

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1475**

H. P. 1169

House of Representatives, March 23, 1979

On Motion of Mrs. Kany of Waterville, referred to the Committee on Business Legislation. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Howe of South Portland.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT Relating to the Testing and Product Approval Authority of the Energy Testing Laboratory of Maine and Creating a Board of Directors for that Laboratory.**

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

20 MRSA c. 310 is enacted to read:

**CHAPTER 310  
ENERGY TESTING LABORATORY  
OF MAINE**

§ 2411. Establishment

There is established the Energy Testing Laboratory of Maine, hereafter referred to as the "testing laboratory," which shall be under the control of the State Board of Education and the department's Bureau of Vocational Education and shall be located at Southern Maine Vocational-Technical Institute campus in South Portland.

§ 2412. Authority

The testing laboratory shall be authorized to:

1. **Testing.** Test, list and label energy related equipment for manufacturers;
2. **Product approval.** Work with manufacturers, representatives of governmental, public and private agencies and special interest groups for product approval, training, code compliance and education on new energy related equipment;
3. **Copyright; patent.** Copyright or patent, or both, as needed to protect its ideas and equipment;
4. **Listing directory.** Publish a listing directory;
5. **Listing labels.** Sell listing labels;
6. **Reports.** Provide test reports to manufacturers; and
7. **Consultant services.** Act as a consultant to manufacturers and agents in an advisory capacity and may lease or purchase or construct any items or space deemed necessary for its operation by its board of advisors and approved by the department.
  - A. All leasing, purchasing or constructing expenses shall be paid for by fees collected from manufacturers or agents.

§ 2413. Application for testing

1. **Application.** Manufacturers desiring to have their products tested shall submit a product testing application to the testing laboratory.
2. **Contents.** The application shall include:
  - A. The name and address of the manufacturers;
  - B. The name and model number of the product or products to be tested; and
  - C. A brief description of the product and its intended use.
3. **Data.** Upon request of the testing laboratory, the manufacturer shall also provide blueprints, wiring diagrams, piping diagrams, engineering data, installation and operating instructions and other similar information.
4. **Confidential files.** This information shall be confidential and shall remain on file with the Energy Testing Laboratory of Maine.
5. **Review and test cost.** Applications will be reviewed for product testing and the manufacturer will be provided with an estimated test cost.

§ 2414. Product testing procedures; liability

Products submitted to the testing laboratory for testing shall be tested in accordance with the appropriate test criteria, except when testing for an approval agency, and the approval agency has established published test criteria, the latter shall be used.

**1. Liability.** The testing laboratory shall not be liable for damages incurred to a manufacturer's product while in the testing laboratory's possession.

**§ 2415. Organization and employees**

**1. Board of directors.** The testing laboratory shall be under the direction of a board of directors. The board shall consist of the following members:

- A. The State Fire Marshal or his designee;**
- B. The Director of the Office of Energy Resources or his designee;**
- C. One member of the Oil Burnermen's Licensing Board elected by the membership of that board;**
- D. One member of the Board of Boiler Rules elected by the membership of that board;**
- E. Two representatives of manufacturers of energy related equipment appointed by the Governor;**
- F. Two representatives of companies involved in the installation but not in the manufacture, of energy related equipment appointed by the Governor;**
- G. Two representatives of the public appointed by the Governor;**
- H. Two representatives of the insurance industry appointed by the Governor; and**
- I. The Director of Southern Maine Vocational-technical Institute or his designee.**

**2. Term of office.** Members of the board who are appointed or elected shall be appointed or elected for terms of 2 years and shall serve until their successors are selected and qualified.

**3. Compensation; expenses.** Members of the board shall receive no compensation but shall be reimbursed for necessary expenses incurred in the discharge of their duties at the same rates as would apply to employees of the State, subject to appropriations made.

**4. Duties of the board of directors.** The board of directors shall have the following powers and duties:

- A. To hire, subject to the Personnel Law, such employees as it deems necessary to carry out the purposes of this chapter;**
- B. To establish appropriate equipment testing criteria and testing standards for the testing laboratory;**
- C. To establish all fees for testing done by the testing laboratory and to publish a schedule of testing fees;**

**D. To make such rules and regulations, subject to the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, as the board of directors shall deem necessary to carry out the purposes of this chapter; and**

**E. To do such other things as are necessary to perform its duties under this chapter.**

**§ 2416. Collection and disposal of fees**

**1. Payment of fees. The manufacturer or his representative shall be required to pay all fees and charges for services rendered by the testing laboratory and all fees and charges shall be paid to the testing laboratory upon request.**

**2. Separate account; nonlapsing. All fees received by the testing laboratory shall be paid to the Treasurer of State who shall place them in a separate account and they shall be used for carrying out the purposes of this chapter or as otherwise directed by the State Board of Education.**

**A. Any balance of paid fees shall not lapse, but shall be carried forward as a continuing account to be expanded for the same purpose in the following fiscal years.**

**§ 2417. Records**

**The testing laboratory shall keep records of all tests conducted and all moneys received and disbursed by it.**

**STATEMENT OF FACT**

**The purpose of this bill is to establish an Energy Testing Laboratory of Maine under the control of the State Board of Education and the Bureau of Vocational Education, Department of Educational and Cultural Services.**