

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1341

S.P. 503

In Senate, March 28, 1991

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.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GOULD of Waldo

Cosponsored by Representative ERWIN of Rumford and Senator MATTHEWS of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Amend Various Provisions of the Electricians' Examining Board Laws.

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

2
3 Sec. 1. 32 MRSA §1102, sub-§5, as repealed and replaced by PL
4 1987, c. 395, Pt. B, §5, is amended to read:

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

10 Sec. 2. 32 MRSA §1102, sub-§6, as amended by PL 1987, c. 735,
§47, is further amended to read:

12 6. Elevator mechanics. Any person licensed under Title 26,
14 sections 484 to 487 subject to the restrictions of the license as
issued; ~~or.~~

16 Sec. 3. 32 MRSA §1102, sub-§7, as enacted by PL 1987, c. 735,
18 §48, is repealed.

20 Sec. 4. 32 MRSA §1102-A, first ¶, as amended by PL 1981, c.
22 501, §59, is further amended to read:

The licensing provisions of this chapter shall do not apply
24 to regular employees of the following plants:

26 Sec. 5. 32 MRSA §1102-A, sub-§3, as enacted by PL 1973, c.
28 363, is amended to read:

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

32 Sec. 6. 32 MRSA §1102-A, sub-§4 is enacted to read:

34 4. Low-energy installers. Individuals or employees
36 installing telephone, telegraph, cable and closed-circuit
television, data communication and sound equipment.

38 Sec. 7. 32 MRSA §1102-B, sub-§3, as enacted by PL 1981, c.
40 432, §2, is amended to read:

42 3. Inspection required. When the installation or alteration
is completed, the person making the installation or alteration
44 shall notify the state electrical inspector assigned to the area.
The inspector shall inspect the installation within a reasonable
46 time so as not to cause undue delay in the progress of the
construction contract or installation. ~~If he determines that~~ The
48 inspector shall determine whether the installation complies with
all applicable statutes, ordinances and rules, ~~he shall issue a~~
50 ~~certificate of approval.~~ If he the inspector determines that the
installation does not so comply, the procedures set forth in
52 section 1104 shall apply. Any utility corporation shall require

proof of permit prior to connecting power to the installation.

2
4 **Sec. 8. 32 MRSA §1102-B, sub-§5, ¶A**, as enacted by PL 1981, c.
432, §2, is repealed.

6 **Sec. 9. 32 MRSA §1104-A**, as repealed and replaced by PL 1973,
c. 363, is amended to read:

8
10 **§1104-A. Failure to comply with order of inspector**

12 If the owner or occupant of any building neglects or refuses
14 without justification for more than 10 days to comply with any
16 order of a state electrical inspector concerning electrical
16 installations as provided in this chapter, ~~he shall be punished~~
16 by a fine that person commits a civil violation for which a
16 forfeiture of not less than \$5 \$100 for each day's neglect may be
16 adjudged.

18 **Sec. 10. 32 MRSA §1152, 2nd ¶**, as repealed and replaced by PL
20 1973, c. 363, is amended to read:

22 Electrical inspectors appointed under this section shall
24 have ~~the same~~ powers throughout the several counties of the
24 State, as similar to those of sheriffs have in their respective
26 counties, relating to enforcement of this chapter and rules and
26 regulations promulgated thereunder. These powers are limited to
28 the power to conduct investigations, issue citations, serve
28 summonses and order corrections of violations in accordance with
28 specific statutory authority.

30 **Sec. 11. 32 MRSA §1153-B, sub-§4** is enacted to read:

32 **4. Certificate as evidence.** Notwithstanding any provision
34 of law or rule or evidence, the certificate of the Commissioner
36 of Professional and Financial Regulation or the Director of the
36 Division of Licensing and Enforcement, under the seal of the
38 State, must be received by any court in this State as prima facie
38 evidence of the issuance, suspension or revocation of any license
38 or permit issued by the department.

40 **Sec. 12. 32 MRSA §1202, sub-§4** is enacted to read:

42 **4. Inactive licenses.** Any licensee, who does not desire to
44 perform any of the electrical installations described in section
44 1101, and who wants to preserve the license while not engaged in
46 any electrical installations, shall surrender the license to the

1 board for placement on inactive status. The board shall place
2 the license on inactive status upon proper application by the
3 licensee. The fee for inactive status may not exceed \$80.
4 During inactive status the licensee is required to renew the
5 license biennially, but is not required to meet the education
6 provisions under the rules of the board. The dates on which the
7 licenses expire are as provided in section 1204.

8
9
10 A licensee surrendering a license pursuant to this section may
11 have the license reinstated to active status by demonstrating
12 compliance within the previous biennium with section 1204 and
13 proper application for an active license. Any license placed on
14 inactive status after the effective date of this subsection and
15 remaining inactive for 3 or more years may be reactivated by the
16 applicant being required to successfully pass a license
17 examination at the discretion of the board.

18 Sec. 13. 32 MRSA §1204, first ¶, as amended by PL 1987, c. 395,
19 Pt. B, §9, is further amended to read:

20
21 All licenses issued shall expire October 31st of each
22 biennial period as to master electricians and April 30th of each
23 biennial period as to other licensees and ~~they or other such~~
24 times the Commissioner of Professional and Financial Regulation
25 designates. All licensees may be renewed thereafter for 2-year
26 periods without further examination, upon the payment of the
27 proper renewal fee as set forth in section 1101 and documentation
28 of ~~6 hours of a current electrical code course every 4 years~~
29 continuing education as established by rule as the board
30 determines necessary. The expiration dates for licenses issued
31 under this chapter may be established at such other times as the
32 Commissioner of Business Professional and Financial Regulation
33 may designate. The board shall notify everyone registered under
34 this chapter of the date of expiration of his the license and the
35 fee required for its renewal for a 2-year period. The notice
36 shall must be mailed to the person's last known address at least
37 30 days in advance of the expiration date of his the license.

40 STATEMENT OF FACT

41
42 This bill revises the provisions regarding "low-energy
43 installers" to exempt them from the requirements of licensing
44 though making them adhere to the National Electrical Code.

45
46 This bill requires a utility corporation to require the
47 proof of permit prior to connecting services. The bill
48 eliminates the permit exception for new one family and 2 family
49 dwellings and authorizes the issuance of permits for those
50 services when no local municipality is responsible.

2 The bill increases the minimum forfeiture amount for a civil
violation.

4 The bill creates an inactive license status.

6 The bill deletes specific continuing education requirements
8 from this law since statutory authority exists in the Maine
Revised Statutes, Title 10, section 8003 for the board to set
requirements by rule.

10 The bill clarifies the powers of the state electrical
12 inspector.

14 This bill allows the Commissioner of Professional and
Financial Regulation or the Director of the Division of Licensing
16 and Enforcement to have the power to submit evidence of license
status to any court in this State.