. 32 MRSA § 3503, as amended by PL 1965, c. 234, § 4, is repealed.

Sec. 19. 32 MRSA § 3504, as amended by PL 1965, c. 234, § 5, is repealed and the following enacted in its place:

§ 3504. Renewals

All licenses shall expire October 31st of each biennial period as to master plumbers and April 30th of each biennial period as to other licensees and may be renewed thereafter for 2-year periods without further examination, upon the payment of the proper renewal fee as set forth in section 3301. The expiration dates for licenses issued under this chapter may be established at such other times as the Commissioner of Human Services may designate. Any person who fails to renew his license within 90 days following the expiration date shall be required to take an examination, provided 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 an 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. The waiver of examination shall not be granted if the person served more than 4 years in the Armed Forces, unless he was required by some mandatory provision to serve a longer period and he shall submit satisfactory evidence thereof to the board.

The board shall notify everyone registered under this chapter of the date of expiration of his license and the fee required for its renewal for a 2-year period. The notice shall be mailed to the person's last-known address at least 30 days in advance of the expiration date of his license.

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

Sec. 20. 32 MRSA § 3505, as last amended by PL 1975, c. 510, § 43, is repealed.

Sec. 21. 32 MRSA § 3505-A, as repealed and replaced by PL 1975, c. 118, § 4, is repealed.

Sec. 22. 32 MRSA § 3506, as amended by PL 1965, c. 234, § 8, is repealed.

STATEMENT OF FACT

The purpose of this bill is to change the provisions of the licensure of plumbers.