

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1354

S.P. 495

Received by the Secretary, April 13, 1995

An Act to Modify the Electricians' Examining Board Law.

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

Referred to the Committee on Business and Economic Development and ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator HALL of Piscataquis.

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

2
4 **Sec. 1. 32 MRSA §1101, sub-§1-A** is enacted to read:

6 **1-A. Electrical company.** "Electrical company" means a
8 person, firm, corporation or partnership employing individuals
10 engaged in the business of doing electrical installations. A
12 company license must be validated by an employee or officer of
14 the company holding a current master or limited electrical
 license. A limited licensee may validate only a company license
 making installations specific to the limited license. The
 company license becomes void upon the death of or the severance
 from the company of the validating licensee. The license fee for
 the electrical company license may not exceed \$50.

16 **Sec. 2. 32 MRSA §1101, sub-§3,** as amended by PL 1989, c. 450,
18 §11, is further amended to read:

20 **3. Helper electrician.** "Helper electrician" means a person
22 who-is-engaged-in-assisting-in making electrical installations in
24 the employment of a master electrician, limited electrician or
 electrical company and under the direct supervision of a master,
 journeyman or limited electrician but who does not qualify under
 subsection 1. The biennial renewal fee for a helper electrician
 license shall-be is \$20.

26 **Sec. 3. 32 MRSA §1101, sub-§3-A,** as amended by PL 1987, c.
28 735, §43, is further amended to read:

30 **3-A. Journeyman-in-training electrician.**
32 "Journeyman-in-training electrician" means a person doing-work-of
34 installing-electrical-wires,--conduits,--apparatus,--fixtures--and
36 ether-electrical-equipment making electrical installations in the
 employment of a master electrician, limited electrician or
 electrical company and under the supervision of a journeyman,
 limited or a master electrician.

38 **Sec. 4. 32 MRSA §1101, sub-§4,** as amended by PL 1987, c. 735,
40 §44, is further amended to read:

42 **4. Journeyman electrician.** "Journeyman electrician" means
44 a person doing-work-of--installing-electrical-wires,--conduits,
46 apparatus,--fixtures--and--other--electrical--equipment making
 electrical installations in the employment of a master
 electrician, limited electrician or electrical company.

48 **Sec. 5. 32 MRSA §1101, sub-§4-A,** as amended by PL 1993, c.
50 349, §66, is further amended to read:

52 **4-A. Supervision.** One apprentice electrician or one helper
 electrician may work with and under the supervision of each
 master electrician, limited electrician or journeyman

2 electrician. A master electrician, who teaches an electrical
3 course at a Maine applied technology center, a Maine applied
4 technology region or a Maine technical college, may have a
5 maximum of 12 helper electricians under direct supervision while
6 making electrical installations that are a part of the
7 instructional program of the school, ~~provided that~~ as long as the
8 total value of each installation does not exceed ~~\$1,000~~ \$2,500.
9 ~~No~~ An electrical installation may not be commenced pursuant to
10 this subsection without the prior approval of the director or
11 president of the school at which the master electrician is an
12 instructor. These installations are limited to those done in
13 buildings or facilities owned or controlled by:

14 A. School administrative units;

15 B. Nonprofit organizations; and

16 C. Households as defined in Title 36, ~~section 6103, where~~
17 ~~the household income as defined in that section is within~~
18 ~~the limits established for one or two member households by~~
19 ~~Title 36, section 6108, except that if there are more than two~~
20 ~~members in a household, an additional \$500 of household~~
21 ~~income shall be allowed for each additional member of the~~
22 ~~household in computing the income limitation and provided~~
23 ~~that the household is owner-occupied~~ sections 6206 and 6207.

24
25 The Electricians' Examining Board and the municipal electrical
26 inspector of the municipality in which the installation is to be
27 made, if the municipality has an inspector, shall must be
28 notified of all installation projects entered into pursuant to
29 this subsection prior to the commencement of the project. There
30 shall must be an inspection by a state electrical inspector or by
31 the municipal electrical inspector of the municipality in which
32 the installation has been made, if the municipality has an
33 inspector, before any wiring on the project is concealed.

34
35 **Sec. 6. 32 MRSA §1101, sub-§5**, as amended by PL 1987, c. 735,
36 §45, is further amended to read:

37
38 **5. Limited electrician.** ~~A limited electrician's license~~
39 "Limited electrician" means a person doing work to install and
40 service the electrical work related to a specific type of
41 electrically operated equipment or to specific electrical
42 installations shall be granted to any person who has passed a
43 satisfactory examination before the board. It shall specify the
44 name of such person who shall be limited to engage in the
45 occupation of installing and servicing the electrical work
46 related to the type of equipment or to specific electrical
47 installations only authorized by this license.

2 **Sec. 7. 32 MRSA §1101, sub-§6**, as amended by PL 1987, c. 735,
§46, is further amended to read:

4 **6. Master electrician.** "Master electrician" shall--mean
means a person,--firm--or--corporation, qualified under this
6 chapter, engaging in, or about to engage in,--the--business--of
installing--electrical--wires,--conduits,--apparatus,--fixtures--and
8 other electrical equipment installations. The certificate shall
must specify the name of the person, who,--in--case--of--a--firm,
10 shall--be--one--of--its--members--or--employees--and--in--case--of--a
corporation,--one--of--its--officers--or--employees--passing--said
12 examination,--by--which--he--or--it--shall--be is authorized to enter
upon or engage in business as set forth in this chapter. In--the
14 case--of--a--firm--or--corporation,--the--license--shall--become--void--upon
the--death--of,--or--the--severance--from--the--company--of,--said--person.

16 **Sec. 8. 32 MRSA §1102-B, sub-§5, ¶A**, as enacted by PL 1981, c.
18 432, §2, is amended to read:

20 A. One ~~or-2-family~~ Single-family dwellings;

22 **Sec. 9. 32 MRSA §1104, first ¶**, as amended by PL 1981, c. 432,
§3, is further amended to read:

24 State electrical inspectors, upon an oral complaint of
26 imminent danger or upon written complaint of any owner, lessee or
tenant of a building, state fire inspector, fire chief, fire
28 department inspector, personnel of an electric utility or local
electrical inspector or whenever they shall--deem determine it
30 necessary at all reasonable hours, for purposes of examination,
may enter into and upon all buildings or premises within their
32 jurisdiction and inspect the same. They may enter any building
only with the permission of the person having control thereof, or
34 after hearing, upon order of court. Whenever any state electrical
inspector shall--find finds any electrical installation in any
36 building or structure which that does not comply with this
chapter, ~~he~~ the inspector shall order the same to be removed or
38 remedied and ~~such order shall forthwith be complied with by~~
the owner or occupant of ~~such~~ the premises or buildings shall
40 immediately comply with the order. Whenever any state electrical
inspector finds any electrical installation in any building or
42 structure which that creates a danger to other property or to the
public, ~~he~~ the inspector may forbid use of the building or
44 structure by serving a written order upon the owner and the
occupant, if any, to vacate within a reasonable period of time to
46 be stated in the order.

48 **Sec. 10. 32 MRSA §1155-A, sub-§1**, as enacted by PL 1983, c.
413, §38, is amended to read:

50

1 **1. Investigations.** The board shall investigate or cause to
2 be investigated all complaints made to it and all cases of
3 noncompliance with or violation of this chapter. Any person may
4 register a complaint of fraud, deceit, gross negligence,
5 incompetency or misconduct against any person licensed or
6 required to be licensed under this chapter. These complaints
7 shall must be in writing, shall-be sworn to by the person making
8 them and filed with the ~~executive secretary of the board~~ case
9 compliance coordinator in the Division of Licensing and
10 Enforcement.

11 **Sec. 11. 32 MRSA §1155-A, sub-§2, ¶B,** as enacted by PL 1983,
12 c. 413, §38, is amended to read:

13 B. Any gross negligence, incompetency or misconduct in the
14 performance of the work of making electrical installations.
15 Continued failure to conform with ~~application~~ applicable
16 regulations of the National Electrical Code, National
17 Electrical Safety Code or of other safety codes which ~~that~~
18 have been approved by the American Standards Association
19 shall-be is prima facie evidence of that gross negligence
20 and incompetency, ~~For motion picture projectionists~~
21 ~~licensed under Title 8, section 653, any gross negligence,~~
22 ~~incompetency or misconduct in the performance of their work~~
23 ~~shall be prima facie evidence of that gross negligence and~~
24 ~~incompetency;~~
25 incompetency;

26 **Sec. 12. 32 MRSA §1202, sub-§1, ¶C,** as corrected by RR 1991,
27 c. 2, §117, is amended to read:

28 C. For a limited electrician's license, a person must meet
29 the following requirements.

30 (1) A limited electrician in water pumps shall must
31 have 90 135 hours of electrical education as approved
32 by the Electricians' Examining Board or from an
33 accredited institution and 2,000 hours of experience.
34 The privileges of practice shall-be are restricted to
35 electrical work between the branch circuits and power
36 supplies.

37 (2) A limited electrician in outdoor signs, including
38 sign lighting, shall must have 90 135 hours of
39 electrical education as approved by the Electricians'
40 Examining Board or from an accredited institution and
41 2,000 hours of experience. The privileges of practice
42 do not include branch circuit wiring.

43 (3) A limited electrician in gasoline dispensing shall
44 must have 90 135 hours of electrical education as
45 approved by the Electricians' Examining Board or from
46

2 an accredited institution and 2,000 hours of
3 experience. The privileges of practice shall--be are
4 restricted to electrical work between the branch
5 circuit and the power supply.

6 (4) A limited electrician in traffic signals,
7 including outdoor lighting of traffic signals, shall
8 must have 90 135 hours of electrical education as
9 approved by the Electricians' Examining Board or from
10 an accredited institution and 2,000 hours of
11 experience.

12 (5) A limited electrician in house wiring shall must
13 have 225 hours of electrical education as approved by
14 the Electricians' Examining Board or from an accredited
15 institution and 4,000 hours of experience. Privileges
16 of practice shall--be are restricted to one-family and
17 2-family dwellings, including modular and mobile homes.
18 Any person having a limited license in mobile homes
19 prior to the effective date of this section shall is
20 automatically be licensed as a limited electrician in
21 house wiring.

22 (6) A limited electrician in refrigeration must have
23 270 hours of electrical education as approved by the
24 Electricians' Examining Board or from an accredited
25 institution and 6,000 hours of experience. Graduates
26 of a Maine technical college electrical program in
27 refrigeration approved by the Electricians' Examining
28 Board or from an accredited institution are credited
29 with 4,000 hours of experience upon graduation.
30 Privileges of practice are restricted to all associated
31 wire from the loadside of distribution.

32 (7) A limited electrician in low energy, including
33 fire alarms, shall must have 270 hours of electrical
34 education as approved by the Electricians' Examining
35 Board or from an accredited institution and 4,000 hours
36 of experience. Any person having a limited license in
37 fire alarms or experience in the installation of
38 low-energy electronics, as defined by the National
39 Electrical Code, prior to the effective date of this
40 section, shall--automatically qualifies to be licensed
41 as a limited electrician in low energy.

42 **Sec. 13. 32 MRSA §1202, sub-§1, ¶D**, as repealed and replaced
43 by PL 1989, c. 878, Pt. A, §92, is amended to read:

44 D. For a journeyman-in-training ~~electricians'~~ electrician's
45 license, a person must be a graduate of an accredited Maine
46

2 technical college or Department of Corrections electrical
3 program ~~or a vocational electrical program of the Department~~
4 ~~of Corrections~~, receive a passing grade on the journeyman
5 examination and complete 2,000 hours of experience. This
6 ~~provision shall be reviewed by the joint standing committee~~
7 ~~of the Legislature having jurisdiction over business~~
8 ~~legislation by March 1, 1991, and, unless continued by law,~~
~~shall terminate at this time.~~

10 **Sec. 14. 32 MRSA §1202, sub-§4**, as enacted by PL 1991, c. 531,
11 §11, is amended to read:

12 **4. Inactive licenses.** Any A licensee, who does not desire
13 to perform any of the electrical installations described in
14 section 1101, and who wants to preserve the license while not
15 engaged in any electrical installations, shall surrender the
16 license to the board for placement on inactive status. The board
17 shall place the license on inactive status upon proper
18 application by the licensee. The fee for inactive status may not
19 exceed \$80 per renewal. During inactive status the licensee is
20 required to renew the license biennially, but is not required to
21 meet the education provisions under the rules of the board. The
22 ~~dates on which the licenses expire are as provided in section~~
23 ~~1204.~~

24
25 A licensee surrendering a license pursuant to this section may
26 have the license reinstated to active status by demonstrating
27 compliance within the previous biennium with section 1204 and
28 proper application for an active license. Any license placed on
29 inactive status after the effective date of this subsection and
30 remaining inactive for 3 or more years may be reactivated by the
31 applicant being required to successfully pass a license
32 examination at the discretion of the board.

33 **Sec. 15. 32 MRSA §1203**, as amended by PL 1993, c. 659, Pt. A,
34 §3, is further amended to read:

35 **§1203. Examinations**

36 Applicants for licensure shall present to the board a
37 written application for examination and license, containing such
38 information as the board may require. The board shall adopt
39 application, examination, licensure and biennial renewal fees in
40 amounts which that are reasonable and necessary for their
41 respective purposes, but in amounts not to exceed the following:

- 42 1. Applications.....\$25;
- 43 2. Examinations.....\$50; and

44

3. Licensure:

- A. Journeyman/Journeyman-in-training.....\$80;
- B. Master.....\$150; and
- C. Limited.....\$100.

~~Applications for a first examination must be received by the board at least 15 days prior to a scheduled meeting of the board.~~
 An applicant who has failed the examination is permitted to take the examination again as often as necessary upon timely payment of an additional examination fee for each examination.

~~When the unexpired term of 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 license renewal fee.~~

Sec. 16. 32 MRSA §1204, first ¶, as amended by PL 1991, c. 531, §12, is further amended to read:

~~All licenses issued expire October 31st of each biennial period as to master electricians and April 30th of each biennial period as to other licensees or other such times the Commissioner of Professional and Financial Regulation designates.~~ All licensees licenses may be renewed for 2-year periods without further examination, upon the payment of the proper renewal fee and documentation of continuing education as established by rule as the board determines necessary. The expiration dates for licenses issued under this chapter may be established at such other times as the Commissioner of Professional and Financial Regulation may designate. The board shall notify everyone registered under this chapter of the date of expiration of the license and the fee required for its renewal for a 2-year period. The notice must be mailed to the person's last known address at least 30 days in advance of the expiration date of the license.

STATEMENT OF FACT

This bill amends the definitions of helper electrician, journeyman-in-training, journeyman electrician, supervisor, limited electrician and master electrician. It adds the definition of electric company.

The bill also eliminates language that no longer applies according to the Maine Revised Statutes, Title 36 as it exists today.

2 The bill also eliminates language relating to firms and
corporations as well as clarifies the definition of master
4 electrician.

6 The bill also removes the current exemption that currently
allows 2-family home construction to be exempt from permits. By
8 removing the exemption it would require electrical inspections on
new construction of a 2-family dwelling to ensure public safety
10 by meeting the requirements set by the National Electrical Codes.

12 The bill also allow complaints to be filed orally with state
electrical inspectors if imminent danger is suspected.

14 The bill also allows complaints to be filed with the
16 Division of Licensing and Enforcement, Case Compliance
Coordinator instead of the executive secretary to conform with
18 current procedures.

20 The bill also eliminates language that no longer applies.
Motion picture projectionists are no longer licensed with the
22 board.

24 The bill also increases the required hours of electrical
education to satisfy the minimum competence levels for safe
26 practice by limited licensees. It also clarifies language
regarding qualifications for licensure as a limited electrician
28 in low energy.

30 This bill also clarifies that an inactive license must be
renewed each licensing cycle.