

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 832

H.P. 622

House of Representatives, March 14, 1995

**An Act to Protect Natural Gas Customers and the Public through
Licensing and Regulation of Natural Gas Technicians.**

Reference to the Committee on Business and Economic Development suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative KONTOS of Windham.
Cosponsored by Representatives: CHASE of China, CLARK of Millinocket, DONNELLY of Presque Isle, MORRISON of Bangor, PENDLETON of Scarborough, SAXL of Bangor, STONE of Bangor, TAYLOR of Cumberland, TYLER of Windham, Senators: CARPENTER of York, CLEVELAND of Androscoggin.

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

4 **Sec. 1. 3 MRSA §927, sub-§8, ¶B,** as amended by PL 1993, c.
389, §1, is further amended to read:

6 B. Independent agencies:

- 8 (1) Real Estate Commission;
- 10 (2) Maine Athletic Commission;
- 12 (3) State Claims Commission;
- 14 (4) Board of Examiners on Speech Pathology and
16 Audiology;
- 18 (5) Maine State Board for Licensure of Architects,
Landscape Architects and Interior Designers;
- 20 (6) State Board of Barbers;
- 22 (7) State Board of Cosmetology;
- 24 (8) Manufactured Housing Board;
- 26 (9) State Board of Substance Abuse Counselors;
- 28 (10) State Board of Licensure for Professional
30 Foresters;
- 32 (11) State Board of Certification for Geologists and
Soil Scientists;
- 34 (12) Board of Examiners in Physical Therapy;
- 36 (13) Oil and Solid Fuel Board;
- 38 (14) Plumbers' and Natural Gas Technicians' Examining
40 Board;
- 42 (15) State Board of Funeral Service; and
- 44 (16) Board of Hearing Aid Dealers and Fitters.

46 **Sec. 2. 5 MRSA §12004-A, sub-§32,** as enacted by PL 1987, c.
786, §5, is amended to read:

48 **32.** Plumbers' and \$35/Day 32 MRSA §3401
50 Natural Gas Technicians'
Examining Board

2 not act or profess to be a journeyman plumber, as defined in
3 subsection 5. A journeyman-in-training license is issued for a
4 single nonrenewable period of 4 years and may be issued only once
5 to any individual. The fee for a journeyman-in-training license
6 is \$8.

7 **5. Journeyman plumber.** "Journeyman plumber" means a person
8 who customarily performs the work of installing plumbing and
9 drainage under the employment and direction of a master plumber
10 or, not being a master plumber, does plumbing repair work as a
11 regular part-time occupation. The biennial fee for a journeyman
12 plumber's license may not exceed \$75.

13 **6. Large equipment natural gas technician.** "Large
14 equipment natural gas technician" means a person who performs
15 natural gas technician work on any single piece of gas
16 utilization equipment rated at more than 1,000,000 BTUs. The
17 license must specify the name of the person, firm or corporation
18 to whom the license is issued and in case of a firm or
19 corporation the license must further specify the licensed large
20 equipment natural gas technician in whose name it is issued,
21 pursuant to section 3507. The biennial fee for a large equipment
22 natural gas technician's license may not exceed \$150.

23 **7. Limited license.** "Limited license" means a limited
24 plumber's license to install and service plumbing work related to
25 a specific type of plumbing equipment or to specific plumbing
26 installations and is granted to any person who has passed a
27 satisfactory examination before the board. It must specify the
28 name of the person who is limited to engage in the occupation of
29 installing and servicing the plumbing work related to the type of
30 equipment or to specific plumbing installations only as
31 authorized by the license. The biennial fee for a limited
32 license may not exceed \$75.

33 **8. Master plumber.** "Master plumber" means a person, firm or
34 corporation, qualified under this chapter, engaging in, or about
35 to engage in, the business of installing plumbing or plumbing
36 systems. The license must specify the name of the person, firm
37 or corporation to whom the license is issued and in the case of a
38 firm or corporation the license must further specify the licensed
39 master plumber in whose name it is issued, pursuant to the
40 requirements of section 3507. The biennial fee for a master
41 plumber's license may not exceed \$150.

42 **9. Natural gas technician work.** "Natural gas technician
43 work" means any work related to the installation, alteration,
44 venting, servicing and replacement of a piping system or related
45 equipment, including required electrical connection to gas
46 equipment and gas-related water hookup, beyond the fuel

2 supplier-owned point through which is conveyed natural gas of any
3 kind for purposes, including, but not limited to, space heating,
4 water heating, cooking, air conditioning or vehicle fuel stations.

6 **10. Propane gas installer.** "Propane gas installer" means a
7 person carrying a certification of qualification issued by the
8 person's employer pursuant to the training requirements and
9 qualifications required by National Fire Protection Association
10 Code Number 58, subsection 1-6 "Qualification of Personnel," 1992
11 edition.

12 **11. Small equipment natural gas technician.** "Small
13 equipment natural gas technician" means a person who performs
14 natural gas technician work on any single piece of gas
15 utilization equipment rated up to and including 1,000,000 BTUs.
16 The license must specify the name of the person, firm or
17 corporation to whom the license is issued and in the case of a
18 firm or corporation the license must further specify the licensed
19 small equipment natural gas technician in whose name it is
20 issued, pursuant to section 3507. The biennial fee for a small
21 equipment natural gas technician's license may not exceed \$75.

22 **12. Trainee natural gas technician.** "Trainee natural gas
23 technician" means a person who is engaged in assisting in natural
24 gas technician work under the direct supervision of a small
25 equipment or large equipment natural gas technician, whether for
26 the purpose of learning the trade or otherwise. Work performed
27 by the trainee may not exceed the restrictions of the license
28 held by the supervising natural gas technician. The biennial fee
29 for a trainee natural gas technician's license may not exceed \$40.

30 **13. Trainee plumber.** "Trainee plumber" means a person who
31 is engaged in assisting in making plumbing installations under
32 the direct supervision of a journeyman plumber or master plumber,
33 whether for the purpose of learning the trade or otherwise. The
34 biennial fee for a trainee plumber license may not exceed \$40.

35 **Sec. 8. 32 MRSA §3302,** as amended by PL 1993, c. 9, §2, is
36 further amended to read:

37 **§3302. Applicability**

38 **1. License required.** A license shall-be is required for
39 any person, corporation, partnership or other entity who is
40 engaged in or working in plumbing or ~~working-in-plumbing~~ natural
41 gas technician work. No A plumbing license is not required for
42 any activity for which a permit is not required under Title 30
43 30-A, section 3223-or-its-suecessor 4215. This section shall
44 does not apply to the following:
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2 A. Plumbing and natural gas technician work by regular
employees of public utilities as defined in Title 35-A,
section 102, when working as such;

4
6 B. Plumbing by oil burner and natural gas technicians, duly
licensed under this chapter or chapter 33, and propane gas
8 installers, provided that this exception only applies to hot
and cold water connections to existing piping in the same
10 room where the installation is taking place and does not
apply beyond any existing branch connection supplying water;
and

12
14 C. Plumbing and natural gas technician work in a dwelling
house or place and its appurtenant structures by the owner
thereof; and

16
18 D. Installation, removal and repair of domestic gas ranges
and dryers provided that no piping work is performed.

20 2. **Municipal licenses not required.** No A municipality
shall may not require plumbers and natural gas technicians to be
22 municipally licensed ~~nor shall any.~~ A municipality may not issue
a permit for any plumbing installation unless satisfied that the
24 person, firm or corporation applying for the permit complies with
this chapter.

26
28 3. **Supervision of trainee plumbers or natural gas
technicians.** A master or journeyman plumber shall or small or
large equipment natural gas technician may not have ~~no~~ more than
30 3 ~~trainee--plumbers~~ trainees working ~~with--him~~ under his the
personal supervision of the master or journeyman plumber or small
32 or large equipment natural gas technician.

34 **Sec. 9. 32 MRSA §3302-A** is enacted to read:

36 **§3302-A. Installation and testing tags**

38 Following the installation and testing of natural gas
utilization equipment, the installer shall attach a permanent tag
40 in a conspicuous place on or near the equipment, showing the name
and license number of the installer and the date and scope of
42 work as defined in section 3301-A, subsection 9. Installers
include natural gas technicians and persons exempted from
44 licenses under section 3302. Each tag must include at least 2
detachable copies, one that may only be removed by a natural gas
46 utility and one that must be removed by the installer and sent to
the board within 5 days of the installation and testing along
48 with a registration fee of \$10.

2 **Sec. 10. 32 MRSA §3304, sub-§1**, as repealed and replaced by PL
1983, c. 413, §140, is amended to read:

4 **1. Penalties.** Any person, firm or corporation who engages
in or works in plumbing or natural gas installation without first
6 obtaining a license as required by this chapter, or after the
license has expired or has been suspended or revoked or
8 temporarily suspended or revoked, or any person, firm or
corporation who violates the provisions of this chapter or rules
10 adopted pursuant to this chapter, is guilty of a Class E crime.

12 **Sec. 11. 32 MRSA §3401, first ¶**, as amended by PL 1989, c. 503,
Pt. B, §140, is further amended to read:

14 A Plumbers' and Natural Gas Technicians' Examining Board, as
16 established by Title 5, section 12004-A, subsection 32, shall
consist ~~consists~~ of ~~5~~ 7 members, who shall ~~be~~ are appointed by
18 the Governor. One of the members shall ~~must~~ be a representative
of the public; ~~2~~ shall ~~must~~ be master plumbers as defined in
20 section ~~3301~~,--and ~~3301-A~~, subsection 8; ~~2~~ shall ~~must~~ be
journeyman plumbers as defined in section ~~3301~~ ~~3301-A~~, subsection
22 5, both of whom ~~must~~ have been engaged in the business of
plumbing for at least 2 years; ~~one must be a large equipment~~
24 ~~natural gas technician, as defined in section 3301-A, subsection~~
~~6; and one must be a small equipment natural gas technician as~~
26 ~~defined in section 3301-A, subsection 11.~~

28 **Sec. 12. 32 MRSA §3402**, as amended by PL 1991, c. 509, §23,
is repealed and the following enacted in its place:

30 **§3402. Employees**

32 **1. Appointment.** The commissioner, with the advice and
34 consent of the board, may appoint, subject to the Civil Service
Law, such employees as may be necessary to carry out this
36 chapter. All employees must be located within the department and
under the administrative and supervisory direction of the
38 commissioner.

40 **2. Powers; inspections; right of entry.** State plumbing
inspectors and state gas inspectors appointed under this section
42 have powers similar to those that sheriffs have in their
respective counties relating to enforcement of this chapter and
44 rules adopted under this chapter. These powers are limited to
the power to issue citations, to serve summonses, to conduct
46 investigations and to order corrections of violations by
licensees in accordance with this chapter. A person may serve
48 simultaneously as a plumbing inspector and a gas inspector.
State plumbing or state gas inspectors may enter all buildings
50 and premises during usual business hours in the performance of

2 their duties. They may enter any building only with the
3 permission of the owner, occupant or person having control of the
4 building or pursuant to a court order.

5 **3. Plumbing inspectors; notice to vacate.** If a state
6 plumbing inspector finds a plumbing installation in a building or
7 structure that does not comply with the adopted state plumbing
8 code, that inspector shall, with the consent of the local
9 plumbing inspector, order that the installation be removed or
10 remedied, and that order must be complied with immediately by the
11 owner or occupant of the premises or building or by the installer
12 of the plumbing in violation. If a state plumbing inspector
13 finds a plumbing installation in a building or structure that
14 creates a danger to other property or to the public, the
15 inspector may prohibit the use of the building or structure by
16 issuing a written order upon the owner and the occupant, if any,
17 to vacate within a reasonable period of time to be stated in the
18 order.

19 **4. Gas inspectors; notice to vacate.** If a state gas
20 inspector finds a natural gas installation, as described in this
21 chapter, in a building or structure that does not comply with the
22 applicable gas and electrical codes of the National Fire
23 Protection Association or any other appropriate code as
24 determined by the board and does not utilize residential gas
25 equipment approved by a board-accepted testing agency, or does
26 not utilize commercial or industrial equipment approved by a
27 board-accepted testing agency or is not installed in accordance
28 with the manufacturer's recommendations, that inspector shall
29 order that the installation be removed or remedied and that order
30 must be complied with immediately by the owner or occupant of the
31 premises or building or by the installer of the natural gas
32 equipment in violation. If a state gas inspector finds any
33 natural gas installation in a building or structure that creates
34 a danger to other property or to the public, the inspector may
35 prohibit the use of the building or structure by issuing a
36 written order upon the owner and the occupant, if any, to vacate
37 within a reasonable period of time to be stated in the order.

38 **5. Appeal.** Any person ordered by a state plumbing
39 inspector or a state gas inspector to correct a plumbing or gas
40 installation deficiency or to vacate a building or structure may
41 appeal the order to the board by filing a written notice of
42 appeal with that board within 48 hours of receipt of the order.
43 The board shall review that appeal and issue its written decision
44 within 10 days after receipt of the notice of appeal. If the
45 board upholds the inspector's order, it shall prescribe the time
46 period for the requisite correction specified in its written
47 decision or the time within which that person must vacate the
48 building or structure. The person ordered by the board to
49 vacate the building or structure shall be liable for the cost of
50 removal or repair of the installation or structure.

2 correct a plumbing or gas installation deficiency or to vacate a
3 building or structure must comply with that order unless that
4 person appeals the order to the Superior Court pursuant to the
5 Maine Rules of Civil Procedure, Rule 80B by filing a petition for
6 review within 48 hours of receipt of the order. The order by the
7 board may not be stayed unless by order of the Superior Court for
8 good cause.

9 6. Compliance. Upon the failure of any person to carry out
10 the final order, the board may petition the Superior Court for
11 the county in which the premises or building is located for an
12 injunction to enforce that order. If the court determines upon
13 hearing the petition that a lawful final order was issued, it
14 shall order compliance.

15 **Sec. 13. 32 MRSA §3403**, as amended by PL 1983, c. 553, §40,
16 is further amended to read:

17 **§3403. Meeting; chair; quorum**

18
19
20 The board shall meet at least once a year to conduct its
21 business and to elect a ~~chairman~~ chair and a secretary.
22 Additional meetings shall must be held as necessary to conduct
23 the business of the board, and may be convened at the call of the
24 ~~chairman~~ chair or a majority of the board members. ~~Two~~ Four
25 members of the board shall constitute a quorum for all purposes.
26 The board shall keep ~~such~~ records and minutes ~~as are~~ necessary to
27 the ordinary dispatch of its function.

28
29 **Sec. 14. 32 MRSA §3403-A, sub-§5**, as repealed and replaced by
30 PL 1989, c. 878, Pt. B, §28, is amended to read:

31
32
33 **5. Orders.** The board and any person designated by the
34 board may issue an order to cease and desist the installation or
35 substantial alteration of plumbing or natural gas systems by any
36 person required to be licensed by the board and who is not
37 licensed by the board. The order is immediately effective and
38 shall must be accompanied by written notice of opportunity and
39 procedure for appeal. The person ordered to cease and desist may
40 appeal the order and may request a hearing. The appeal and
41 request for hearing shall must be filed with the board within 48
42 hours of the order. A hearing shall must be granted by the board
43 within 5 days of receipt of the request. The board shall issue
44 its written decision of its review within 15 days of receipt of
45 the request for appeal or hearing.

46
47 Any person ordered by the board to cease and desist may appeal to
48 the Superior Court in accordance with the Maine Administrative
49 Procedure Act, Title 5, chapter 375, subchapter VII, by filing a
50 petition for review within 48 hours of receipt of the order. The

2 court shall issue a written decision within 20 days after receipt
of the petition for review. The decision of the Superior Court on
4 an appeal, as provided, is final. The decision of the board or
order of the board shall is also be final and subject to no
6 further appeal upon failure to file a timely written appeal as
provided.

8 **Sec. 15. 32 MRSA §3404**, as amended by PL 1983, c. 553, §41,
is further amended to read:

10 **§3404. Investigation of complaints; revocation of license**

12 The board shall investigate or cause to be investigated all
14 complaints made to it and all cases of noncompliance with or
violation of this chapter. The board may suspend or revoke a
16 license pursuant to Title 5, section 10004. The board may refuse
to issue or renew a license or the Administrative Court may
18 suspend, revoke or refuse to renew the license of any licensed
plumber or natural gas technician for any of the following
20 reasons:

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

24 **2. Negligence or misconduct.** Any gross negligence,
26 incompetency or misconduct in the performance of the work of
making plumbing or natural gas installations;

28 **3. Violation of law.** Any violation of this chapter or any
30 rule adopted by the board; or

32 **4. Conviction of crime.** Subject to the limitations of
Title 5, chapter 341, conviction of a crime ~~which~~ that involves
34 dishonesty or false statement or ~~which~~ that relates directly to
the practice of plumbing or natural gas installation, or
36 conviction of any crime for which incarceration for one year or
more may be imposed.

38 The board, for reasons it may deem determine sufficient, may
40 reissue a license to any person whose license has been revoked,
providing 2 4 or more members of the board vote in favor of the
42 reissuance.

44 **Sec. 16. 32 MRSA §3501**, as amended by PL 1993, c. 25, §1, is
further amended by repealing and placing the headnote to read:

46 **§3501. Plumbing or natural gas technician licenses**

48 **Sec. 17. 32 MRSA §3501, sub-§1**, as repealed and replaced by PL
50 1977, c. 469, §15, is amended to read:

2 **1. License required.** No A plumbing or natural gas
4 installation shall may not be made, except as provided in this
chapter, unless done by a plumber, natural gas technician or
other person licensed by the board.

6 **Sec. 18. 32 MRSA §3501, sub-§§2-B and 2-C** are enacted to read:

8 **2-B. Natural gas technician license.** The board may issue a
10 small equipment or large equipment natural gas technician license
to a person who submits an application on a form prescribed by
12 the board and who provides satisfactory evidence that a minimum
of 2,000 hours of work has been completed by that person in the
14 field of gas installation at the appropriate BTU level under the
supervision of a natural gas technician or other person approved
16 by the board and has obtained a passing grade as determined by
the board on the natural gas technician's examination.

18 **2-C. Trainee natural gas technician license.** The board may
20 issue a trainee natural gas technician license without
examination to a person who submits a written application on a
22 form prescribed by the board and who provides satisfactory
evidence that that person entered the employ of a small equipment
24 or large equipment natural gas technician to assist as a
trainee. Work performed by the trainee may not exceed the
26 restrictions of the license held by the supervising natural gas
technician. A person employed as a trainee natural gas
28 technician must apply for a license within 10 business days after
the day the employment begins.

30 **Sec. 19. 32 MRSA §3501, sub-§4,** as amended by PL 1983, c. 553,
32 §43, is further amended to read:

34 **4. Certificate.** All persons licensed by the board shall
36 must receive a certificate whieh that must be publicly displayed
at the principal place of business of the plumber or natural gas
38 technician or, if there is no such place of business, shall must
be carried on the person and displayed at any time upon request,
as long as that person continues in the business as defined.

40 **Sec. 20. 32 MRSA §3504,** as amended by PL 1983, c. 468, §20,
42 is further amended by repealing and replacing the headnote to
read:

44 **§3504. Renewals; continuing education**

46 **Sec. 21. 32 MRSA §3504,** as amended by PL 1983, c. 468, §20,
48 is further amended by adding at the end a new paragraph to read:

2 A natural gas technician license issued under this chapter
3 may not be renewed unless the licensee demonstrates to the board
4 that, since the last renewal of the license or issuance of the
5 license, whichever is more recent, the licensee has participated
6 in a program of continuing education approved by the board that
7 included a minimum of 8 hours of classroom time. A program of
8 continuing education approved by the board may not require the
9 payment of any fee to the board.

10 **Sec. 22. 32 MRSA §3507**, as amended by PL 1987, c. 597, §13,
11 is further amended to read:

12 **§3507. Corporations, firms and partnerships**

13
14 The board may issue a master plumber license, a small
15 equipment natural gas technician and a large equipment natural
16 gas technician license to a corporation, firm or partnership
17 which that submits an application ~~therefor~~ on a form prescribed
18 by the board. ~~Such a~~ The appropriate license ~~shall~~ may not be
19 issued unless the applicant provides satisfactory evidence that
20 ~~it the~~ applicant has a licensed master plumber, a licensed small
21 equipment natural gas technician or a licensed large equipment
22 natural gas technician directly in charge of its plumbing or
23 natural gas installation business activities who is an officer or
24 full-time employee, in the case of a corporation, or a partner,
25 member or full-time employee, in the case of a firm or
26 partnership, ~~and the~~. The license ~~shall~~ must be issued in the
27 name of ~~that the~~ master plumber, the small equipment natural gas
28 technician or the large equipment natural gas technician. A
29 master plumber ~~can~~, a small equipment natural gas technician or a
30 large equipment natural gas technician may only be affiliated
31 with one corporation. Upon the death or severance from the
32 company of the licensed master plumber, the small equipment
33 natural gas technician or the large equipment natural gas
34 technician in whose name the company ~~licensed~~ license is held,
35 the company license ~~shall~~ automatically ~~terminate~~ terminates 30
36 days from the date of that death or severance, unless the company
37 applies for reissuance of its license in the name of another
38 licensed master plumber, small equipment natural gas technician
39 or large equipment natural gas technician who is qualified under
40 this section.

41
42 **Sec. 23. Grandfathered natural gas technicians.** A person who has
43 been engaged in a minimum of 2,000 hours of natural gas
44 technician work at the appropriate BTU level, as certified to the
45 Plumbers' and Natural Gas Technicians' Examining Board by a
46 licensed plumber, natural gas technician or natural gas utility
47 no later than 18 months following the effective date of this Act
48 and who provides satisfactory evidence of completion of 4 hours
49 or more of a continuing education program approved by the board,
50 is grandfathered for the purpose of licensure under the Maine

2 Revised Statutes, Title 32, section 3501 and, upon payment of the
fees specified in Title 32, chapter 49, must be issued the
4 appropriate license. The board may, by majority vote of the
board, determine other methods for licensure of a person with
6 natural gas technician work experience.

8

STATEMENT OF FACT

10

This bill provides for the licensing and regulation of
natural gas technicians.