

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

SECOND REGULAR SESSION

---

---

ONE HUNDRED AND EIGHTH LEGISLATURE

---

---

**Legislative Document**

**No. 2120**

H. P. 2056

House of Representatives, January 27, 1978

Filed by the Joint Standing Committee on Energy under Joint Rule 17.

EDWIN H. PERT, Clerk

---

---

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-EIGHT

---

**AN ACT to Revise the Authority of the Oil Burner Men's Licensing Board to  
Inspect and Approve Most Fuel Burning Equipment.**

---

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

Sec. 1. 32 MRSA c. 33, as amended is repealed.

Sec. 2. 32 MRSA c. 87, is enacted to read:

**CHAPTER 87**

**FUEL BURNER BOARD**

**SUBCHAPTER I**

**GENERAL PROVISIONS**

**§ 7301. Definitions**

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

1. **Accessory equipment.** "Accessory equipment" shall include, but not be limited to, fans, blowers, pumps, motors, fuel valves, flow control valves, metering valves, heat reclaimers, stack dampers, fuel economizers, flue

connectors, controls, combustion improvers, antipollution devices and draft inducers or regulators used on or in conjunction with fuel burning equipment, except equipment designed exclusively for the burning of wood.

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

3. **Approved.** "Approved" shall mean acceptable to the Fuel Burner Board as to design, construction, installation or intended use as required by the standards adopted by the board. Devices listed for a specific purpose by Underwriters Laboratories, Inc., may be considered as meeting the requirements of the standards. All other equipment shall be submitted to the board for review. The board may require that equipment shall be tested by either the Department of Industrial Cooperation, University of Maine, or Southern Maine Vocational-Technical Institute.

4. **Fuel burner installations.** "Fuel burner installations" shall mean the installation, alteration or repair of fuel burning equipment, as defined in this chapter, including industrial, commercial and domestic type central heating plants, fuel burning stoves, except wood stoves as defined in this chapter, 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 connections supplying water.

5. **Fuel burning equipment.** "Fuel burning equipment" shall include, but not be limited to, burners, boilers, furnaces, stoves, water heaters, portable heaters, unit heaters, ranges or any combination thereof, whether they are used for residential, commercial or industrial purposes, except wood stoves, as defined in subsection 8.

6. **Journeyman.** "Journeyman" shall mean a person who is qualified under this chapter to clean, service and repair fuel burning equipment. The journeyman shall install fuel burner equipment only under the supervision of a master licensed under this chapter who shall be responsible for ensuring that the installation is made in accordance with the National Fire Protection Association Standard No. 31 and other applicable standards and regulations adopted by the board governing the installations, and that master shall provide the board with a written certification setting forth the location of the installation and that the installation

does satisfy all requirements of the board. Applicants for a license of this classification shall present evidence of at least one year's practical experience to the board, or a certificate of course completion of a course of at least 1,000 hours of instruction approved by the Department of Educational and Cultural Services, completed at a Maine vocational-technical institute, a Maine vocational region or a Maine regional vocational-technical center.

7. Master. "Master" shall mean a person qualified under this chapter engaging in or about to engage in the business of installing or servicing fuel burning equipment and who presents to the board satisfactory evidence that he has 4 years of practical experience.

8. Wood stove. "Wood stove" shall mean any stove designed exclusively to burn wood for purposes of heat or cooking, but shall not include wood stoves designed as furnaces attached to a central heating system.

#### § 7302. Exceptions

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

1. Electricians. Any electrician duly licensed under chapter 17, insofar as the installation of electrical equipment or the performance of any electrical work involved in the installation of fuel burners is concerned;

2. Plumbers. Any plumber duly licensed under chapter 49, insofar as the work covered by that chapter is involved; and

3. Plants. A person either holding an engineer's license issued under Title 26, section 178, or working under the general supervision of one so licensed while performing fuel burner repair and maintenance as is necessary in the steam or heating plant where he is employed, provided this work is performed in compliance with section 7303; or a person employed by companies under the jurisdiction of the Public Utilities Commission or the United States Atomic Energy Commission whose facilities are subject to inspection; or a person operating a fuel burning water tube boiler with outputs of 20,000 pounds of steam per hour capacities and above.

Nothing in this chapter shall require the approval, inspection or licensed installation of a wood stove, as defined in section 7301, subsection 8.

Nothing in this chapter shall prevent a person from installing fuel burning equipment in his own single family residence which is his bona fide personal abode, providing that installation conforms with the National Fire Protection Association Standard No. 31.

#### § 7303. Installations to conform to standards

No fuel burning equipment required to be approved under this chapter shall hereafter be sold or installed in this State unless it is approved by the board and installed in accordance with the standards adopted by the board. No installation of fuel burning equipment, as defined in this chapter, shall hereafter be made unless the installation complies with the then current edition of the National Fire Protection Association Standard No. 31 and with all other standards and regulations adopted by the board. Whenever any inspector shall find a person installing or assisting in a fuel burner installation, the person shall, on request of the inspector, provide evidence of being properly licensed, when required by this chapter, and if unable to provide the evidence shall furnish the inspector with his full name and address.

**§ 7304. Municipal licenses not required; state and municipal permits**

No municipality shall require licenses for the installation of fuel burning equipment. The State and municipalities may require permits for the work, but shall issue them only to persons meeting the requirements of this chapter.

**§ 7305. State fuel burner inspectors**

State fuel burner 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 of the fuel burner installation that does not comply with the requirements of this chapter, may enter into and upon all buildings or premises within their jurisdiction and inspect the installation. The inspectors may enter any building only with the permission of the person having control thereof or, after hearing, upon order of the court. Whenever any fuel burner inspector finds any fuel burner installation in any building or structure which does not comply with the requirements of this chapter, he shall order the fuel burner to be removed or remedied, and the installer or the owner or occupant of the building shall expeditiously comply with the order. The installer, owner or occupant may, within 7 days, appeal to the Fuel Burner Board, which shall, within 10 days, review the order and file its decision thereon, which decision shall be complied with within such time as may be fixed in the decision of the board. In the event any person, firm or corporation fails or refuses to carry out any order of the fuel burner inspector or decision of the board, a court may order appropriate injunctive relief.

**§ 7306. Failure to comply with order of inspector**

If the installer, owner or occupant of any building neglects or refuses, without justification, for more than 10 days to comply with any order of a fuel burner inspector concerning fuel burner installations as provided by this chapter, he shall be deemed to have committed a civil violation for which a forfeiture of not less than \$25 for each day's neglect shall be adjudged.

**§ 7307. Violations; penalty**

Any person, firm or corporation who makes a fuel installation without having first obtained a license as provided by this chapter; any person, firm or corporation who employs an unlicensed person, unless the work is exempted by this chapter; any person who procures any license wrongfully or by fraud; or any person, firm or corporation who violates the provisions of this chapter, rules or regulations promulgated thereunder, or standards adopted by the board, shall be deemed to have committed a civil violation for which a forfeiture of not more than \$500 may be adjudged.

**SUBCHAPTER II  
LICENSING BOARD**

**§ 7351. Appointment; vacancies, removal, compensation**

The Fuel Burner Board, as heretofore established and in this chapter called the "board," shall consist of an executive secretary, who shall be the Commissioner of Business Regulation or a representative appointed by the commissioner, with the approval of a majority of the board, and 5 other members hereinafter called the "appointive members," who shall be appointed by the Governor with the advice and consent of the Council.

Four of the appointive members shall be fuel burner persons who are active in the trade, 2 of whom shall have had at least 5 years' and the other 2 of whom at least 10 years' experience as such. At the time of each appointment, 2 of the fuel burner members shall be appointed from a slate of 3 persons nominated by the Maine Oil Dealer's Association. One of the appointive members shall be a representative of the public.

The appointive members shall be appointed for terms of 2 years. As the term of each appointive member expires, he may be reappointed or a new member appointed.

Any vacancy in the board caused by death, resignation or removal of any member shall be filled by the appointment of a person qualified as the board member being replaced, to hold office during the unexpired term of the member whose place is being filled.

Any appointive member of the board may be removed from the office 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, hearings 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 as chairman.

The executive secretary shall be a voting member of the board.

§ 7352. Employees

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

Fuel burner 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 the provisions of this chapter, standards adopted thereunder and rules and regulations promulgated thereunder.

§ 7353. Meetings; rules and regulations

The board shall hold regular meetings semiannually and such other meetings as they determine are necessary. The board shall keep proper records of its proceedings and shall be authorized to adopt standards and 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.

The board may establish fees and charges necessary for covering the costs incurred for approving and testing equipment. The manufacturer or his representative shall be required to pay all fees and charges established by the board.

§ 7354. 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 these 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.

§ 7355. Investigation of complaints; suspension or revocation of licenses

The board shall investigate 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 fuel burner person who is found guilty of:

1. **Fraud or deceit.** The practice of 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 the fuel burner installations. Continued failure to conform to standards or rules and regulations adopted by the board shall be prima facie evidence of gross negligence or incompetency. Any license suspended by the board or suspended or revoked by the Administrative Court Judge shall be immediately surrendered to the board and held by the board during any period of suspension, or if revoked, until reinstated as provided in this chapter.

There shall be no appeal from the failure of the board to issue a license as a result of an applicant failing to pass an examination where the results of the examination have been unanimously certified by the board to be correct.

The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been revoked, provided a majority of the board vote in favor of the reissuance.

#### § 7356. 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. These records or duplicates thereof shall be open for inspection during office hours.

#### § 7357. Reports

Not later than August 1st of each year, the board shall submit to the Commissioner of Business Regulation, for the preceding fiscal year ending June 30th, an annual report of its operations and financial position, together with such comments and recommendations as the board deems essential.

### SUBCHAPTER III

#### LICENSES

#### § 7401. License required

All fuel burning equipment, as defined in this chapter, shall be serviced or installed by a person licensed by the board, except as provided in this chapter.

#### § 7402. Rules; fee; 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 licenses to cover the various types of fuel burner installations as set forth in section 7301. 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. The board shall require the following fees for licenses and renewal of licenses:

- A. Master, original license, \$25; biennial renewal fee, \$50;
- B. Journeyman, original license, \$10; biennial renewal fee, \$20; and
- C. Apprentice, original license, \$5; biennial renewal fee, \$10.

When the unexpired term of a 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  $1/2$  the biennial renewal fee.

3. Application. The board shall issue a license, upon payment of the proper fee, to any person who applies therefor, presenting evidence that he has the required experience for that type of license and who has satisfactorily met the examination requirements of the board.

4. Certificate. All persons licensed by the board shall receive a certificate from the board which bears the seal of the board. The certificate shall contain the necessary information as determined by the board. The certificate shall be visibly displayed at the principal place of business of the licensed fuel burner person. In the event that a licensed fuel burner person does not have a principal place of business, he shall present the certificate at any time upon request.

#### § 7403. Examinations

Applicants for a master or journeyman's fuel burner license shall present to the executive secretary 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 type of license for which the applicant applied.

Examinations may include questions on the standards of the Fuel Burner Board, provisions of the National Electrical Code as may be applicable to burner installations and fuel burner equipment. A person failing to pass his first examination may be reexamined at any subsequent meeting of the board, upon payment of the examination fee.

#### § 7404. Renewals

All master licenses shall expire biennially on September 30th and all other licenses in this chapter shall expire biennially on March 31st. The expiration dates for licenses issued under this chapter may be established at such other times as

the Commissioner of Business Regulation may designate. Licenses may be renewed on a biennial basis without further examination, upon the payment of the proper fee. The board shall notify everyone registered under this chapter of the date of expiration of his license and the amount of fee required for its renewal for a 20-year period. 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 person who fails to renew his license within a period of 90 days following the expiration date shall be required to pass an examination.

#### STATEMENT OF FACT

The intent of this bill is to provide the Fuel Burner Board, previously the Oil Burner Men's Licensing Board, with the authority to approve all fuel burning equipment sold in Maine, with the exception of wood stoves, in order to protect the public. At the present time, the Oil Burner Men's Licensing Board's approval authority is limited to specific equipment. This bill will insure the consumer that fuel burning equipment marketed in Maine meets all fire and safety standards.

According to the provisions of this bill, an individual may install any fuel burning equipment in his own home as long as the installation meets the standards of the National Fire Protection Association and any other standards of the board. State fuel burner inspectors may inspect the installation of any fuel burning equipment. Inspectors, however, shall have a court order or the permission of the owner to enter the premises to conduct an inspection.

By inspecting installations and approving fuel burning equipment, the Fuel Burner Board will protect Maine citizens from hazardous equipment and unsafe installations.