

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1351

H.P. 973

House of Representatives, April 26, 1989

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

Reference to the Committee on Business Legislation suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative TELOW of Lewiston.
Cosponsored by Representative GURNEY of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act Amending the Maine Board of Oil and Solid Fuel Dealers Law.



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

3 **Sec. 1. 32 MRSA §2315**, as amended by PL 1987, c. 395, Pt. A,
5 §168, is further amended to read:

7 **§2315. State oil and solid fuel compliance officers**

9 State oil and solid fuel compliance officers, upon written
11 complaint of any owner, lessee or tenant of a building, state
13 fire inspector, fire chief, fire department inspector, personnel
15 of an electric utility or local electrical inspector, or whenever
17 they shall deem it necessary, for purposes of examination of the
19 burner installation, may at all reasonable hours enter into and
21 upon all buildings or premises within their jurisdiction and
23 inspect the buildings or premises. The inspectors may enter any
25 building only with the permission of the person having control
27 thereof or, after hearing, upon order of the court. Whenever any
29 such compliance officer shall find any burner installation in any
31 building or structure which does not comply with the requirements
33 of this chapter, he that officer shall order the burner to be
removed or remedied, and the order shall forthwith be complied
with by the owner or occupant of that building or structure or
the installer of the equipment. The owner ~~or~~, occupant or
installer may, within 7 days, appeal to the Oil and Solid Fuel
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 such order of any oil or solid fuel burner compliance
officer or decision of the board, a court may order appropriate
injunctive relief. State oil and solid fuel compliance officers
shall have the authority to review the burner installation
records of any person licensed under this chapter.

35 **Sec. 2. 32 MRSA §2316**, as enacted by PL 1979, c. 569, §4, is
37 amended to read:

39 **§2316. Failure to comply with order of compliance officer**

41 If the owner ~~or~~, occupant of any building or an installer
43 neglects or refuses, without justification, for more than 10 days
45 to comply with any order of an oil or solid fuel burner
47 compliance officer concerning oil or solid fuel burner
installations as provided by this chapter, he that person commits
a civil violation for which a forfeiture of not less than \$5 for
each day's neglect may be adjudged.

49 **Sec. 3. 32 MRSA §2406** is enacted to read:

51 **§2406. Corporations, firms and partnerships**

1 The board may issue a master oil burner or solid fuel burner
3 technician license to a corporation, firm or partnership which
5 submits an application for a license on a form prescribed by the
7 board. Such a license shall not be issued unless the applicant
9 provides satisfactory evidence that it has a licensed master oil
11 burner or solid fuel burner technician directly in charge of its
13 heating business activities who is an officer in the case of a
15 corporation, or full-time employee, in the case of a firm or
17 partnership, and the license shall be issued in the name of that
 master oil burner or solid fuel burner technician. Upon the
 death or severance from the company of the licensed master oil
 burner or solid fuel burner technician in whose name the company
 license is held, the company license shall automatically
 terminate 30 days from the date of that death or severance,
 unless the company applies for reissuance of its license in the
 name of another licensed master oil burner or solid fuel burner
 technician who is qualified under this section.

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STATEMENT OF FACT

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23 Section 1 authorizes State compliance officers to order
25 installers to correct code violations or face possible fines.

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29 Section 2 specifies the penalty for failure to correct a
31 violation.

 Section 3 allows the Oil and Solid Fuel Board to issue
 licenses to corporations, firms and partnerships.

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