

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 2042

S.P. 720

In Senate, March 24, 1999

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**An Act to Update, Clarify and Amend Licensure Requirements for Occupations and Professions and Registrations.**

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Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Business and Economic Development 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 KONTOS of Cumberland.  
Cosponsored by Representative O'NEAL of Limestone and  
Representative: JONES of Pittsfield.

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

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PART A

Sec. A-1. 9 MRSA §5002, as enacted by PL 1977, c. 488, §1, is amended to read:

§5002. Intent

It is the intent of the Legislature to require the registration and financial reporting of charitable organizations, the registration and bonding of professional fund-raising ~~eeunsel~~ counsel and commercial co-venturers and the registration of professional solicitors.

Sec. A-2. 9 MRSA §5003, sub-§1, as amended by PL 1983, c. 277, §1, is further amended to read:

1. **Charitable organization.** "Charitable organization" means any person or entity, including any person or entity organized in a foreign state, ~~which that~~ that is or holds itself out to be organized or operated for any charitable purpose ~~and which or that~~ solicits, accepts or obtains contributions from the public for any charitable purpose. A chapter, branch, area office or similar affiliate or any person soliciting contributions for any charitable purpose within the State for a charitable organization ~~which that~~ is considered a charitable organization for the purposes of this Act. For purposes of this chapter, an organization established for and serving bona fide religious purposes is not a charitable organization.

Sec. A-3. 9 MRSA §5003, sub-§3-A, as enacted by PL 1981, c. 456, Pt. A, §23, is amended to read:

3-A. **Commissioner.** "Commissioner" means the Commissioner of Business Professional and Financial Regulation.

Sec. A-4. 9 MRSA §5003, sub-§4-A is enacted to read:

4-A. Entity. "Entity" means any natural person, corporation, partnership, limited liability company, association or any other organization.

Sec. A-5. 9 MRSA §5003, sub-§5-C, as enacted by PL 1979, c. 678, §1, is amended to read:

5-C. **Hospital.** "Hospital" means an institution ~~which that~~ is engaged primarily in providing inpatient, outpatient or both inpatient and outpatient medical and psychiatric diagnostic and

2 therapeutic services in the care and treatment of injured,  
disabled, sick or mentally ill persons who are under the  
supervision of a physician.

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6 **Sec. A-6. 9 MRSA §5003, sub-§§5-E and 5-F** are enacted to read:

8 5-E. Membership. "Membership" means the relationship of a  
person to an organization that entitles that person to the  
privileges, professional standing, honors or other direct  
benefits of the organization in addition to the right to vote,  
elect officers and hold office in the organization.

12 5-F. Office. "Office" means the Office of Licensing and  
Registration within the Department of Professional and Financial  
Regulation.

16 **Sec. A-7. 9 MRSA §5003, sub-§10**, as amended by PL 1979, c.  
18 127, §50, is further amended to read:

20 10. **Professional solicitor.** "Professional solicitor" means  
any person ~~who for a financial or other consideration engages,  
employs, directs or contracts with any other person to solicit  
contributions or directs agents, servants or employees specially  
employed by or for a charitable organization for the purpose of  
soliciting contributions. A bona fide salaried officer or  
employee of a charitable organization, including an employee of a  
parent organization, shall not be deemed to be a professional  
solicitor unless that person's salary or other compensation is  
computed on the basis of funds to be raised or actually raised or  
the services performed by the person are performed on behalf of  
some organization other than the one which employs that person or  
a chapter, branch or affiliate thereof or entity that, alone or  
through its employees or agents, solicits contributions from the  
public on behalf of a charitable organization in exchange for a  
fee or other remuneration. "Professional solicitor" does not  
include a bona fide employee, bona fide salaried officer,  
attorney, accountant or investment counselor of a charitable  
organization.~~

40 **Sec. A-8. 9 MRSA §5004, sub-§1**, as amended by PL 1981, c. 456,  
Pt. A, §24, is repealed and the following enacted in its place:

42 1. Registration statements by charitable organizations.  
44 The following provisions govern registration statements by  
charitable organizations.

46 A. Unless exempt pursuant to section 5006, a charitable  
48 organization, that intends to solicit contributions in this

2           State or to have contributions solicited on its behalf  
3           within this State shall file a registration statement with  
4           the office at least 30 days before solicitation in each year  
5           in which the organization is engaged in solicitation  
6           activities. The charitable organization shall identify any  
7           affiliate organizations or chapters on its registration  
8           statement.

9  
10           B. A parent organization may file a consolidated  
11           registration statement for its affiliates, chapters and  
12           branches in this State and shall pay a single fee for such a  
13           consolidated registration statement.

14           C. Before approval of its statement by the office in  
15           accordance with section 5008, a charitable organization that  
16           is required to file an initial registration statement or  
17           annual renewal statement may not solicit contributions or  
18           have contributions solicited on its behalf by any other  
19           person, charitable organization, commercial co-venturer or  
20           professional solicitor, or participate in charitable sales  
21           promotion.

22           **Sec. A-9. 9 MRSA §5004, sub-§2-A,** as amended by PL 1991, c.  
23           714, §1, is further amended to read:

24           **2-A. Fee for registration statement.** Charitable  
25           organizations shall pay an application fee of \$50 and an initial  
26           and a renewal fee of \$49 \$100.

27           **Sec. A-10. 9 MRSA §5004, sub-§3,** as amended by PL 1991, c. 77,  
28           §1, is further amended by amending the first paragraph to read:

29           **3. Content of registration statement.** The commissioner  
30           shall prescribe the form of ~~and--issue~~ registration statements.  
31           These statements shall must be sworn to or affirmed by the  
32           principal officer of any charitable organization and shall must  
33           contain the following information, which must be updated when any  
34           change occurs in the information filed:

35           **Sec. A-11. 9 MRSA §5004, sub-§3, ¶J,** as amended by PL 1991, c.  
36           77, §1, is repealed.

37           **Sec. A-12. 9 MRSA §5004, sub-§4** is enacted to read:

38           **4. Renewal of registration as charitable organization.** The  
39           following provisions govern the application and qualifications  
40           for renewal of a registration as a charitable organization.

2 A. A person or entity that holds a valid registration must  
4 submit a completed application for renewal before the date  
6 of expiration of the registration. A registration expires  
8 on the stated date of expiration. The department must mail  
10 an application form to the registrant's last known address.

12 B. An application may not be considered for approval until  
14 complete. If the application is incomplete, the applicant  
16 must include a letter documenting the specific reasons for  
18 the incompleteness. If that letter is not included, the  
20 incomplete application must be returned for completion.

22 C. A charitable organization that submits an application  
24 for renewal after the expiration date must submit:

26 (1) A financial report covering the most recently  
28 audited fiscal year;

30 (2) A filing fee of \$50 and a renewal of registration  
32 fee of \$100; and

34 (3) A completed application.

36 D. The complete renewal of registration application packet  
38 must include all the requirements identified in subsection 3  
40 as well as the following.

42 (1) The applicant must submit an audited financial  
44 statement as required in section 5005, subsections 1  
46 and 2. The content of the financial statement must be  
48 in accordance with the requirements under section 5004,  
50 subsection 3. Failure to file an audited financial  
52 statement of the organization's most recent audited  
54 fiscal year may be grounds for disciplinary action as  
56 provided under Title 10, section 8003, subsection 5.  
58 If a charitable organization files a financial  
60 statement in accordance with section 5005, subsection  
62 3, paragraph C, federal Internal Revenue Service 990  
64 and Schedule A forms or a 990 EZ form may be accepted  
66 as satisfactory evidence.

68 (2) The applicant must submit the nonrefundable  
70 renewal of registration fee of \$100 plus a filing fee  
72 of \$50 for charitable organizations receiving more than  
74 \$30,000 in gross contributions.

76 **Sec. A-13. 9 MRSA §5005, sub-§2, as amended by PL 1991, c.**  
78 **714, §2, is further amended to read:**

2           2. **Fee for financial reports.** A fee of \$50 must be paid to  
the ~~commissioner~~ office when any financial report is filed.

4           **Sec. A-14. 9 MRSA §5005-A** is enacted to read:

6           **§5005-A. Records**

8           A charitable organization shall maintain accurate and  
10 complete books and records of all fund-raising campaigns and  
12 shall keep those books and records available for inspection by  
the Attorney General or by the office for 3 years after the  
conclusion of each fund-raising campaign.

14           **Sec. A-15. 9 MRSA §5006**, as amended by PL 1989, c. 700, Pt.  
A, §35, is further amended to read:

16           **§5006. Exemptions from registration requirements**

18           1. **Exemption.** ~~The following shall not be required to file~~  
20 ~~registration statements pursuant to~~ charitable organizations  
22 persons and institutions are exempt from the filing requirements  
of section 5004:

24           A. Organizations which that solicit primarily within the  
26 their membership of the organization and where solicitation  
28 activities are conducted by the members. For purposes of  
this paragraph, the term "membership" does not include those  
persons who are granted a membership upon making a  
contribution as a result of a solicitation;

30           C. Persons ~~requesting~~ soliciting contributions for the  
32 relief of any individual specified by name at the time of  
34 the solicitation, when all of the contributions collected,  
without any deductions whatsoever, are turned over to the  
named beneficiary for that individual's use;

36           D. Charitable organizations which that do not intend to  
38 solicit and receive and do not actually solicit or receive  
40 contributions from the public in excess of \$10,000 during a  
42 calendar year or do not receive contributions from more than  
44 10 persons during a calendar year, if all fund-raising  
46 activities are carried on by persons who are unpaid for  
48 their services and if no part of the assets or income inures  
to the benefit of or is paid to any officer or member. If a  
charitable organization which that does not intend to  
solicit or receive contributions from the public in excess  
of \$10,000 during a calendar year does actually solicit or  
receive contributions in excess of ~~such~~ that amount, whether  
or not all such contributions are received during a calendar  
50 year, the charitable organization shall, within 30 days

2 after the date of contributions reach \$10,000, register with  
and report to the Secretary of State as required by this Act;

4 E. Educational institutions, the curriculums of which in  
6 whole or in part are registered or approved by the  
Department of Education, either directly or by acceptance of  
8 accreditation by an accrediting body recognized by the  
Department of Education, and organizations operated by the  
10 student bodies of such institutions; and

12 F. Hospitals which that are nonprofit and charitable.

14 3. Procedures for claiming exemption from registration. A  
charitable organization claiming to be exempt under subsection 1  
must submit to the office annually on forms prescribed by that  
office and accompanied by a \$10 fee a sworn statement setting  
forth the name and address of the organization and its principal  
executive personnel, the purpose of the organization and the  
factual basis for the exemption. The organization claiming  
exemption must include a copy of any financial statement, report  
or return filed with the federal Internal Revenue Service. The  
office shall issue annually a letter of exemption to those  
organizations considered exempt under subsection 1.

24 **Sec. A-16. 9 MRSA §5008**, as amended by PL 1991, c. 714, §3,  
26 is further amended to read:

28 **§5008. Registration and bonding of professional fund-raising**  
30 **counsel, professional solicitors and commercial**  
**co-venturers**

32 **1. Registration.** A person or entity may not act as a  
34 professional fund-raising counsel, a professional solicitor or a  
commercial co-venturer before that person or entity has  
36 registered with the ~~commissioner~~ office. Applications for  
38 registration or reregistration must be in writing, under oath, in  
the form prescribed by the ~~commissioner~~ office and must be  
40 accompanied by an application fee in the amount of \$50 and a  
registration fee in the amount of \$200. Application fees are  
42 nonrefundable. The applicant shall, at the time of making  
application for registration or reregistration, file with and  
44 have approved by the ~~commissioner~~ office a bond, in which the  
applicant must be the principal obligor, in the sum of \$10,000  
46 ~~\$25,000~~, with one or more responsible sureties whose liability in  
the aggregate as such sureties ~~will~~ at least equal equals that  
48 sum. The bond runs to any person or entity who may have a cause  
of action against the principal obligor of the bond for any  
malfeasance or misfeasance in the conduct of charitable  
50 solicitation in this State. Registration is for a period of one  
year. The registration fee and bond required by this chapter



2 must be waived for an auctioneer, when that auctioneer engages in  
3 conduct for which that auctioneer is already bonded, who is  
4 licensed by the Department of Professional and Financial  
5 Regulation and who has otherwise complied with the requirements  
6 of Title 32, chapter 5-A.

7 1-A. Renewal of registration as professional solicitor,  
8 professional fund-raising counsel or commercial co-venturer. The  
9 following provisions govern application and qualification for  
10 renewal registration as a professional solicitor, professional  
11 fund-raising counsel or commercial co-venturer.

12  
13 A. An entity that holds a valid registration must submit a  
14 completed application for renewal before the date of  
15 expiration of the registration. A registration expires on  
16 the stated date of expiration. The office must mail an  
17 application form to the registrant's last known address.

18  
19 B. An application may not be considered for approval until  
20 complete. If the application is incomplete, the applicant  
21 must include a letter documenting the specific reasons for  
22 the incompleteness. If no such letter is included, the  
23 incomplete application must be returned for completion.

24  
25 C. The complete application packet must include:

26  
27 (1) All forms required in this section;

28  
29 (2) A bond approved by the department in the sum of  
30 \$25,000 with one or more responsible sureties whose  
31 liability in the aggregate as such sureties at least  
32 equals that sum. The bond must expire on the stated  
33 date of expiration and be kept on file in the office  
34 for 3 years; and

35  
36 (3) A \$200 renewal of registration fee.

37  
38 D. A professional solicitor, professional fund-raising  
39 counsel or commercial co-venturer that submits an  
40 application for renewal of registration after the expiration  
41 date must submit:

42  
43 (1) A bond in the sum of \$25,000 that expires on the  
44 stated date of expiration;

45  
46 (2) A renewal of registration fee of \$200; and

47  
48 (3) The completed original application.

2 E. Annual reports must be submitted on a form provided by  
3 the office 60 days before the registration expiration date.  
4 The reports must state, at a minimum, the following:

5 (1) For a professional solicitor or professional  
6 fund-raising counsel:

7 (a) The person's address and telephone number;

8 (b) The person's registration number;

9 (c) The name, address and telephone number of  
10 each charitable organization;

11 (d) The registration number of each charitable  
12 organization in division (c);

13 (e) The date or dates of fund-raising campaigns;

14 (f) The total amount raised by the professional  
15 solicitor or professional fund-raising counsel; and

16 (g) The total amount received by each charitable  
17 organization in division (c); and

18 (2) For a commercial co-venturer:

19 (a) The person's name, address and telephone  
20 number;

21 (b) The person's registration number;

22 (c) The name, address and telephone number of  
23 each charitable organization;

24 (d) The registration number of each charitable  
25 organization in division (c);

26 (e) The date or dates of fund-raising campaigns;

27 (f) The total amount raised by the commercial  
28 co-venturer; and

29 (g) The total amount received by each charitable  
30 organization in division (c).

31 F. Failure to file the annual report may result in  
32 disciplinary action as provided under Title 10, section  
33 8003, subsection 5. Applications for renewal of

2           registration may not be accepted unless the annual report  
3           has been filed with the department.

4           2.     **Records.**   A professional fund-raising counsel,  
5 professional solicitor or commercial co-venturer shall maintain  
6 accurate and complete books and records of his fund-raising  
7 activities and telephone solicitation scripts and shall keep such  
8 those books and records available for inspection by the Attorney  
9 General or the office for a period of 3 years after the  
10 conclusion of each specific instance in which he that person acts  
11 as a professional fund-raising counsel, professional solicitor or  
12 commercial co-venturer.

13           ~~3.---Annual--reports.---A--professional--fund-raising--counsel,~~  
14 ~~professional--solicitor--or--commercial--co-venturer--shall--file--an~~  
15 ~~annual--report--which--states--the--names--and--addresses--of--all~~  
16 ~~charitable--organizations--for--whom--any--solicitation--was--conducted,~~  
17 ~~the--total--amount--raised--and--the--amount--paid--to--the--charitable~~  
18 ~~organization--on--a--form--with--such--verification--as--the--commissioner~~  
19 ~~shall--prescribe--by--regulation.~~  
20

21           Sec. A-17. 9 MRSA §5009, as amended by PL 1981, c. 456, Pt.  
22 A, §35, is repealed and the following enacted in its place:

23           §5009. Contracts to be filed and retained

24           1.     Contracts to be filed.   All contracts entered into  
25 between a professional fund-raising counsel, a professional  
26 solicitor or a commercial co-venturer and any charitable  
27 organization, whether or not the organization is exempted under  
28 section 5006, must be in writing, and a true and correct copy of  
29 each contract must be filed by the professional fund-raising  
30 counsel, professional solicitor or commercial co-venturer who is  
31 a party to the contract with the office before services are  
32 performed under the contract. The contract must contain the  
33 following provisions:

34           A.     A statement of the charitable purpose for which a  
35 solicitation campaign is being conducted; and

36           B.     A statement of the percentage of gross proceeds  
37 collected to be paid to the charitable organization.

38           True and correct copies of contracts must be kept on file in the  
39 offices of the charitable organization and the professional  
40 fund-raising counsel, professional solicitor or commercial  
41 co-venturer during the term of the contract and for 3 years after  
42 the date of solicitation of contributions provided for in the  
43 contract.

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2 each board or commission. The office has the authority to  
disapprove expenditures by boards and commissions that are  
4 not necessary to protect the public health and welfare or  
would seriously jeopardize a board's or commission's fiscal  
well-being;

6  
8 C. To provide all staffing necessary and appropriate to  
assist the various boards and commissions. All clerks,  
10 technical support staff and supervisors must be assigned to  
the office and allocated to the various boards and  
commissions according to need;

12  
14 D. To adopt rules establishing a uniform complaint  
procedure for all boards, commissions and regulatory  
functions within the office and to adopt rules necessary and  
proper to administer the regulatory functions within the  
16 office;

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20 E. To perform licensing functions for other state agencies  
on a fee-for-service basis; and

22  
24 F. To study jurisdictional overlap between the department's  
boards and commissions and other state agencies for purposes  
of streamlining and consolidating related legal authorities  
and administrative processes.

26  
28 **Sec. B-3. 10 MRSA §8003, sub-§4**, as amended by PL 1995, c.  
502, Pt. H, §10, is further amended to read:

30 **4. Licensing periods; renewal dates.** ~~In--order--that~~  
~~licenses--may--be--processed--and--issued--in--a--reasonably--uniform~~  
32 ~~manner--over--a--fiscal--year--the~~ The commissioner may establish  
expiration or renewal dates and establish whether licenses are  
34 issued annually or biennially for all licenses authorized to be  
issued by bureaus, offices, boards and commissions within the  
36 department, notwithstanding any other provisions of law. If an  
expiration or renewal date established by the commissioner has  
38 the effect of shortening the term of a license currently in  
effect, the bureau, office, board or commission, or the  
40 department in the case of a license that it issues directly,  
shall credit the fee paid, on a prorated basis, for the unexpired  
42 term of the current license toward the renewal fee of the  
renewal license. If a license is not renewed on the new  
44 expiration or renewal date established by the commissioner, the  
license remains in effect through its original term, unless  
46 suspended or revoked sooner under laws or regulations of the  
respective bureau, office, board or commission. Should a  
48 licensee seek to renew the license at the end of the original  
term, the law or regulations established by the respective  
50 bureau, office, board or commission for late renewals or

2 reregistrations apply. For the purpose of implementing and  
3 administering biennial licensing, the commissioner may permit  
4 bureaus, offices, boards and commissions within the department to  
5 issue licenses and establish renewal fees for less than a 2-year  
6 term. This section may not change the term or fee for one-time  
7 licenses, except as specifically stated.

8 **Sec. B-4. 10 MRSA §8003, sub-§5, ¶C,** as amended by PL 1997, c.  
9 210, §3, is further amended to read:

10 C. The bureau, office, board or commission may:

11 (1) Require all applicants for license or registration  
12 renewal to have responded under oath to all inquiries  
13 set forth on renewal forms;

14 (2) Require applicants for license or registration  
15 renewal to present proof of satisfactory completion of  
16 continuing professional or occupational education in  
17 accordance with each bureau's, office's, board's or  
18 commission's rules. Failure to comply with the  
19 continuing education rules may, in the bureau's,  
20 office's, board's or commission's discretion, result in  
21 a decision to deny license or registration renewal or  
22 may result in a decision to enter into a consent  
23 agreement and probation setting forth terms and  
24 conditions to correct the licensee's or registrant's  
25 failure to complete continuing education. Terms and  
26 conditions of a consent agreement may include requiring  
27 completion of increased hours of continuing education,  
28 civil penalties, suspension and other terms as the  
29 bureau, office, board, commission, the licensee or  
30 registrant and the Department of the Attorney General  
31 determine appropriate. Notwithstanding any contrary  
32 provision set forth in a bureau's, office's, board's or  
33 commission's governing law, continuing education  
34 requirements may coincide with the license or  
35 registration renewal period; or

36 (3) Refuse to renew a license or registration when the  
37 bureau, office, board or commission finds a licensee or  
38 registrant to be in noncompliance with a bureau,  
39 office, board or commission order or consent agreement;

40 (4) Allow licensees or registrants to hold inactive  
41 status licenses or registrations in accordance with  
42 each bureau's, office's, board's or commission's  
43 rules. The fee for an inactive license or registration  
44 may not exceed the statutory fee cap established for  
45 the bureau's, office's, board's or commission's license

2           or registration renewal set forth in its governing law:  
3           or

4           (5) Delegate to staff the authority to review and  
5           approve applications for licensure pursuant to  
6           procedures and criteria established by rule. Rules  
7           developed pursuant to this subparagraph are routine  
8           technical rules as described in Title 5, chapter 375,  
9           subchapter II-A.

10           **Sec. B-5. 10 MRSA §8003, sub-§5, ¶E,** as enacted by PL 1997, c.  
11           680, Pt. A, §1, is amended to read:

14           E. The bureau, office, board or commission may issue  
15           letters of guidance or concern to a licensee or registrant.  
16           Letters of guidance or concern may be used to educate,  
17           reinforce knowledge regarding legal or professional  
18           obligations and express concern over action or inaction by  
19           the licensee or registrant that does not rise to the level  
20           of misconduct sufficient to merit disciplinary action. The  
21           issuance of a letter of guidance or concern is not a formal  
22           proceeding and does not constitute an adverse disciplinary  
23           action of any form. Notwithstanding any other provision of  
24           law, letters of guidance or concern are not confidential.  
25           The bureau, office, board or commission may place letters of  
26           guidance or concern, together with any underlying complaint,  
27           report and investigation materials, in a licensee's or  
28           registrant's file for a specified amount of time, not to  
29           exceed 10 years. Any letters, complaints and materials  
30           placed on file may be accessed and considered by the bureau,  
31           office, board or commission in any subsequent action  
32           commenced against the licensee or registrant within the  
33           specified time frame. Complaints, reports and investigation  
34           materials placed on file are only confidential to the extent  
35           that confidentiality is required pursuant to Title 24,  
36           chapter 21, the Maine Health Security Act.

38           The jurisdiction to suspend occupational and professional  
39           licenses conferred by this subsection is concurrent with that of  
40           the Administrative Court. Civil penalties must be paid to the  
41           Treasurer of State.

42           Any nonconsensual disciplinary action taken under authority of  
43           this subsection may be imposed only after a hearing conforming to  
44           the requirements of Title 5, chapter 375, subchapter IV, and is  
45           subject to judicial review exclusively in the Administrative  
46           Court in accordance with Title 5, chapter 375, subchapter VII,  
47           substituting the term "Administrative Court" for "Superior  
48           Court," notwithstanding any other provision of law.

PART C

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Sec. C-1. 10 MRSA §9009, sub-§2-A, as enacted by PL 1993, c. 642, §17, is amended to read:

2-A. Notice of violation. When the board staff finds a violation of this chapter or any rule adopted pursuant to this chapter, the board or board staff shall issue a notice of violation to the person alleged to have violated the provision. The notice of violation must set forth the alleged violation and specify the corrective action that must be taken and the time within which the action must be taken.

Sec. C-2. 10 MRSA §9021, sub-§1-A is enacted to read:

1-A. Initial training. Beginning July 1, 2000, all licensees and applicants for licensure must obtain initial training, including, but not limited to, the servicing and installation of manufactured housing. Applicants for initial licensure must complete the training before the board approves the application for licensure. All persons holding licenses on July 1, 2000 have 2 years from the time the training requirements are established by the board in which to complete the training. The cost for the training must be set by the board in an amount not to exceed \$25.

Sec. C-3. 10 MRSA §9021, sub-§2, ¶E is enacted to read:

E. The license fee for an installer, as defined in section 9002, subsection 6-A, who installs manufactured housing, as defined in section 9002, subsection 7, may not exceed \$200.

Sec. C-4. 10 MRSA §9022, sub-§4 is enacted to read:

4. Installers. Licensed installers may install manufactured housing and are exempt from any other licensing requirements of any state or political subdivisions but must obtain any permits required.

Sec. C-5. 10 MRSA § 9084, 5th ¶, as amended by PL 1995, c. 353, §8, is further amended to read:

All mobile home park licenses expire annually on a date established by the Commissioner of Professional and Financial Regulation. Licenses may be renewed upon application and upon payment of the prescribed fee, subject to compliance with rules of the board and with this subchapter. ~~The board shall provide licensees with notice of the renewal date and necessary forms no less than 30 days prior to the expiration of the license~~ notify each licensee of the expiration date of that licensee's license



2 and indicate the fee required for annual renewal. Notice must be  
3 mailed to each licensee's last known address at least 30 days in  
4 advance of the expiration of the license. A license may be  
5 renewed up to 90 days after the date of its expiration upon  
6 payment of a late fee of \$50 in addition to the renewal fee. If  
7 any licensee fails to renew within 90 days after expiration, that  
8 licensee is required to make a new application.

## 10 PART D

12 **Sec. D-1. 32 MRSA §60-D**, as amended by PL 1995, c. 502, Pt.  
13 H, §18, is further amended to read:

### 14 **§60-D. Contracts**

16 A board or commission listed in Title 10, section 8001,  
17 subsection 38 or section 8001-A may enter into contracts to carry  
18 out its statutory responsibilities. The Department of  
19 Professional and Financial Regulation, Office of Licensing and  
20 Registration may enter into contracts in its own right, or on  
21 behalf of boards and commissions and to perform regulatory  
22 functions, in order to ensure the provision of goods and services  
23 necessary to fulfill statutory responsibilities.

26 **Sec. D-2. 32 MRSA §60-H, first ¶**, as amended by PL 1995, c.  
27 502, Pt. H, §18, is further amended to read:

28 When there is a finding of a violation, a board or  
29 commission listed in Title 10, section 8001, subsection 38 or  
30 section 8001-A may assess the licensed person or entity for  
31 actual expenses incurred by the board, commission or its agents  
32 for investigations and enforcement duties performed.

34 **Sec. D-3. 32 MRSA §60-I**, as amended by PL 1995, c. 502, Pt.  
35 H, §18, is further amended to read:

### 38 **§60-I. Citations and fines**

40 Any board or commission listed in Title 10, section 8001,  
41 subsection 38 or section 8001-A may adopt by rule a list of  
42 violations for which citations may be issued by professional  
43 technical support staff. A violation may carry a fine not to  
44 exceed \$200. Citations issued by employees of the Office of  
45 Licensing and Registration or an affiliated board must expressly  
46 inform the licensee that the licensee may pay the fine or request  
47 a hearing before the board or commission regarding the violation.

## 50 PART E



2 installations" do not include the installation or repair of  
portable appliances and other portable electrical equipment,  
4 installation of which involves only the insertion of an  
attachment plug into a fixed receptacle outlet. ~~It is the meaning~~  
6 ~~and--intent~~ For purposes of this subsection ~~that--the--word,~~  
"portable" shall does not include or apply to any type of fixed  
electrically operated or driven equipment.

8  
10 **3. Helper electrician.** "Helper electrician" means a person  
making electrical installations in the employment of a master  
12 electrician, limited electrician or electrical company and under  
the direct supervision of a master, journeyman or limited  
14 electrician but who does not qualify under subsection 1. ~~The~~  
~~biennial-renewal-fee-for-a-helper-electrician-license-is-set-by~~  
~~the-board-in-an-amount-not-to-exceed-\$20-~~

16  
18 **3-A. Journeyman-in-training electrician.** "Journeyman-in-  
training electrician" means a person making electrical  
installations in the employment of a master electrician, limited  
20 electrician or electrical company and under the supervision of a  
journeyman, limited or master electrician.

22  
24 **4. Journeyman electrician.** "Journeyman electrician" means  
a person making electrical installations in the employment of a  
26 master electrician, limited electrician or electrical company.

28 **4-A. Supervision.** One apprentice electrician or one helper  
electrician may work with and under the supervision of each  
30 master electrician, limited electrician or journeyman  
electrician. A master electrician who teaches an electrical  
32 course at a Maine applied technology center, a Maine applied  
technology region or a Maine technical college may have a maximum  
34 of 12 helper electricians under direct supervision while making  
electrical installations that are a part of the instructional  
36 program of the school, as long as the total value of each  
installation does not exceed \$2,500. An electrical installation  
38 may not be commenced pursuant to this subsection without the  
prior approval of the director or president of the school at  
40 which the master electrician is an instructor. These  
installations are limited to those done in buildings or  
42 facilities owned or controlled by:

- 44 A. School administrative units;
- 46 B. Nonprofit organizations; and
- 48 C. Households as defined in Title 36, sections 6206 and  
6207.

2 The Electricians' Examining Board and the municipal electrical  
inspector of the municipality in which the installation is to be  
4 made, if the municipality has an inspector, must be notified of  
all installation projects entered into pursuant to this  
6 subsection prior to the commencement of the project. There must  
be an inspection by a state electrical inspector or by the  
8 municipal electrical inspector of the municipality in which the  
installation has been made, if the municipality has an inspector,  
before any wiring on the project is concealed.

10  
12 **5. Limited electrician.** "Limited electrician" means a  
person doing work to install and service the electrical work  
14 related to a specific type of electrically operated equipment or  
to specific electrical installations only authorized by this  
license.

16  
18 **6. Master electrician.** "Master electrician" means an  
individual qualified under this chapter, engaging in, or about to  
engage in, the business of installing electrical wires, conduits,  
20 apparatus, fixtures and other electrical equipment. The  
certificate must specify the name of the individual who is  
22 authorized to enter upon or engage in business as set forth in  
this chapter.

24  
26 **7. Public service corporation.** "Public service corporation"  
means a public utility, as defined in Title 35-A, section 102, or  
a person, firm or corporation subject to the jurisdiction of the  
28 Federal Communications Commission.

30 **8. Utility corporation.** "Utility corporation" means a  
utility not described in subsection 7.

32  
34 **Sec. F-2. 32 MRSA §1102, sub-§§2 and 3,** as repealed and  
replaced by PL 1973, c. 363, are amended to read:

36 **2. Utility corporations.** Regular employees of utility  
corporations not qualifying under subsection 1-A, performing  
38 electrical work in connection with the construction,  
installation, operation, repair or maintenance of any utility by  
40 a utility corporation in rendering its authorized service, or in  
any way incidental thereto; or

42  
44 **3. Mines, ships and carriers.** The electrical work and  
equipment in mines, pipe-line pipeline systems, ships, railway  
rolling stock or automotive equipment, ~~--ex--the--operation--of~~  
46 ~~portable-sound-equipment,~~

48 **Sec. F-3. 32 MRSA §1102, sub-§4,** as repealed and replaced by  
PL 1973, c. 363, is repealed.

50

2           **Sec. F-4. 32 MRSA §1102, sub-§5**, as amended by PL 1995, c.  
114, §1, is repealed.

4           **Sec. F-5. 32 MRSA §1102, sub-§6**, as amended by PL 1995, c.  
560, Pt. H, §12 and affected by §17, is repealed.

6           **Sec. F-6. 32 MRSA §1102, sub-§8**, as amended by PL 1995, c.  
8           114, §3, is repealed.

10          **Sec. F-7. 32 MRSA §1102, sub-§§9 and 10**, as enacted by PL 1995,  
c. 114, §4, are repealed.

12          **Sec. F-8. 32 MRSA §1102-A**, as amended by PL 1991, c. 531, §§4  
14          to 6, is further amended to read:

16          **§1102-A. Exceptions to licensing requirements**

18           All electrical installations must comply with the National  
20           Electrical Code that is in effect at the time of the  
22           installation. Not all activities that qualify as electrical  
24           installations require licensure under this chapter. The  
licensing provisions of this chapter do not apply to regular  
employees--of-the--following the entities, persons and licensees  
enumerated in this section:

26           1. **Industrial plants.** ~~Any electrical equipment and work~~  
28           ~~including constructions, installation, operation, maintenance and~~  
30           ~~repair~~ Industrial plants and regular employees of industrial  
plants making electrical installations in or about industrial or  
manufacturing plants or ~~electrical generating plants;~~

32           2. **Other properties of industrial and manufacturing plants.**  
34           ~~Any electrical equipment and work, including construction,~~  
~~installation, operation, maintenance and repair~~ Other properties  
36           of industrial and manufacturing plants and regular employees of  
other properties of industrial or manufacturing plants making  
38           electrical installations in, on or about other properties,  
equipment or buildings, residential or of any other kind, owned  
40           or controlled by the operators of industrial or manufacturing  
plants, provided as long as such work is done under the  
42           supervision of an electrical engineer in the employ of said the  
operator;

44           3. **Manufacturing plants.** ~~Any electrical installations or~~  
46           ~~equipment involved~~ Manufacturing plants and regular employees of  
manufacturing plants making electrical installations in the  
48           manufacture, testing or repair of electrical equipment in the  
~~manufacturer's~~ manufacturing plant; or

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

4  
6           **5. Certain laboratories.** Installations in suitable  
laboratories of exposed electrical wiring for experimental  
purposes only;

8  
10           **6. Elevator mechanics.** A person licensed under chapter 133  
subject to the restrictions of the license as issued;

12           **7. Oil burner technicians.** A person licensed under chapter  
33 subject to the restrictions of the license as issued;

14  
16           **8. Optical fiber cable installers.** Individuals or  
employees installing optical fiber cable and devices.

18           **9. Propane and natural gas installers.** A person licensed  
under chapter 130, when installing propane and natural gas  
utilization equipment, subject to the restrictions of that  
person's license;

22  
24           **10. Plumbers.** A person licensed under chapter 49, except  
that this exemption applies only to disconnection and connection  
of electrical conductors required in the replacement of water  
pumps and water heaters of the same or smaller size in  
residential properties; or

28  
30           **11. Pump installers.** A person licensed under chapter 69-C,  
except that this exception applies only to disconnection and  
connection of electrical conductors required in the replacement  
of water pumps of the same or smaller size in residential  
properties and the installation of new water pumps and associated  
equipment of 3 horsepower or smaller.

36           **Sec. F-9. 32 MRS §1102-B,** as amended by PL 1995, c. 325, §7,  
is further amended to read:

38  
40           **§1102-B. Permits and inspections**

42           **1. Permits required.** Except as otherwise provided in this  
section, no electrical equipment may be installed or altered  
unless the person making the installation first obtains a permit  
44 from the Electrician's Examining Board.

46           **2. Application procedure.** An application for a permit shall  
48 must be made in a form prescribed by the board together with any  
plans, specifications or schedules the board may require. If the  
board determines that the installation or alteration planned is  
50 in compliance with all applicable statutes, ordinances and rules,

2 it shall issue a permit, provided that the fee required under  
3 subsection 3 has been paid.

4 **3. Inspection required.** When the installation or alteration  
5 is completed, the person making the installation or alteration  
6 shall notify the state electrical inspector ~~assigned-to-the-area~~.  
7 The inspector shall inspect the installation within a reasonable  
8 time so as not to cause undue delay in the progress of the  
9 construction contract or installation. The inspector shall  
10 determine whether the installation complies with all applicable  
11 statutes, ordinances and rules. If the inspector determines that  
12 the installation does not so comply, the procedures set forth in  
13 section 1104 apply. Any utility corporation shall must require  
14 proof of permit prior to connecting power to the installation.

16 **4. Procedures and fees.** Pursuant to the Maine  
17 Administrative Procedure Act, Title 5, chapter 375, the board may  
18 adopt procedures and fees for permit applications and the conduct  
19 of inspections. The combined fee for permit and inspection shall  
20 must be paid with every application for a permit. The board  
21 shall adopt by rule a schedule and of appropriate fees, but in no  
22 event may the any scheduled fee be ~~less than \$13.50~~ exceed \$100.

24 **5. Exceptions to permitting requirement.** This section shall  
25 does not apply to the following:

26 A. Single-family dwellings;

28 B. The electrical work and equipment employed in connection  
29 with the construction, installation, operation, repair or  
30 maintenance of any utility by a utility corporation in  
31 rendering its authorized service or in any way incidental  
32 thereto;

34 C. Minor repair work, including the replacement of lamps,  
35 fuses, lighting fixtures, switches and sockets, the  
36 installation and repair of outlets, radio ~~and--other--low~~  
37 ~~voltage--equipment~~ and the repair of entrance service  
38 equipment;

40 D. Installations or alterations for which a permit and  
41 inspection are required by municipal resolution or ordinance  
42 under Title 30-A, section 4173;

44 E. Any electrical equipment and work, including  
45 construction, installation, operation, maintenance and  
46 repair in or about industrial or manufacturing facilities;  
47 and  
48

2 F. Any electrical equipment and work, including  
3 construction, installation, operation, maintenance and  
4 repair in, on or about other properties, equipment or  
5 buildings, residential or of any other kind, owned or  
6 operated by a person engaged in industrial or manufacturing  
7 operations provided that the work is done under the  
8 supervision of an electrical engineer or master electrician  
9 in the employ of that person.;

10 G. Work performed by any person licensed under chapter 33  
11 as an oil burner technician, subject to the restrictions of  
12 the license as issued;

14 H. Work performed by a person licensed under chapter 130 as  
15 a propane and natural gas installer, when installing propane  
16 and natural gas utilization equipment, subject to the  
17 restrictions of that person's license;

18 I. Work performed by a person licensed under chapter 49 as  
19 a plumber, except that this exception applies only to  
20 disconnection and connection of electrical conductors  
21 required in the replacement of water pumps and water heaters  
22 of the same or smaller size in residential properties; or

24 J. Work performed by a person licensed under chapter 69-C  
25 as a pump installer, except that this exception applies only  
26 to disconnection and connection of electrical conductors  
27 required in the replacement of water pumps of the same or  
28 smaller size in residential properties and the installation  
29 of new water pumps and associated equipment of 3 horsepower  
30 or smaller.

32 **Sec. F-10. 32 MRSA §1105, first ¶,** as amended by PL 1983, c.  
34 413, §33, is further amended to read:

36 Any person, firm or corporation who makes electrical  
37 installations without being licensed as provided in this chapter  
38 or who, being in that business, employs an unlicensed person,  
39 firm or corporation to do that work, unless he the unlicensed  
40 person, firm or corporation is an apprentice electrician or an  
41 electrician's helper as set forth in this chapter, unless the  
42 person, firm or corporation or work is ~~exempted~~ excepted under  
43 section 1102 or 1102-A+ or any person, firm or corporation who  
44 procures a license as provided in this chapter wrongfully or by  
45 fraud, ~~or any person, firm or corporation who violates this~~  
46 ~~chapter or rules promulgated thereunder, or standards adopted by~~  
47 ~~the board,~~ is guilty of a Class E crime.

48 **Sec. F-11. 32 MRSA §1151, 2nd ¶,** as amended by PL 1995, c.  
50 237, §1, is further amended to read:



2           The 7 appointive members consist of: one master electrician  
3 experienced in low-energy electronics; one electrician who is a  
4 bona fide member from organized labor classified as an inside  
5 electrician; one electrical inspector; one master electrician  
6 from the education field; and one person experienced in the  
7 electrical field, all of whom must have at least 10 years of  
8 experience in the electrical field, provided that the latter 3  
9 need not be active electricians at the time of their appointment;  
10 and 2 representatives of the public. ~~At the time of each~~  
11 ~~appointment, the State Electrical Associates may nominate 3~~  
12 ~~persons for that appointment. To the extent the State Electrical~~  
13 ~~Associates so nominates persons otherwise qualified for~~  
14 ~~appointment to the board, the appointive members, other than the~~  
15 ~~representatives of the public, may be selected from the persons~~  
16 ~~so-nominated.~~

17           **Sec. F-12. 32 MRSA §1153**, as amended by PL 1993, c. 636, §1,  
18 is further amended to read:

19

20           **§1153. Meetings; rules**

21

22           The board shall hold regular meetings at least twice a  
23 year. Additional meetings may be held as necessary to conduct  
24 the business of the board and may be convened at the call of the  
25 chair or ~~4~~ a majority of the board members. At the first  
26 meeting in each calendar year, the ~~6~~ 7 appointive members shall  
27 choose one appointive member to act as chair. A quorum of the  
28 board consists of not less than 4 members. The board shall keep  
29 correct records of all its proceedings; may adopt, pursuant to  
30 the Maine Administrative Procedure Act, Title 5, chapter 375,  
31 subchapter II, rules it determines necessary for the holding of  
32 examinations and for carrying out this chapter; and shall provide  
33 for reciprocity of licensing as required to implement section  
34 1206.

35

36           **Sec. F-13. 32 MRSA §1155-A, sub-§2, ¶A**, as enacted by PL 1983,  
37 c. 413, §38, is amended to read:

38           A. The practice of any fraud or deceit in obtaining a  
39 license or permit;

40

41           **Sec. F-14. 32 MRSA §1202, sub-§1, ¶C**, as amended by PL 1995,  
42 c. 325, §12, is further amended by adding a subparagraph (8) to  
43 read:

44

45           (8) A crane technician must have 135 hours of  
46 electrical education as approved by the Electricians'  
47 Examining Board or from an accredited institution and  
48 2,000 hours of experience. Any person having work  
49

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experience in the installation of cranes and hoists, as defined by the National Electrical Code, prior to the effective date of this subparagraph, qualifies to be licensed as a crane technician. This covers the installation of electrical equipment and wiring used in connection with cranes, monorail hoists, hoists and runways.

Sec. F-15. 32 MRSA §1202, sub-§2, as amended by PL 1991, c. 714, §9, is further amended to read:

2. **Apprentice or helper.** The board may issue a license upon payment of an annual fee as adopted by the board, ~~not to exceed \$20,~~ to any person who applies for a license, without examination. Any such person employed by an electrician as an apprentice for the purpose of qualifying for any license mentioned in section 1203, or as an electrician's helper, must apply for a license as such immediately after commencing that employment or immediately after starting school in an electrical course.

Sec. F-16. 32 MRSA §1203, as amended by PL 1997, c. 210, §5, is repealed and the following enacted in its place:

**§1203. Examinations**

Applicants for licensure must present to the board a written application for examination and license containing such information as the board may require.

Sec. F-17. 32 MRSA §1203-A is enacted to read:

**§1203-A. Fees**

The board shall adopt by rule fees for application, examination, licensure and biennial renewal in amounts that are reasonable and necessary but not to exceed:

- 1. Application fee. Application fee.....\$25;
- 2. Examination fee. Examination fee.....\$80; and
- 3. Licensure fee. Licensure fee:
  - A. Journeyman or Journeyman-in-training..\$80;
  - B. Master.....\$150;
  - C. Limited.....\$100;





2 therapy assistant in this State or use the words "occupational  
therapist," ~~"Registered---Occupational---Therapist~~ registered  
4 occupational therapist, "occupational therapy assistant" or  
"certified occupational therapy assistant" or the letters "O.T." "O.T.R.," "O.T.A.," "C.O.T.A." or other words or letters to  
6 indicate that the person using the words or letters is a licensed  
occupational therapist or certified occupational therapy  
8 assistant, or which that may misrepresent to the public that the  
person has received formalized training in the field of  
10 occupational therapy, unless that person is licensed in  
accordance with this chapter.

12  
14 This subsection is not intended to prohibit occupational therapy  
students and occupational therapy assistant students completing  
16 fieldwork from using the letters "O.T.S." and "O.T.A.S."  
respectively.

## 18 PART K

20 **Sec. K-1. 32 MRSA §2311, sub-§§1 and 2,** as enacted by PL 1979,  
c. 569, §4, are amended to read:

22  
24 **1. Accessory equipment.** "Accessory equipment" shall ~~mean~~  
means equipment, materials and controls which that are not  
26 integral parts of the oil or solid fuel burning unit but which  
that are connected thereto to the oil or solid fuel burning unit  
and have the potential to affect the safety of the oil or solid  
28 fuel burning equipment.

30 **2. Apprentice oil burner technician.** "Apprentice oil burner  
technician" shall ~~mean~~ means a person who is licensed under this  
32 chapter to and under the supervision of a master oil burner  
technician licensed under this chapter. A licensed apprentice  
34 oil burner technician may assist in making oil burner  
installations, repairs and servicing of oil burning equipment  
36 under the direct supervision of a master or journeyman oil burner  
technician. ~~An apprentice oil burner technician may clean oil~~  
38 ~~burners and oil burning equipment without direct supervision.~~

40 **Sec. K-2. 32 MRSA §2311, sub-§7,** as amended by PL 1991, c.  
716, §6, is further amended to read:

42  
44 **7. Journeyman oil burner technician.** "Journeyman oil  
burner technician" means any person licensed under this chapter  
to install, clean, service, alter or repair oil burning  
46 equipment. A journeyman oil burner technician shall may install  
oil burning equipment only under the supervision of a master oil  
48 burner technician licensed under this chapter and must at all  
times be under the supervision of, or in the employ of, a master  
50 oil burner technician licensed under this chapter. Applicants

2 for--a--license--of--this--classification--shall--present--evidence  
satisfactory--to--the--board--of--at--least--one--year's--licensed  
practical--experience,--er--6--months--of--licensed--practical  
4 experience--and--completion--of--an--oil--burner--technician--course--at--a  
Maine--technical--college,--regional--applied--technology--center,  
6 applied--technology--region,--or--comparable--institute--from--Maine--or  
another--state--consisting,--at--a--minimum,--of--160--hours--of--study--of  
8 which--at--least--75--hours--are--made--up--of--laboratory--work--on--oil  
burner--equipment--and--related--systems.

10  
12 **Sec. K-3. 32 MRSA §2311, sub-§8**, as amended by PL 1997, c. 82,  
§1, is further amended to read:

14 **8. Master oil burner technician.** "Master oil burner  
technician" means a person who is licensed under this chapter to  
16 engage in the business of installing or servicing oil burning  
equipment. ~~Applicants for a license of this classification shall~~  
18 ~~present to the board satisfactory evidence that they have 4 years~~  
~~licensed practical experience and evidence that the licensed~~  
20 ~~practical experience for at least 2 of these 4 years was as a~~  
~~licensed journeyman oil burner technician, or other such~~  
22 ~~requirement as the Oil and Solid Fuel Board may establish.~~

24 **Sec. K-4. 32 MRSA §2311, sub-§9**, as amended by PL 1997, c. 82,  
§2, is further amended to read:

26  
28 **9. Master solid fuel burner technician.** "Master solid fuel  
burner technician" means a person who is licensed under this  
chapter to engage in the business of installing and servicing  
30 solid fuel burning equipment. ~~An applicant for examination for~~  
~~this classification must be a person who presents to the board~~  
32 ~~satisfactory evidence of at least 2 years of licensed practical~~  
~~experience and related knowledge, or a person having a master oil~~  
34 ~~burner technician's license issued under this chapter, or a~~  
~~person having a bachelor degree in engineering from an accredited~~  
36 ~~university who presents to the board satisfactory evidence of~~  
~~knowledge of solid fuel burning equipment.~~

38  
40 **Sec. K-5. 32 MRSA §2311, sub-§9-A**, as amended by PL 1991, c.  
714, §10, is repealed.

42 **Sec. K-6. 32 MRSA §2312**, as repealed and replaced by PL 1991,  
c. 198, §9, is repealed.

44  
46 **Sec. K-7. 32 MRSA §2312-A**, as enacted by PL 1991, c. 198,  
§10, is repealed.

48 **Sec. K-8. 32 MRSA §2315**, as amended by PL 1991, c. 198, §13,  
is repealed and the following enacted in its place:

50

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

2  
4 1. Inspection. State oil and solid fuel compliance  
6 officers, upon written complaint of any owner, lessee or tenant  
8 of a building, state fire inspector, fire chief, fire department  
10 inspector, personnel of an electric utility or local electrical  
12 inspector, or whenever they consider it necessary, for purposes  
14 of examination of the burner, chimney or fireplace installation,  
16 may at all reasonable hours enter into and upon all buildings or  
18 premises within their jurisdiction and inspect the buildings or  
20 premises. The inspectors may enter any building only with the  
22 permission of the person having control of the building or, after  
24 hearing, upon order of the court. Whenever any such compliance  
26 officer finds any burner, chimney or fireplace installation in  
any building or structure that does not comply with the  
requirements of this chapter, that officer shall order the  
burner, chimney or fireplace to be removed or remedied, and the  
order must forthwith be complied with by the owner or occupant of  
that building or structure or the installer of the equipment. If  
the compliance officer finds an installation, which falls under  
the compliance officer's jurisdiction in any building or  
structure that creates a danger to other property or to the  
public, the compliance officer may forbid the use of the building  
or structure by serving a written order upon the owner and the  
occupant, if any, to vacate within a reasonable period of time to  
be stated in the order.

28 2. Order to correct deficiency; appeal. Any person ordered  
30 by a state oil and solid fuel compliance officer to correct a  
32 deficiency or to vacate a building or structure may appeal the  
34 order by filing with the board within 7 days of receipt of the  
36 order a written notice of appeal. The board shall review that  
38 appeal and issue its written decision within a reasonable time  
40 after receipt of the notice of appeal. If the board upholds the  
42 compliance officer's order, it shall prescribe a time period for  
44 the requisite correction specified in its written decision or the  
time within which that person must vacate the building or  
structure. The decision must be complied with, unless appealed  
as provided. Any person ordered by the board to correct a  
deficiency or to vacate a building or structure may appeal the  
order to the Superior Court in accordance with Title 5, chapter  
375, subchapter II-A by filing a petition for review within 48  
hours of receipt of the order. The court shall issue its written  
decision within 20 days after receipt of the petition for review.

46 3. Final orders. The decision of the Superior Court on an  
48 appeal is final. An order by a state oil and solid fuel  
50 compliance officer and any order by the board are final and  
subject to no further appeal upon failure to file a timely,  
written appeal as provided in subsection 2.

2           4. Injunction to enforce order. Upon the failure of any  
3 person to carry out a final order as provided in subsection 3,  
4 the board may petition the Superior Court for the county in which  
5 the building or premises are located for an injunction to enforce  
6 that order. If the court determines, upon hearing such a  
7 petition, that a lawful final order was issued, it shall order  
8 compliance.

10           5. Powers of oil and solid fuel compliance officers. Oil  
11 and solid fuel compliance officers have powers throughout the  
12 several counties of the State, similar to those of sheriffs in  
13 their respective counties, relating to enforcement of this  
14 chapter and rules adopted under this chapter. These powers are  
15 limited to the issuing of citations, the serving of summonses,  
16 the conducting of investigations, the ordering of corrections of  
17 violations and the issuance of orders to vacate a building or  
18 structure in accordance with this chapter. State oil and solid  
19 fuel compliance officers may review the burner, chimney or  
20 fireplace installation records of any person licensed under this  
21 chapter or any person performing installations as authorized  
22 under this chapter.

24           **Sec. K-9. 32 MRSA §2317, first ¶,** as amended by PL 1997, c. 82,  
25 §3, is further amended to read:

26  
27           Any person, firm or corporation who makes an oil or solid  
28 fuel burner installation without being licensed as provided by  
29 this chapter; any person, firm or corporation in the oil or solid  
30 fuel burner installation business who employs an unlicensed  
31 person, unless the work is exempted under this chapter; or any  
32 person who procures any license as provided in this chapter  
33 wrongfully or by fraud; ~~or any person, firm or corporation who~~  
34 ~~violates the provisions of this chapter or rules adopted under~~  
35 ~~this chapter, or standards adopted by the board,~~ is guilty of a  
36 Class E crime.

38           **Sec. K-10. 32 MRSA §2351, 2nd ¶,** as amended by PL 1993, c.  
39 659, Pt. A, §6, is further amended to read:

40  
41           Three of the appointive members must be oil burner  
42 technicians who are active in the trade. One of the members must  
43 have at least 5 years' experience and the other 2 members must  
44 have at least 10 years' experience as oil burner technicians.  
45 Nominees for appointment of the oil burner technician members may  
46 be recommended to the Governor by the Maine Oil Dealers  
47 Association. One of the appointive members must be a  
48 representative of the solid fuel burning industry, one must be a  
49 representative of the public and one must be a manufacturer,  
50 importer or wholesaler or a designee of a manufacturer, importer



2 or wholesaler of the--type--of--equipment--requiring--product  
3 registration-pursuant-to-section-2312 equipment for burning oil  
4 and solid fuel, prefabricated fireplaces and chimneys or  
5 accessory equipment.

6 Sec. K-11. 32 MRSA §2352, 2nd ¶, as amended by PL 1991, c.  
7 198, §15, is repealed.

8  
9 Sec. K-12. 32 MRSA §2353, as amended by PL 1991, c. 198, §16,  
10 is further amended to read:

11 **§2353. Meetings; rules**

12  
13 The board shall meet at least once a year to conduct its  
14 business and elect its officers. Additional meetings may be held  
15 as necessary to conduct the business of the board, and may be  
16 convened at the call of the chair or a majority of the board  
17 members. Four members of the board constitute a quorum for all  
18 purposes. The board may adopt standards and rules as necessary,  
19 pursuant to the Maine Administrative Procedure Act, Title 5,  
20 chapter 375, for the holding of examinations and for carrying out  
21 this chapter, and provide for reciprocity of licensing with  
22 similar boards of other states that maintain standards equivalent  
23 to those provided under this chapter. ~~The board may establish~~  
24 ~~fees and charges necessary for covering the costs incurred for~~  
25 ~~registering manufacturers and importers. The manufacturer or~~  
26 ~~importer shall pay all fees and charges established by the board~~  
27 ~~or incurred by the board in the process of investigating or~~  
28 ~~verifying the safety of equipment sold in the State.~~

29  
30 Sec. K-13. 32 MRSA §2401-A, sub-§6, as enacted by PL 1979, c.  
31 569, §13, is amended to read:

32  
33 6. **Personal abode.** Nothing in this chapter shall ~~prevent~~  
34 prevents a person from making an oil or solid fuel burner  
35 installation in a single family residence occupied or to be  
36 occupied by ~~him~~ that person as ~~his~~ that person's bona fide  
37 personal abode, ~~providing~~ provided that ~~the~~ installation conforms  
38 with ~~the National Fire Protection Association Standard No. 31~~  
39 board laws and rules.

40  
41 Sec. K-14. 32 MRSA §2401-B is enacted to read:

42  
43 **§2401-B. Issuance of licenses**

44  
45 **1. Application; qualifications.** The board shall issue a  
46 license to any person who files a sworn application, who passes  
47 an examination approved by the board and who meets the following  
48 applicable qualifications.

49  
50

2           A. For a journeyman oil burner technician license, a person  
3           must present satisfactory evidence to the board of at least  
4           one year's licensed practical experience as an apprentice  
5           oil burner technician, or 6 months of licensed practical  
6           experience and completion of an oil burner technician course  
7           at a Maine technical college, regional applied technology  
8           center, applied technology region or comparable institute  
9           from Maine or another state consisting, at a minimum, of 160  
10           hours of study of which at least 75 hours are made up of  
11           laboratory work on oil burner equipment and related  
12           systems. An out-of-state applicant must present  
13           satisfactory evidence to the board of experience in  
14           installing, cleaning, servicing, altering and repairing oil  
15           burning equipment.

16           B. For a master oil burner technician license, a person  
17           must present to the board satisfactory evidence of a total  
18           of 4 years' licensed practical experience as an apprentice  
19           oil burner technician and a journeyman oil burner technician  
20           and evidence that the licensed practical experience for at  
21           least 2 of those 4 years was as a licensed journeyman oil  
22           burner technician, or other such requirements as the board  
23           may establish. Courses approved to become licensed as a  
24           journeyman can not be applied toward the licensing  
25           requirements for a master. An out-of-state applicant must  
26           present satisfactory evidence to the board of experience in  
27           installing, cleaning, servicing, altering and repairing oil  
28           burning equipment.

29           C. For a master solid fuel burner technician license, a  
30           person must present to the board satisfactory evidence of at  
31           least 2 years' licensed practical experience as a journeyman  
32           oil burner technician and related knowledge; a master oil  
33           burner technician's license issued under this chapter; or a  
34           bachelor's degree in engineering from an accredited  
35           university and satisfactory evidence of knowledge of solid  
36           fuel burning equipment. An out-of-state applicant must  
37           present satisfactory evidence to the board of experience in  
38           installing, cleaning, servicing, altering and repairing  
39           solid fuel burning equipment.

40           2. Apprentice. The board may issue an apprentice license  
41           without examination to any person who applies and submits an  
42           annual fee as adopted by the board by rule. Any such person  
43           employed by, or under the direct supervision of, a master  
44           licensee must apply for an apprentice license immediately upon  
45           employment or immediately after beginning school in a heating  
46           program. An apprentice oil burner technician may clean oil  
47           burners and oil burning equipment as specified by rule.

50

2 3. License certificate. All persons licensed by the board  
3 must receive a license certificate that must be publicly  
4 displayed at the principal place of business of the licensee, if  
5 any, and a pocket card license that must be carried on the person  
6 and displayed at any time upon request.

7 Sec. K-15. 32 MRSA §2402, as amended by PL 1997, c. 82, §4,  
8 is repealed.

9 Sec. K-16. 32 MRSA §§2402-A and 2402-B are enacted to read:

10 §2402-A. Rules

11 The board may adopt reasonable rules for the issuance of  
12 various types and classes of licenses to cover oil and solid fuel  
13 burner installations and to set forth standards and rules for  
14 product approval. A license may cover one or more types of  
15 installations. The board may further adopt reasonable rules  
16 concerning the term and type of experience required by candidates  
17 for examination.

18 §2402-B. Fees

19 An application fee, an examination fee and original and  
20 renewal license fees may be established by the board by rule in  
21 amounts that are reasonable and necessary for their respective  
22 purposes.

23 1. Application. The fee for application may not exceed \$25.

24 2. Examination. The fee for examination may not exceed  
25 \$100.

26 3. Licensure. The fees for licensure may not exceed the  
27 following amounts:

28 A. Master.....\$200;

29 B. Journeyman.....\$100;

30 C. Apprentice.....\$40; and

31 D. Company.....\$200.

32 Sec. K-17. 32 MRSA §2403, 2nd ¶, as amended by PL 1979, c.  
33 606, §13, is further amended to read:

34 Examinations may include questions on the standards rules of  
35 the Oil and Solid Fuel Board, applicable National Fire Protection  
36 Association Standards and provisions of the National Electrical  
37 Association Standards and provisions of the National Electrical  
38 Association Standards and provisions of the National Electrical  
39 Association Standards and provisions of the National Electrical  
40 Association Standards and provisions of the National Electrical  
41 Association Standards and provisions of the National Electrical  
42 Association Standards and provisions of the National Electrical  
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47 Association Standards and provisions of the National Electrical  
48 Association Standards and provisions of the National Electrical  
49 Association Standards and provisions of the National Electrical  
50 Association Standards and provisions of the National Electrical

Code as may be applicable to the installations and the equipment.  
2 Any person failing to pass his the first examination in any one  
4 category may be reexamined at a time agreeable to the board upon  
payment of the examination fee.

6 **Sec. K-18. 32 MRSA §2406**, as enacted by PL 1989, c. 320, §6,  
is amended to read:

8  
10 **§2406. Corporations, firms and partnerships**

12 The board may issue a ~~master-oil-burner-or-solid-fuel-burner~~  
~~technician company~~ license to a corporation, firm ~~or~~ partnership  
14 ~~which-submits-an-application-for-a-license-on-a-form-prescribed~~  
~~by-the-board~~ or limited liability company. Such a license shall  
16 may not be issued unless the applicant provides satisfactory  
evidence that it has a licensed master oil burner or solid fuel  
18 burner technician directly in charge of its heating business  
activities who is an officer in the case of a corporation, or  
20 full-time employee, in the case of a firm or partnership, and the  
license shall must be issued in the name of that master oil  
22 burner or solid fuel burner technician. Upon the death or  
severance from the company of the licensed master oil burner or  
24 solid fuel burner technician in whose name the company license is  
held, the company license shall automatically ~~terminate~~  
26 terminates 30 days from the date of that death or severance,  
unless the company applies for reissuance of its license in the  
28 name of another licensed master oil burner or solid fuel burner  
technician who is qualified under this section.

30 **PART L**

32 **Sec. L-1. 32 MRSA §3112, sub-§5, ¶H**, as amended by PL 1983, c.  
34 553, §46, is further amended to read:

36 H. ~~To authorize issuance of certificates of licensure by~~  
~~the Central Licensing Division of the Department of~~  
38 ~~Professional and Financial Regulation which shall process~~  
~~and issue initial and renewal certificates of licensure. The~~  
licensing ~~division~~ shall maintain a register containing  
40 names and addresses of each person licensed and such other  
information as that is deemed considered necessary by the  
42 board and the Commissioner of Professional and Financial  
Regulation. This information shall ~~be~~ is open for public  
44 inspection during regular office hours; and

46 **Sec. L-2. 32 MRSA §3113-B, sub-§4**, as enacted by PL 1991, c.  
48 178, §3, is amended to read:

50 **4. Graduate physical therapist or assistant.** The  
supervised practice of a graduate physical therapy ~~by a graduate~~

2 physical-therapist or graduate physical therapist assistant, who  
3 ~~has-filed-with-the~~ is approved by the board an application to sit  
4 ~~for licensure-by examination and-has-met-all-the-qualifications~~  
5 ~~between-the-date-of-filing-and-the-publication-of,~~ until the  
6 ~~results of the next examination,-as-long-as-that-person-indicates~~  
7 ~~that-that-person-is-a~~ have been published. The graduate and  
8 works must work in a facility employing at least one physical  
9 therapist licensed to practice in this State who assumes  
10 responsibility for patient-related activities of the individual  
11 applicant. This responsibility must be verified in advance of  
12 the graduate engaging in the practice of physical therapy  
13 pursuant to this section. That verification must be accompanied  
14 by the supervising physical therapist filing a supervisor's  
15 affidavit with the board on a form provided by the board;

16 **Sec. L-3. 32 MRSA §3114-A, sub-§1,** as amended by PL 1983, c.  
17 413, §§132 and 133, is further amended to read:

18 **1. Qualification.** To qualify for a license as a physical  
19 therapist or physical therapist assistant, an applicant shall  
20 must meet the following requirements:

21 **A.** Demonstrate that he the applicant is trustworthy and  
22 competent to engage in practice as a physical therapist or  
23 physical therapist assistant in such manner as to safeguard  
24 the interests of the public;

25 **B.** Be a graduate of an educational program for the physical  
26 therapist or the physical therapist assistant which that is  
27 accredited by an agency recognized by the United States  
28 Commissioner of Education or the Council on Post-Secondary  
29 Accreditation, or both, and approved by the board; or if the  
30 applicant has been trained in another country, present  
31 satisfactory evidence that he the applicant has graduated  
32 from a school of physical therapy approved or accredited in  
33 the country where the school is located and have educational  
34 credentials equivalent to those of the United States trained  
35 physical therapist or physical therapist assistant; and

36 **C.** Pass an examination, approved by the board, to determine  
37 the applicant's fitness to practice as a physical therapist  
38 or to act as a physical therapist assistant. The board may  
39 waive the examination requirement for an applicant who is  
40 currently licensed in another state by virtue of having  
41 previously passed a qualifying examination acceptable to the  
42 board, provided that the passing standards for the  
43 examination were equivalent to those then required by the  
44 law of this State.

2 Applicants trained in another country must demonstrate  
3 proficiency in written and spoken English and ~~complete up to one~~  
4 ~~year experience in employment approved by the board under the~~  
5 ~~supervision of a licensed physical therapist.~~

6 **Sec. L-4. 32 MRSA §3114-A, sub-§2,** as amended by PL 1983, c.  
7 413, §§134 and 135, is further amended to read:

8 **2. Application.** To apply for a license as a physical  
9 therapist or physical therapist assistant, an applicant shall:

10 **A.** Submit a written application with supporting documents  
11 to the board on forms provided by the board; and

12 **B.** Pay an application fee and ~~examination fee~~ established  
13 by the board in amounts ~~which are reasonable and necessary~~  
14 ~~for their respective purposes~~ an amount not to exceed \$75.

15 In case the application is denied and permission to take the  
16 examination refused, the examination fee only must be returned to  
17 the applicant. An applicant who fails to pass the examination is  
18 entitled to a reexamination within 6 months upon repayment of the  
19 examination fee only. If an applicant fails one section of the  
20 examination, that applicant must repeat the entire examination.  
21 An applicant may not take any part of the examination more than 3  
22 times, unless that applicant submits evidence of having acquired  
23 additional formal education related to the previously failed  
24 examination section or sections.

25 **Sec. L-5. 32 MRSA §3116,** as repealed and replaced by PL 1983,  
26 c. 413, §137, is amended to read:

27 **§3116. Biennial licensure renewal; fees**

28 All licenses shall must be renewed biennially on or before  
29 March 31st of each even-numbered year or at such other times as  
30 the Commissioner of Business Professional and Financial  
31 Regulation may designate. The biennial licensure renewal fee  
32 shall may not exceed \$60. ~~The Central Licensing Division shall~~  
33 ~~notify each licensee, at his last known address, 30 days in~~  
34 ~~advance of the expiration of his license. Renewal notices shall~~  
35 ~~be on forms provided by the board.~~ Any license not renewed by  
36 March 31st automatically expires. The board may renew an expired  
37 license if the renewal notice is returned within 90 days of the  
38 expiration date and upon payment of a late fee of \$10 in addition  
39 to the renewal fee. Any person who submits an application for  
40 renewal more than 90 days after the license expiration date shall  
41 be is subject to all requirements governing new applicants under  
42 this chapter, except that the board may in its discretion, giving  
43 due consideration to the protection of the public, waive

2 examination if the renewal application is made within 2 years  
3 from the date of that expiration.

## 4 PART M

6 **Sec. M-1. 32 MRSA §3301**, as amended by PL 1995, c. 502, Pt.  
7 H, §31, is further amended to read:

### 8 **§3301. Definitions**

10 The As used in this chapter, unless the context otherwise  
12 indicates, the following words--and--phrases--when--used--in--this  
14 chapter--shall--be--construed--as--follows: terms have the following  
meanings.

16 **1-A. Commissioner.** "Commissioner" means the Commissioner  
17 of Professional and Financial Regulation.

18 **1-B. Department.** "Department" means the Department of  
20 Professional and Financial Regulation.

22 **2. Board.** "Board" shall--be means the Plumbers' Examining  
23 Board appointed under section 3401.

24 **2-A. Journeyman-in-training.** A--"journeyman-in-training  
26 license" "Journeyman-in-training" means that--license--issued--to--a  
28 person--who--is--in--the--process--of--accumulating--experience--in--order  
30 to--qualify--for--a--journeyman--plumber's--license,--pursuant--to  
32 section--3501,--subsection--2,--paragraph--B,--who--has--met--the  
34 education--requirements--set--forth--in--that--paragraph--and--has  
36 achieved--a--passing--grade,--as--determined--by--the--board,--on--the  
38 journeyman's--examination.--A--licensed--journeyman--in--training--may  
40 a person who is licensed under this chapter to assist in making  
plumbing installations under the direct supervision of a  
journeyman plumber or a master plumber, but who may not act as or  
represent that the person is a journeyman plumber, as defined in  
subsection 3. A--journeyman--in--training--license--is--valid--for--a  
single--nonrenewable--period--of--4--years,--and--may--be--issued--only  
once--to--any--individual.--The--fee--for--a--journeyman--in--training  
license--is--set--by--the--board--and--may--not--exceed--\$8.

42 **3. Journeyman plumber.** "Journeyman plumber" shall--mean  
44 means any person who customarily performs the work of installing  
46 plumbing and drainage under the employment and direction of a  
48 master plumber or, not being a master plumber, does plumbing  
repair work as a regular part--time part-time occupation. The  
biennial--fee--for--a--journeyman--plumber's--license--shall--not--exceed  
\$75.

2           **4. Limited license.** "Limited license" shall-mean means a  
3 limited plumber's license to install and service plumbing work  
4 related to a specific type of plumbing equipment or to specific  
5 plumbing installations shall-be granted to any person who has  
6 passed a satisfactory examination before the board. It shall must  
7 specify the name of the person who shall-be is limited to engage  
8 in the occupation of installing and servicing the plumbing work  
9 related to the type of equipment or to specific plumbing  
10 installations only as authorized by the license. ~~The biennial fee  
for a limited license shall not exceed \$75.~~

12           **5. Master plumber.** "Master plumber" means any person, firm  
13 or corporation, qualified under this chapter, engaging in, or  
14 about to engage in, the business of installing plumbing or  
15 plumbing systems. The license shall must specify the name of the  
16 person, firm or corporation to whom the license is issued and in  
17 the case of a firm or corporation the license shall must further  
18 specify the licensed master plumber in whose name it is issued,  
19 pursuant to the requirements of section 3507. ~~The biennial fee  
for a master plumber's license shall not exceed \$150.~~

22           **5-A. Propane and natural gas installer.** A "propane and  
23 natural gas installer" means a person ~~carrying a certification of  
24 qualification issued by the person's employer pursuant to the  
25 training requirements and qualifications required by National  
26 Fire Protection Association Code Number 58, subsection 1-6  
27 "Qualification of Personnel," 1992 edition licensed under chapter  
28 130 when installing propane and natural gas utilization  
29 equipment, subject to the restrictions of that person's license.~~

30           **6. Trainee plumber.** "Trainee plumber" means any 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 shall not exceed \$40.~~

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

40           **§3302. Applicability**

42           **1. License required.** A license shall-be is required for any  
43 person, corporation, partnership or other entity who is engaged  
44 in plumbing or ~~working in~~ performing plumbing installations. No  
45 license is required for any activity for which a permit is not  
46 required under Title 30, section 3223 or its successor. This  
47 section shall does not apply to the following:

48           A. Plumbing by regular employees of public utilities as  
49 defined in Title 35-A, section 102, when working as such;



2 B. Plumbing by oil burner technicians, duly licensed under  
chapter 33, and propane and natural gas installers, provided  
4 licensed under chapter 130, except that this exception only  
6 applies to hot and cold water connections to existing piping  
in the same room where the installation is taking place and  
8 does not apply beyond any existing branch connection  
supplying water; and

10 C. Plumbing ~~in--a--dwelling--house--or--place--and--its~~  
~~appurtenant-structures-by-the-owner-thereof~~ by a person in a  
12 single-family residence occupied or to be occupied by that  
14 person as that person's bona fide personal abode provided  
that installation conforms with board laws and rules.

16 **2. Municipal licenses not required.** ~~Ne A~~ municipality shall  
may not require plumbers to be municipally licensed nor shall may  
18 any municipality issue a permit for any plumbing installation  
unless satisfied that the person, firm or corporation applying  
20 for the permit complies with this chapter.

22 **3. Supervision of trainee plumber.** A master or journeyman  
plumber shall may not have ~~no~~ more than 3 trainee plumbers  
24 working ~~with--him--under--his--personal~~ under the master or  
journeyman plumber's direct supervision.

26 **Sec. M-3. 32 MRSA §3402, 2nd ¶,** as enacted by PL 1989, c.  
28 483, Pt. A, §51, is amended to read:

30 Any person ordered by a state plumbing inspector to correct  
a plumbing deficiency or to vacate a building or structure may,  
32 within 7 days, appeal ~~the order~~ to the Plumbers' Examining Board  
~~by filing with that board within 48 hours of receipt of the order~~  
34 ~~a written notice of appeal.~~ ~~The board shall review that appeal~~  
~~and issue its written decision within 10 days after receipt of~~  
36 ~~the notice of appeal.~~ ~~If the board upholds the inspector's~~  
~~order, it shall prescribe the time period for the requisite~~  
38 ~~correction specified in its written decision or the time within~~  
~~which that person must vacate the building or structure.~~ ~~The~~  
40 ~~decision must be complied with, unless appealed as provided,~~  
which shall within a reasonable time review the order and file  
42 its decision on the appeal. The decision of the board must be  
complied with within the time that is fixed in the decision. If  
44 any person, firm or corporation fails or refuses to carry out any  
such order of any state plumbing inspector or decision of the  
46 board, a court may order appropriate relief. Any person ordered  
by the board to correct a plumbing deficiency or to vacate a  
48 building or structure may appeal the order to the Superior Court  
pursuant to the Maine Rules of Civil Procedure, Rule 80B, by  
50 filing a petition for review within 48 hours of receipt of the

2 order. The order by the Plumbers' Examining Board shall ~~may~~ not  
be stayed unless by order of the Superior Court for good cause.

4 **Sec. M-4. 32 MRSA §3403-A, sub-§4**, as enacted by PL 1985, c.  
389, §19, is repealed.

6 **Sec. M-5. 32 MRSA §3403-A, sub-§5**, as repealed and replaced  
8 by PL 1989, c. 878, Pt. B, §28, is repealed.

10 **Sec. M-6. 32 MRSA §3501**, as amended by PL 1993, c. 25, §1, is  
12 further amended to read:

14 **§3501. Issuance of licenses**

16 ~~1. License required. No plumbing installation shall be  
made, except as provided in this chapter, unless done by a  
18 plumber or other person licensed by the board.~~

20 1-A. Application; qualifications. The board shall issue a  
license to any person who files a sworn application, who passes  
an examination approved by the board and who meets the  
22 qualifications set forth in this section.

24 2. **Journeyman or limited license.** The board may issue a  
journeyman plumber or limited plumber license to persons who  
26 submit an application therefor on a form prescribed by the board  
and who provide satisfactory evidence of the following  
28 qualifications:

30 A. A minimum of at least 2 years with 4,000 hours of work  
in the field of plumbing installations as a licensed trainee  
32 plumber under the supervision of a master plumber, or the  
equivalent thereof, and obtaining a passing grade as  
34 determined by the board on the journeyman's examination; or

36 B. A minimum of 2,000 hours of work in the field of  
plumbing installations as a journeyman-in-training under the  
38 supervision of a licensed master plumber, ~~provided that as~~  
long as the work experience is obtained within 4 years of  
40 the date upon which the applicant was issued a  
journeyman-in-training license. A journeyman-in-training  
42 license shall must be issued upon sworn application therefor  
to any person who has satisfactorily completed one academic  
44 year of instruction in plumbing at a Maine board-approved  
technical college and who has obtained a passing grade, as  
46 determined by the board on the journeyman's examination.  
48 ~~Any person who is enrolled in a course of instruction in  
plumbing at a Maine vocational technical institute on July  
1, 1983, may be licensed as a journeyman upon successful~~

2 ~~completion of that course of instruction and passage of the~~  
3 ~~journeyman's examination.~~

4 **2-A. Master plumber license.** The board may issue a master  
5 plumber license to a person who submits an application therefor  
6 on a form prescribed by the board and who provides satisfactory  
7 evidence of the following qualifications:

8  
9 A. A minimum of at least one year with 2,000 hours of work  
10 in the field of plumbing installations as a journeyman  
11 plumber or a minimum of at least 4 years with 8,000 hours of  
12 work in the field of plumbing installations as a trainee  
13 plumber under the supervision of a master plumber, or the  
14 equivalent; and

15 B. Obtaining a passing grade, as determined by the board on  
16 the master's examination.

17  
18 ~~2-B. Journeyman-in-training. The board may issue a~~  
19 ~~journeyman-in-training license to a person who provides~~  
20 ~~satisfactory evidence of completion of a plumbing course~~  
21 ~~consisting of one year or 2 semesters at a board-approved~~  
22 ~~technical college. A journeyman-in-training license is valid for~~  
23 ~~a single nonrenewable period of 4 years and may be issued only~~  
24 ~~once to any individual.~~

25  
26 **3. Trainee license.** The board may issue a trainee plumber  
27 license without examination to any person who submits a written  
28 application therefor on a form ~~prescribed~~ supplied by the board  
29 and who provides satisfactory evidence that he the person has  
30 entered the employ of a licensed master plumber to assist him the  
31 licensed master plumber as a plumber's trainee. Any person  
32 employed as a trainee plumber shall apply for a license within 10  
33 business days after the day he the person commences employment.

34  
35 **4. License certificate.** All persons licensed by the board  
36 shall must receive a license certificate which that must be  
37 publicly displayed at the principal place of business of the  
38 plumber ~~or, if no such place of business, shall, if any, and a~~  
39 pocket card license that must be carried on the person and  
40 displayed at any time upon request, ~~as long as that person~~  
41 ~~continues in the business as defined.~~

42  
43 ~~5. Examinations. Applicants for license shall present to~~  
44 ~~the board a written application for examination and license,~~  
45 ~~containing such information as the board may require, accompanied~~  
46 ~~by a required fee as set forth by board rules. Examinations must~~  
47 ~~be in whole or in part in writing and of a thorough and practical~~  
48 ~~character commensurate with the responsibilities of the~~  
49 ~~prospective license holder.~~

2 ~~The board shall establish by rule cutoff dates for applications~~  
3 ~~for examinations.~~

4

5 ~~The passing grade on any examination may not be less than 70%. A~~  
6 ~~candidate failing one examination may apply for reexamination,~~  
7 ~~which may be granted upon payment of a fee established by the~~  
8 ~~board. Any candidate for licensure having an average grade of~~  
9 ~~less than 50% may not apply for reexamination for one year.~~

10

11 ~~Applicants applying for an initial license with a term of one~~  
12 ~~year or less are required to pay only 1/2 of the biennial license~~  
13 ~~fee.~~

14

15 **6. Installation of well pumps.** A person licensed under  
16 this subchapter who performs the initial installation of a pump  
17 in a well, as defined in section 4700-E, subsection 8, shall  
18 install that pump in compliance with the code of performance  
19 adopted by the Maine Water Well Drilling Commission pursuant to  
20 section 4700-H, subsection 5. Any person licensed under this  
21 subchapter who performs the initial installation of a water well  
22 pump in violation of that code of performance commits a civil  
23 violation punishable by a fine of not more than \$1,000.

24

25 **Sec. M-7. 32 MRSA §3501-A is enacted to read:**

26

27 **§3501-A. Examinations**

28

29 An applicant for a master, journeyman or  
30 journeyman-in-training plumbing license shall present to the  
31 board a written application for examination, containing  
32 information that the board requires, accompanied by the  
33 prescribed fee as set forth by board rules. Examinations must be  
34 in whole or in part in writing and of a thorough and practical  
35 character commensurate with the responsibilities of the  
36 prospective license holder.

37

38 The passing grade on a master plumbing license examination  
39 may not be less than 75%. The passing grade on a journeyman  
40 plumbing license examination may not be less than 70%. A  
41 candidate failing one examination may apply for reexamination,  
42 which may be granted upon payment of a fee established by the  
43 board. Any candidate for licensure having an average grade of  
44 less than 50% may not apply for reexamination for one year.

45

46 **Sec. M-8. 32 MRSA §3501-B is enacted to read:**

47

48 **§3501-B. Fees**

2 An application fee, an examination fee, original and renewal  
3 license fees and plan review fees may be established by the board  
4 by rule in amounts that are reasonable and necessary for their  
5 respective purposes.

6 1. Application. The fee for application may not exceed \$25.

8 2. Examination. The fee for examination may not exceed  
9 \$100.

10 3. Licensure. The fees for licensure may not exceed the  
11 following amounts:

12 A. Master.....\$150;

13 B. Journeyman.....\$75;

14 C. Journeyman-in-training.....\$8;

15 D. Trainee.....\$40; and

16 E. Limited.....\$75.

17 4. Plan review fee. A plan review fee may not exceed \$50.

18 **Sec. M-9. 32 MRSA §3504, first ¶**, as amended by PL 1983, c.  
19 413, §145, is further amended to read:

20 ~~All licenses shall expire October 31st of each biennial~~  
21 ~~period as to master plumbers and April 30th of each biennial~~  
22 ~~period as to other licensees and may be renewed thereafter for~~  
23 ~~2-year periods without further examination, upon the payment of~~  
24 ~~the proper renewal fee as set forth in section 3301. The~~  
25 ~~expiration dates for licenses issued under this chapter may be~~  
26 ~~established expire 2 years from the original date of issue or at~~  
27 ~~such other times time as the Commissioner of Business Regulation~~  
28 ~~commissioner may designate.~~

29 **Sec. M-10. 32 MRSA §3504, 3rd ¶**, as enacted by PL 1983, c.  
30 413, §145, is amended to read:

31 A license may be renewed up to 90 days after the date of its  
32 expiration upon payment of a late fee of \$10 in addition to the  
33 renewal fee. Any person who submits an application for renewal  
34 more than 90 days after the license expiration date ~~shall be~~ is  
35 subject to all requirements governing new applications under this  
36 chapter, except that the board may in its discretion, giving due  
37 consideration to the protection of the public, waive examination  
38 ~~if the renewal application is made within 2 years from the date~~  
39 ~~of the expiration or other requirements. The board may assess~~  
40

2 penalties for late renewal that is more than 90 days after the  
3 date of expiration. Notwithstanding any other provision of this  
4 chapter, the board shall waive examination if a renewal  
5 application is made within 90 days after separation from the  
6 United States Armed Forces, under conditions other than  
7 dishonorable, by a person who has failed to renew his the  
8 person's license because he the person was on active duty in the  
9 United States Armed Forces; provided that the waiver of  
10 examination shall may not be granted if the person served more  
11 than 4 years in the United States Armed Forces, except if he the  
12 person is required by some mandatory provision to serve a longer  
13 period and ~~he--shall--submit~~ the person submits satisfactory  
14 evidence to the board.

15 **Sec. M-11. 32 MRSA §3504-A** is enacted to read:

16 **§3504-A. Reciprocity**

17 The board shall issue a license to any person who files a  
18 sworn application and who is licensed under the laws of another  
19 state or territory of the United States as long as that state or  
20 territory has licensing standards and experience requirements at  
21 least equivalent to this State's and as long as that state or  
22 territory grants similar privileges to persons licensed under  
23 this chapter. Reciprocal licenses may not be denied on the basis  
24 of current residency.

25 **Sec. M-12. 32 MRSA §3507**, as amended by PL 1987, c. 597,  
26 §13, is further amended to read:

27 **§3507. Corporations, firms and partnerships**

28 The board may issue a ~~master-plumber company~~ license to a  
29 corporation, firm ~~or~~ partnership which ~~submits an application~~  
30 ~~therefor on a form prescribed by the board,~~ limited partnership  
31 ~~or limited liability company.~~ Such a license shall may not be  
32 issued unless the applicant provides satisfactory evidence that  
33 it has a licensed master plumber directly in charge of its  
34 plumbing business activities who is an officer or full-time  
35 employee, in the case of a corporation, or a partner, member or  
36 full-time employee, in the case of a firm or partnership, and the  
37 license shall must be issued in the name of that master plumber.  
38 A master plumber ~~can~~ may only be affiliated with one corporation.  
39 Upon the death or severance from the company of the licensed  
40 master plumber in whose name the company licensed is held, the  
41 company license shall automatically ~~terminate~~ terminates 30 days  
42 from the date of that death or severance, unless the company  
43 applies for reissuance of its license in the name of another  
44 licensed master plumber who is qualified under this section.

PART N

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Sec. N-1. 32 MRSA §3821-A, as enacted by PL 1987, c. 395, Pt. A, §173, is amended to read:

§3821-A. Consultant

The board shall ~~may~~ contract with a psychologist ~~or psychologists or other qualified individual or individuals~~ familiar with the board's purpose and operation who ~~shall-be~~ are available as needed to respond to inquiries from applicants for licensure, primarily inquiries regarding the component of the licensure process dealing with credentials review. The ~~psychologist--consultant~~ contractor shall advise, consult and assist the board with the credentials review process, as well as other matters as needed.

Sec. N-2. 32 MRSA §3833, as repealed and replaced by PL 1983, c. 413, §153, is amended to read:

§3833. Fees

An application fee not to exceed \$200 and an examination fee not to exceed \$375 may be established by the board ~~in amounts which are reasonable and necessary for their respective purposes.~~ No part of these fees ~~may--be~~ is returnable under any circumstances other than failure of the board to hold examinations at the time originally announced, whereupon the examination fee only may be returned at the option of the candidate.

PART O

Sec. O-1. 32 MRSA §4681, sub-§7, as amended by PL 1983, c. 285, is further amended to read:

7. **Transient seller of consumer merchandise.** "Transient seller of consumer merchandise" means any person who engages in the business of selling merchandise to consumers by means of personal contact or telephone contact, whether or not the seller is present in the State at the time of the contact or the time of sale, and who does not have, for the purposes of carrying on such business, any permanent place of business within this State. "Transient sellers of consumer merchandise" does not include persons who sell at public fairs, expositions or bazaars or members selling on behalf of public service organizations. "Transient sellers of consumer merchandise" does not include persons who sell exclusively by mail contact, except for persons who offer merchandise or money prizes as free of charge, such as

2 contest prizes or gifts for answering a survey, but who require  
3 the recipient to pay something of value in order to participate  
4 in this offer, including, but not limited to, entrance fees,  
5 processing fees or handling charges. A "transient seller of  
6 consumer merchandise" does not include a supervised lender as  
7 defined in Title 9-A, section 1-301, subsection 39.

## 8 PART P

10 **Sec. P-1. 32 MRSA §4861, first ¶,** as amended by PL 1997, c. 246,  
11 §13, is further amended to read:

12 Any person desiring a license to practice veterinary  
13 medicine in this State shall make written application to the  
14 board. The application must show that the applicant is a graduate  
15 of a veterinary school recognized and approved by the American  
16 Veterinary Medical Association and by the board, a person of good  
17 moral character and such other information and proof as the board  
18 may require. The application must be accompanied by a fee ~~in the~~  
19 amount not to exceed \$50 established by the board.  
20

22 **Sec. P-2. 32 MRSA §4861, sub-§1,** as amended by PL 1997, c.  
23 246, §16, is further amended to read:

24 **1. Examinations.** The board shall hold at least one  
25 examination during each year and may hold such additional  
26 examinations as are necessary. The secretary shall give public  
27 notice of the time and place for each examination reasonably in  
28 advance of the date set for the examination. A person desiring to  
29 take an examination shall must make application at least 45 days  
30 before the date of the examination and pay an examination fee not  
31 to exceed \$100, as determined by the board.  
32

34 The preparation, administration and grading of examinations is  
35 governed by rules prescribed by the board.

36 After each examination, the secretary shall notify each examinee  
37 of the result of the examination, and the board shall issue a  
38 certificate to each person successfully completing the  
39 examination. The secretary shall record the certificate and issue  
40 a license upon payment of the license fee. Any person failing an  
41 examination must be admitted to any subsequent examination on  
42 payment of the application fee.  
43

44 **Sec. P-3. 32 MRSA §4861, sub-§3,** as amended by PL 1977, c.  
45 694, §640, is further amended to read:

46 **3. Temporary permit.** The board may issue without  
47 examination a temporary permit to practice veterinary medicine in  
48 this State to a qualified applicant for license pending  
49  
50



2 examination, ~~provided that such~~. A temporary permit shall ~~expire~~  
3 issued pursuant to this subsection expires the day after the  
4 notice of results of the first examination given after the permit  
5 is issued. The fee for the temporary permit, which may not  
6 exceed \$30, must be set by the board.

7 All persons granted permits under this section shall furnish  
8 proof of liability insurance to cover the date of this permit.

10 **Sec. P-4. 32 MRSA §4861, sub-§4**, as enacted by PL 1983, c. 48,  
11 §5, is amended to read:

12 **4. Permit for performance of relief veterinary service.**  
13 The board may issue without examination a permit to perform  
14 relief veterinary service in this State to a qualified graduate  
15 of a veterinary school, recognized and approved by the American  
16 Veterinary Medical Association and by the board, who holds a  
17 current license for the practice of veterinary medicine issued by  
18 another state, territory or district of the United States. The  
19 board may establish, by rule, the application process. The  
20 initial term of a permit issued under this subsection shall may  
21 not exceed 30 days. Extensions may be granted in the discretion  
22 of the board. The fee for the relief permit, which may not  
23 exceed \$50, must be set by the board.

## 26 PART Q

28 **Sec. Q-1. 32 MRSA §4909, sub-§2-A**, as enacted by PL 1975, c.  
29 760, §13, is amended to read:

30 **2-A. Soil scientist examination requirements.** As a soil  
31 scientist, to qualify to sit for the examination for  
32 certification, an applicant shall must:

34 A. Be a graduate of an approved 4-year college curriculum  
35 leading to a Baccalaureate Degree, in which the applicant  
36 has successfully completed a minimum of 15 credit hours of  
37 soil or ~~soil-related~~ soil-related courses of a pedological  
38 nature and have a specific record of an additional 3 years  
39 or more of experience in soil science of a grade and  
40 character which that indicates to the board that he the  
41 applicant may be competent to practice as a soil scientist  
42 and be otherwise qualified. Teaching pedological courses in  
43 a college or university offering an approved 4-year soil  
44 science or agronomic curriculum shall must be considered as  
45 experience in soils investigations.

46 Applicants may sit for the general practice examination upon  
47 graduation from an approved 4-year college and may sit for the

2 professional practice examination upon completion of the  
3 experience requirement as stated in this subsection.

4 "Additional 3 years of experience" does not imply a sequence of  
5 obtaining a degree and then experience. Experience time shall may  
6 not be granted for time while enrolled in courses, but summer  
7 employment shall must be counted even though a degree may not  
8 have been obtained.

10 Actual field experience in an acceptable apprenticeship program  
11 shall ~~count~~ counts as experience time.

12 Each degree beyond the ~~Bachelor's--Degree--shall--be--counted~~  
13 bachelor's degree counts as one year of experience.

14 ~~Soil-related~~ Soil-related courses will ~~will~~ may amount to only 20% of  
15 the required 15 credits for a maximum of 3 credits.

18 **PART R**

20 **Sec. R-1. 32 MRSA §6020-A, first ¶**, as repealed and replaced by  
21 PL 1997, c. 683, Pt. B, §21, is amended to read:

22 To be eligible for licensure by the board as a  
23 speech-language pathologist, audiologist or for registration as a  
24 speech-language pathology assistant, a person must possess the  
25 following:

28 **PART S**

30 **Sec. S-1. 32 MRSA §6208-A, sub-§1**, as amended by PL 1997, c.  
31 727, Pt. C, §10, is further amended to read:

32 **1. Membership.** The State Board of Alcohol and Drug  
33 Counselors, as established by Title 5, section 12004-A,  
34 subsection 41, consists of ~~11~~ 9 members. ~~Nine~~ Seven members are  
35 appointed by the Governor. One member must be the Director of  
36 the Office of Substance Abuse or a designee. One member,  
37 appointed by the Chancellor of the University of Maine System,  
38 must be a member of the university faculty involved in the  
39 training of substance abuse or alcohol and drug counselors. Of  
40 these ~~11~~ 9 members, 5 members must be licensed alcohol and drug  
41 counselors and 2 members must be public members. Members must  
42 represent a broad geographic distribution of the State. Two  
43 ~~members must be nonproviders, one of whom must be a family member~~  
44 ~~of a consumer of alcohol and drug counseling services. One~~  
45 ~~member must be a public member. One member must be a~~  
46 ~~representative of a regional alcohol and drug abuse council.~~  
47 ~~Members must represent a broad geographic distribution of the~~  
48

2 State--and--must--be--from--among--the--professional--associations  
representative-of-the-field.

4 **Sec. S-2. 32 MRSA §6215**, as amended by PL 1995, c. 502, Pt.  
H, §38, is further amended to read:

6 **§6215. Application; membership fees**

8  
10 Application for registration as a registered alcohol and  
12 drug counselor or licensure as a licensed alcohol and drug  
14 counselor must be on forms prescribed and furnished by the  
board. Application and examination fees may be established by  
the board in amounts ~~that are reasonable and necessary for their~~  
16 respective purposes not to exceed \$100 each. Successful  
18 applicants shall pay biennial fees set by the board in an amount  
not to exceed \$75 for registration and \$150 for licensure as an  
alcohol and drug counselor. The payment of fees is suspended  
during the term of inactive status.

20 **PART T**

22 **Sec. T-1. 32 MRSA §9705, sub-§1**, as amended by PL 1997, c.  
24 210, §12, is further amended to read:

26 **1. License required.** An individual may not practice or  
28 represent that individual as authorized to practice as a  
respiratory care practitioner in this State or use the words  
"respiratory care practitioner" or other words or letters to  
30 indicate that the person is a licensed respiratory care  
practitioner, unless that individual is licensed in accordance  
32 with this chapter. A respiratory therapist licensed in  
accordance with this chapter may use the initials "R.R.T." A  
34 respiratory care technician licensed in accordance with this  
chapter may use the initials "~~G.R.T.T~~ C.R.T." An individual who  
36 holds a temporary license in accordance with this chapter may use  
the initials "~~G.R.T.T~~ G.R.T." until the individual has taken and  
38 passed the examination or until the term of the license has  
expired. A student or trainee may use the initials "S.R.T."  
40 while enrolled in the clinical portion of a respiratory care  
education program.

42 **Sec. T-2. 32 MRSA §9705-A** is enacted to read:

44 **§9705-A. Associate permit required**

46 A person may not perform respiratory care services in  
48 association with a respiratory care practitioner licensed under  
this chapter unless that individual is approved by the board in  
50 accordance with this section.



2 prescribe by its rules. Each applicant shall must demonstrate  
3 trustworthiness and competence to engage in the practice of  
4 counseling in such a manner as to safeguard the interests of the  
5 public. The license categories "licensed clinical professional  
6 counselor," "licensed pastoral counselor" and "licensed marriage  
7 and family therapist" are of equivalent clinical status.  
8 Clinical status grants the ability to diagnose and treat mental  
9 health disorders.

## 10 PART V

12 **Sec. V-1. 32 MRSA §14204**, as amended by PL 1997, c. 210, §21,  
13 is further amended to read:

### 14 **§14204. Instructors**

15 A person may not instruct in any of the branches of  
16 aesthetics, barbering or, cosmetology or manicuring unless that  
17 person holds a valid license to practice and is authorized to  
18 instruct in each respective practice issued under this chapter,  
19 except that when specifically authorized by law, physicians may  
20 instruct without holding a license to practice in a branch of  
21 aesthetics, barbering or, cosmetology or manicuring.

22 The board shall adopt rules for the qualification and  
23 examination of applicants for licensure as instructors of  
24 barbering or cosmetology in accordance with Title 5, chapter 375,  
25 subchapter II.

26 Upon satisfactory completion of an instructor examination,  
27 the applicant must pay a fee to ~~receive the instructor license~~ be  
28 authorized to instruct.

29 **Sec. V-2. 32 MRSA §14224, sub-§4**, as enacted by PL 1991, c.  
30 397, §6, is amended to read:

31 **4. Student registration required.** A student enrolled in  
32 the study of cosmetology, barbering, manicuring or aesthetics  
33 must ~~file an application for a student permit~~ be registered with  
34 the board pursuant to section 14233 ~~on a form prescribed and~~  
35 ~~supplied by the board. The application must contain satisfactory~~  
36 ~~evidence of the qualifications required of the applicant under~~  
37 ~~this chapter and must be notarized. The applicant must submit~~  
38 ~~evidence of age and satisfactory completion of the 10th grade or~~  
39 ~~its equivalent. The applicant must pay a fee set by the board at~~  
40 ~~the time of application. The permit expires 12 months from the~~  
41 ~~date of issuance and may be renewed upon filing the appropriate~~  
42 ~~application and prescribed fee. A permit may not be issued to a~~  
43 ~~person who has not attained 16 years of age.~~

2           **Sec. V-3. 32 MRSA §14233**, as amended by PL 1997, c. 210, §39,  
is further amended to read:

4           **§14233. Registered students**

6           The Schools licensed by the board shall furnish to each  
7 applicant a student permit upon the student's completion and  
8 filing of an application, on a form supplied by the board, that  
9 demonstrates the student's eligibility for this permit register  
10 students in accordance with rules established by the board.

12           To be eligible for a ~~student permit~~, a registration, the  
13 student must be at least 16 years of age and have satisfactorily  
14 completed the 10th grade or its equivalent. ~~The application must~~  
15 ~~include evidence~~ Evidence of the student's eligibility and  
16 enrollment in a the school licensed must be provided on a form  
17 provided by the board.

18           ~~The student permit expires 12 months from the date of~~  
19 ~~issuance.~~

22           All training or services rendered to a member of the public  
23 by a student must be under the direct supervision of a duly  
24 licensed instructor in a licensed school.

26           **Sec. V-4. 32 MRSA §14238**, as amended by PL 1997, c. 622, §§3  
27 and 4, is further amended to read:

28           **§14238. Fees**

30           1. **Fees.** Application, examination and, license, and  
31 related fees may be established by the board in amounts that are  
32 reasonable and necessary for their respective purposes. With the  
33 exception of the various application, examination, registration  
34 and permit fees collected as specified in this chapter, all fees  
35 are collected by the board on a biennial basis. The fees may not  
36 exceed the following amounts:

38           A. For a each registered student permit, \$25;

40           B. For a temporary work permit, \$25;

42           C. For a trainee registration, \$25;

44           D. For an original or biennial renewal of a shop license,  
45 \$100;

48           E. For an original or biennial renewal of a cosmetology  
49 license, \$100;

50

- 2 F. For an original or biennial renewal of a barber license,  
\$100;
- 4 G. For an original or biennial renewal of a manicurist  
license, \$100;
- 6 H. For an original or biennial renewal of an aesthetician  
8 license, \$100;
- 10 I. For an original or biennial renewal of a demonstrator  
12 license, \$100;
- 14 J. For an original or biennial renewal of ~~an--instructor~~  
license authorization to instruct, \$100;
- 16 K. For a cosmetology, barber, manicurist, aesthetician or  
18 instructor examination, \$100;
- 20 L. For special shop inspections, \$40;
- 22 M. For a late fee, \$30;
- 24 N. For a late filing penalty fee for repeat offenders,  
\$100; and
- 26 O. For reissuance of a shop license after an ownership  
28 change when at least one owner retains ownership, \$10+;
- 30 P. For the application fee, \$75;
- 32 Q. For a replacement or duplicate license, \$10; and
- 34 R. For a certified verification of licensure, \$20.

## PART W

36 **Sec. W-1. 32 MRSA §14802, sub-§1-A** is enacted to read:

38 1-A. ASME container. "ASME container" means a container  
40 constructed in accordance with the pressure vessel code jointly  
42 developed by the American Petroleum Institute, or its successor  
44 organization, and the American Society of Mechanical Engineers,  
or its successor organization.

46 **Sec. W-2. 32 MRSA §14802, sub-§6**, as enacted by PL 1995, c.  
389, §4, is amended to read:

48 **6. Dispensing station.** "Dispensing station" means a  
50 facility consisting of fixed equipment where propane or natural  
gas is stored and dispensed into portable containers or

containers that are not suitable for the shipping of cargo and that are mounted on vehicles.

**Sec. W-3. 32 MRSA §14802, sub-§7**, as enacted by PL 1995, c. 389, §4, is amended to read:

**7. License.** "License" means a license issued pursuant to this Act containing one or more of the following endorsements: delivery technician; plant operator; tank setter and outside piping technician; appliance connection and service technician up to ~~2,000,000~~ 500,000 BTUs per appliance; and large equipment connection and service technician over ~~2,000,000~~ 500,000 BTUs per appliance.

**Sec. W-4. 32 MRSA §14804, sub-§8**, as enacted by PL 1997, c. 727, Pt. C, §16, is amended to read:

**8. Inspection of aboveground and underground propane and natural gas storage facilities and rooftop installations of ASME containers.** The board shall inspect and issue permits to aboveground and underground propane and natural gas storage facilities and rooftop installations of ASME containers. The cost of inspection ~~of an aboveground propane and natural gas storage facility~~ under this subsection and the permit may not exceed \$50.

**Sec. W-5. 32 MRSA §14805, sub-§3**, as enacted by PL 1995, c. 389, §4, is amended to read:

**3. Order to correct deficiency; appeal.** Any person ordered by a state propane and natural gas inspector to correct a deficiency or to vacate a building or structure may appeal the order by filing with the board within ~~48 hours~~ 7 days of receipt of the order a written notice of appeal. The board shall review that appeal and issue its written decision within ~~10 days~~ a reasonable time after receipt of the notice of appeal. If the board upholds the inspector's order, it shall prescribe the time period for the requisite correction specified in its written decision or the time within which that person must vacate the building or structure. The decision must be complied with, unless appealed as provided. Any person ordered by the board to correct a deficiency or to vacate a building or structure may appeal the order to the Superior Court in accordance with the Maine Administrative Procedure Act by filing a petition for review within 48 hours of receipt of the order. The court shall issue its written decision within 20 days after receipt of the petition for review.

**Sec. W-6. 32 MRSA §14805, sub-§§7 and 8** are enacted to read:



2 7. Failure to comply with order of propane and natural gas  
3 inspector. If the owner, occupant of any building or dispensing  
4 station or an installer neglects or refuses, without  
5 justification, for more than 10 days to comply with any order of  
6 a propane and natural gas inspector concerning the performance of  
7 any functions governed by this chapter, that person commits a  
8 civil violation for which a forfeiture of not less than \$100 for  
9 each day's neglect may be adjudged.

10 8. Violations; forfeiture. Any person, firm or corporation  
11 who makes a propane or natural gas installation without being  
12 licensed as provided by this chapter; any person, firm or  
13 corporation in the propane or natural gas installation business  
14 who employs an unlicensed person, unless the work is exempted  
15 under this chapter; or any person who procures any license as  
16 provided in this chapter wrongfully or by fraud is guilty of a  
17 Class E crime. The State may bring an action in Superior Court  
18 to enjoin any person from violating this chapter, regardless of  
19 whether proceedings have been or may be instituted in the  
20 Administrative Court or whether proceedings to impose a civil  
21 forfeiture have been or may be instituted.

22 **Sec. W-7. 32 MRSA §14807, sub-§1, ¶¶D and E, as enacted by PL**  
23 **1995, c. 389, §4, are amended to read:**

24  
25  
26 D. "Appliance connection and service technician" is a  
27 person who installs and services propane and natural gas  
28 appliances and indoor piping up to ~~2,000,000~~ 500,000 BTUs  
29 per appliance; and

30  
31 E. "Large equipment connection and service technician" is a  
32 person who installs and services propane and natural gas  
33 appliances and indoor piping over ~~2,000,000~~ 500,000 BTUs per  
34 appliance.

35 **Sec. W-8. 32 MRSA §14807, sub-§3-A is enacted to read:**

36  
37 3-A. License required. A person may not perform the  
38 functions governed by this Act after July 1, 1997 without first  
39 being licensed by the board.

40  
41 **Sec. W-9. 32 MRSA §14807, sub-§4-A is enacted to read:**

42  
43 4-A. Personal abode. Nothing in this chapter prevents a  
44 person from making a propane or natural gas installation in a  
45 single family residence occupied or to be occupied by that person  
46 as that person's bona fide personal abode, as long as that  
47 installation conforms with board laws and rules.  
48

2           **Sec. W-10. 32 MRSA §14807, sub-§7**, as enacted by PL 1997, c.  
270, §2, is repealed.

4           **Sec. W-11. 32 MRSA §14807-A** is enacted to read:

6           **§14807-A. Exceptions**

8           The licensing provisions of section 14807 do not apply to  
10 the following:

12           1. Highway transport drivers. Highway transport drivers  
14 who deliver propane to bulk plants or industrial customers:

16           2. Industrial plant employees. Regular employees of  
18 industrial plants installing and servicing propane or natural  
20 gas-fired equipment of greater than 10,000,000 BTU's per hour  
22 input; and

24           3. Internal combustion engine technicians. Persons working  
26 on internal combustion engines and associated gas trains.

28           **Sec. W-12. 32 MRSA §14813, sub-§5** is enacted to read:

30           5. Application fee. An application fee, which may not  
32 exceed \$25, may be established by the board by rule.

34           **Sec. W-13. 32 MRSA §14814**, as enacted by PL 1995, c. 389,  
36 §4, is amended to read:

38           **§14814. Renewals**

40           All licenses issued expire 2 years from the date of issuance  
42 or at other times the commissioner may designate. All licenses  
44 may be renewed for 2-year periods upon filing the appropriate  
46 application and fee.

48           The board shall notify a person registered under this  
50 chapter of the date of expiration of that person's 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.

A license may be renewed up to 90 days after the date of its  
expiration upon payment of a late fee of \$10 in addition to the  
renewal fee. Any person who submits an application for renewal  
more than 90 days after the license expiration date is subject to  
all requirements governing new applicants under this chapter,  
except that the board, in its discretion and giving due  
consideration to the protection of the public, may waive  
examination or other requirements if the renewal is made within 2

2 years from the date of the expiration. The board may establish  
3 penalties for nonrenewal. Notwithstanding any other provision of  
4 this chapter, the board shall waive examination if a renewal  
5 application is made within 90 days after separation from the  
6 United States Armed Forces, under conditions other than  
7 dishonorable, by a person who has failed to renew the license  
8 because the person was on active duty in the Armed Forces; except  
9 that the waiver of examination may not be granted if the person  
10 served more than 4 years in the Armed Forces, unless the person  
11 was required by some mandatory provision to serve a longer period  
12 and the person submits satisfactory evidence to the board.

13 **Sec. W-14. 32 MRSA §14817**, as enacted by PL 1995, c. 625,  
14 Pt. A, §45, is repealed.

15 **PART X**

16 **Sec. X-1. 5 MRSA §12004-A, sub-§7**, as amended by PL 1995, c.  
17 560, Pt. H, §14 and affected by §17, is further amended to read:

18 **7. Board of Expenses 32 MRSA §15103**  
19 **Boiler-Rules Boilers Only**  
20 **and Pressure Vessels**

21 **Sec. X-2. 32 MRSA c. 131** is amended by repealing the chapter  
22 headnote and enacting the following in its place:

23 **CHAPTER 131**

24 **BOARD OF BOILERS AND PRESSURE VESSELS**

25 **Sec. X-3. 32 MRSA §15101, sub-§§2, 3 and 4**, as enacted by PL  
26 1995, c. 560, Pt. H, §14 and affected by §17, are amended to read:

27 **2. Authorized inspector.** "Authorized inspector" means a  
28 person holding a ~~certificate--of--authority~~ license to inspect  
29 boilers and pressure vessels within this State issued under  
30 section ~~15107~~ 15108-A or a person, employed by a company licensed  
31 to insure boilers and pressure vessels in this State, holding a  
32 certificate to inspect boilers and pressure vessels within this  
33 State issued under section 15120.

34 **3. Board.** "Board" means the Board of Boiler-Rules Boilers  
35 and Pressure Vessels.

36

2           **4. Chief inspector.** "Chief inspector" means the Chief  
Inspector of Boilers and Pressure Vessels approved under section  
15106.

4  
6           **Sec. X-4. 32 MRSA §15102, sub-§2, ¶J,** as enacted by PL 1995, c.  
560, Pt. H, §14 and affected by §17, is amended to read:

8           J. Pressure vessels that do not exceed:

10                   (1) Five cubic feet in volume and of 250 pounds per  
square inch gauge pressure;

12                   (2) One and 1/2 cubic feet in volume and 600 pounds  
14 per square inch gauge pressure; or

16                   (3) An inside diameter of 6 inches with no limitation  
18 on pressure; or

20           **Sec. X-5. 32 MRSA §15103,** as enacted by PL 1995, c. 560, Pt.  
H, §14 and affected by §17, is amended to read:

22           **§15103. Board of Boilers and Pressure Vessels**

24           **1. Membership.** The Board of ~~Boiler--Rules~~ Boilers and  
26 Pressure Vessels, as established by Title 5, section 12004-A,  
subsection 7, consists of 7 members appointed by the Governor.  
28 Of these 7 appointed members, 2 must be representatives of labor  
within this State who are boilermakers or have boiler licenses,  
30 one must be a representative of the owners and users of steam  
boilers within this State, one must be a representative of the  
32 boiler manufacturers within this State, one must be a  
representative of the operating steam engineers in this State,  
34 one must be a representative of a boiler inspection and insurance  
company licensed to do business within the State and one must be  
36 a representative of the public. The board shall annually elect a  
chair from its membership. Appointments are for 3-year terms.  
38 Appointments of members must comply with section 60. A member  
may be removed by the Governor for cause.

40           **2. Compensation.** The members of the board are entitled to  
compensation according to the provisions of Title 5, chapter 379.

42           **3. Meetings.** The board shall meet at least ~~twice--yearly~~  
44 once a year to conduct its business and to elect a chair.  
Additional meetings may be held as necessary to conduct the  
46 business of the board and may be convened at the call of the  
chair or a majority of the board members. Four members of the  
48 board constitute a quorum for all purposes. The board shall keep  
records and minutes necessary to the ordinary dispatch of its  
50 function.

2           **4. Records.** The board shall keep a complete record of the  
4 type, dimensions, age, conditions, pressure allowed upon,  
location and date of last inspection of all boilers and pressure  
6 vessels to which this chapter applies.

8           **Sec. X-6. 32 MRSA §15104**, as enacted by PL 1995, c. 560, Pt.  
H, §14 and affected by §17, is repealed.

10           **Sec. X-7. 32 MRSA §15104-A** is enacted to read:

12           **§15104-A. Powers and duties**

14           The board shall administer, coordinate and enforce the  
16 provisions of this chapter and has the following powers and  
duties in addition to those otherwise set forth in this chapter.

18           **1. Rules.** The board shall, in accordance with Title 5,  
20 chapter 375, adopt rules for the safe and proper construction,  
installation, repair, use and operation of boilers and pressure  
22 vessels in this State. The rules must conform as nearly as  
practicable to the code.

24           The board shall publish and distribute among boiler manufacturers  
26 and others requesting them copies of the rules adopted by the  
board at a cost sufficient only to cover the printing and mailing  
28 expenses of distribution.

30           **2. Hearings.** Hearings may be conducted by the board to  
32 assist with investigations, to determine whether grounds exist  
for suspension, revocation or denial of a license or as otherwise  
34 considered necessary to the fulfillment of its responsibilities  
under this chapter.

36           The board may not refuse to renew a license for any reason other  
38 than failure to pay a required fee, unless it has afforded the  
licensee an opportunity for an adjudicatory hearing. The board  
40 shall hold an adjudicatory hearing at the written request of any  
person who is denied a license without a hearing for any reason  
42 other than failure to pay a required fee, as long as the request  
for a hearing is received by the board within 30 days of the  
44 applicant's receipt of written notice of the denial of the  
applicant's application, the reasons for the denial and the  
46 applicant's right to request a hearing. Hearings must be  
conducted in conformity with Title 5, chapter 375, subchapter IV  
48 to the extent applicable. The board may subpoena witnesses,  
records and documents in any hearing it conducts.

50           **3. Contracts.** The board may enter into contracts to carry  
out its responsibilities under this chapter.

2           **Sec. X-8. 32 MRSA §15105, 2nd ¶**, as enacted by PL 1995, c.  
560, Pt. H, §14 and affected by §17, is amended to read:

4  
6           Unless otherwise exempt, all new boilers and pressure  
vessels to be installed must be inspected during construction by  
8           an inspector authorized to inspect boilers in this State, or, if  
constructed outside the State, by an inspector holding a  
10           ~~certificate of authority~~ license from the ~~chief inspector~~ of this  
State or an inspector who holds a certificate of inspection  
12           issued by the National Board of Boiler and Pressure Vessel  
Inspectors, or its successor organization.

14           **Sec. X-9. 32 MRSA §15106**, as enacted by PL 1995, c. 560, Pt.  
H, §14 and affected by §17, is amended to read:

16           **§15106. Chief and deputy inspectors**

18  
20           The commissioner shall appoint, ~~with the approval of the~~  
~~Governor~~, and may remove for cause when so appointed, a ~~citizen~~  
22           ~~of this State~~ person to be ~~Chief Inspector of Boilers~~ chief  
inspector at any time the office may become vacant. The ~~Chief~~  
24           ~~Inspector of Boilers must have, at the time of the appointment,~~  
~~not fewer than 5 years' practical experience with steam boilers~~  
as a ~~steam engineer, mechanical engineer, boilermaker or boiler~~  
26           ~~inspector, and must have passed the same kind of an examination~~  
~~as that prescribed for deputy and authorized inspectors in~~  
28           ~~section 15107.~~

30           The commissioner may likewise hire deputy inspectors as  
necessary to carry out this chapter ~~from among applicants who~~  
32           ~~have successfully passed the examination provided for in section~~  
15107.

34           **Sec. X-10. 32 MRSA §§15107 and 15108**, as enacted by PL 1995,  
36           c. 560, Pt. H, §14 and affected by §17, are repealed.

38           **Sec. X-11. 32 MRSA §§15108-A and 15108-B** are enacted to read:

40           **§15108-A. Boiler and pressure vessel inspectors**

42           The board shall issue a license to any person who files an  
application and meets the qualifications as specified by rule.  
44           The fee for issuing a license as a boiler inspector must be set  
by the board, but may not exceed \$50 per year. The application  
46           fee may not exceed \$25. The board shall issue a license to any  
person who files an application and holds a certificate as an  
48           inspector of steam boilers from a state that has a standard of  
licensing equal to that of this State or a certification from the

2 National Board of Boiler and Pressure Vessel Inspectors, or its  
3 successor organization.

4 **§15108-B. Investigations of complaints; revocation of license**

6 1. Investigations. The board shall investigate or cause to  
7 be investigated all complaints made to it and all cases of  
8 noncompliance with or violation of this chapter. Any person may  
9 register a complaint of fraud, deceit, gross negligence,  
10 incompetency or misconduct against any person licensed or  
11 required to be licensed under this chapter. These complaints  
12 must be in writing, sworn to by the person making them and filed  
13 with the Office of Licensing and Registration.

14 2. Suspension; revocation. The board may suspend or revoke  
15 a license pursuant to Title 5, section 10004. The board may  
16 refuse to issue or renew a license or the Administrative Court  
17 may suspend or revoke a license of any licensed person or  
18 applicant who is found guilty of:

19 A. The practice of fraud or deceit in obtaining a license;

21 B. Any gross negligence, incompetency or misconduct in the  
22 licensee's job performance;

23 C. Operating or being in charge of a plant while under the  
24 influence of intoxicating beverages or narcotic drugs;

25 D. Suffering from physical or mental incapacity of such  
26 nature as would jeopardize physical property or lives in the  
27 exercise of the license;

28 E. Operating or having charge of a plant over which the  
29 licensee or applicant lacked authority;

30 F. Violating any provisions of this chapter or any rule of  
31 the board; or

32 G. Conviction of a crime, subject to the limitations of  
33 Title 5, chapter 341.

34 **Sec. X-12. 32 MRSA §15109, sub-§3, as enacted by PL 1995, c.**  
35 **560, Pt. H, §14 and affected by §17, is amended to read:**

36 **3. Issuance of license. The board shall issue a license to**  
37 **an applicant in the grade ~~for which the committee certifies to~~**  
38 **~~the board that~~ requested, if the applicant has satisfactorily met**  
39 **the examination and other requirements of this section.**  
40  
41  
42  
43  
44  
45  
46  
47  
48

2 A. A license is valid for 3 years from the date of  
issuance. A license must designate the name of the holder,  
4 the license number, the grade of license, the issuing date  
and the expiration date. Any license issued under this  
6 ~~section~~ chapter is automatically renewable upon payment of  
the renewal fee as set forth in this ~~section~~ chapter. The  
8 expiration dates for licenses issued under this chapter may  
be established at such other times as the commissioner may  
10 designate. The board shall notify everyone registered under  
this chapter of the date of expiration of the license and  
12 the fee required for its renewal for a 3-year period. The  
notice must be mailed to the person's last known address at  
14 least 30 days in advance of the expiration date of the  
license.

16 A license may be renewed up to 90 days after the date of its  
expiration upon payment of a late fee of \$10 in addition to  
18 the renewal fee. Any person who submits an application for  
renewal more than 90 days after the license expiration date  
20 is subject to all requirements governing new applicants  
under this chapter, except that the board may in its  
22 discretion, giving due consideration to the protection of  
the public, waive examination or other requirements. The  
24 board may levy penalties for nonrenewal. Notwithstanding  
any other provision of this chapter, the board shall waive  
26 examination if a renewal application is made within 90 days  
after separation from the United States Armed Forces, under  
28 conditions other than dishonorable, by a person who has  
failed to renew that person's license because that person  
30 was on active duty in the Armed Forces; except that the  
waiver of examination may not be granted if the person  
32 served more than 4 years in the Armed Forces, except if that  
person is required by some mandatory provision to serve a  
34 longer period and that person submits satisfactory evidence  
of this mandatory provision to the board.

36 B. The license certificate must be displayed in plain view  
38 in the plant where the licensee is employed.

40 C. The ~~committee board~~ shall ~~certify--to--the--board--as~~  
eligible determine the eligibility for a ~~license~~ licensure  
42 of any applicant who holds a current stationary steam  
engineering license issued by the proper authority of any  
44 state, territory or possession of the United States, the  
District of Columbia or Canada that has requirements equal  
46 to those of this State and recognizes the license issued by  
this State without further examination. The ~~committee board~~  
48 shall certify ~~to--the--board~~ as eligible for a license any  
applicant who holds a current Canadian marine or United  
50 States Coast Guard marine engineer's license and who has



2 worked as a boiler engineer or operator 3 of the last 5  
years prior to application. The applicant bears the burden  
4 of proving those matters necessary for a license based on  
reciprocity.

6 **Sec. X-13. 32 MRSA §15109, sub-§4**, as enacted by PL 1995, c.  
560, Pt. H, §14 and affected by §17, is repealed.

8  
10 **Sec. X-14. 32 MRSA §15109, sub-§5**, as enacted by PL 1995, c.  
560, Pt. H, §14 and affected by §17, is amended to read:

12 **5. Examination committee.** The An examination committee  
14 must may be appointed by the board and consists of 5 members, one  
of whom must be a member of the board, one of whom must be an  
16 authorized boiler inspector employed by an insurance carrier  
licensed to do business in this State, one of whom must be  
appointed from the public at large and who must be knowledgeable  
18 in matters dealing with plant operation, one of whom must have  
charge of plants and one of whom must be an operator of plants.  
20 The secretary of the committee is the chief inspector or a duly  
appointed designee. The members are appointed for a term of 5  
22 years and until their successors are appointed and duly qualified.

24 **Sec. X-15. 32 MRSA §15109, sub-§5-A** is enacted to read:

26 **5-A. Examination committee; duties.** The examination  
committee may cause all examinations required under this section  
28 to be conducted and may certify qualifying applicants to the  
board for issuance of licenses.

30  
32 **Sec. X-16. 32 MRSA §15109, sub-§6**, as enacted by PL 1995, c.  
560, Pt. H, §14 and affected by §17, is repealed.

34 **Sec. X-17. 32 MRSA §15109, sub-§6-A** is enacted to read:

36 **6-A. Examinations.** Applicants for licensure shall present  
to the board a written application for examination, containing  
38 such information as the board may require, accompanied by a  
required fee as set forth by board rules. Examinations must be  
40 in whole or in part in writing and of a thorough and practical  
character commensurate with the responsibilities of the  
42 prospective license holder.

44 The board shall establish by rule cutoff dates for applications  
for examination.

46  
48 The passing grade on any examination may not be less than 70%. A  
candidate failing one examination may apply for reexamination,  
which may be granted upon payment of a fee established by the  
50 board.

2           **Sec. X-18. 32 MRSA §15109, sub-§7**, as enacted by PL 1995, c.  
560, Pt. H, §14 and affected by §17, is amended to read:

4  
6           **7. Class of license.** There must be 2 grades of boiler  
operator's license and 4 classes of engineering licenses as set  
out in this subsection.

8  
10           A. The holder of a low pressure heating boiler operator's  
license may operate a heating plant covered by this chapter  
with steam boilers not exceeding 15 psi or hot water and hot  
12 water supply boilers not exceeding 160 psi or 250 degrees  
Fahrenheit, or both.

14  
16           B. The holder of a high pressure boiler operator's license  
may operate, supervise or have charge of a heating plant  
having a capacity of not more than 20,000 #/HR or operate or  
18 supervise a plant up to the capacity of the license of the  
engineer in charge of the plant in which the licensee is  
employed. The applicant for a high pressure boiler  
20 operator's license must have 6 months' operating experience  
prior to examination under a boiler operator's training  
22 permit. The board shall issue a permit for the purpose of  
gaining that experience. Such a permit must be limited to a  
24 specified plant and must be limited to one year. The board  
may extend the permit for a period not to exceed one year  
under unusual circumstances. The cost of a boiler  
operator's training permit may not exceed \$20. The board  
may allow the owner of a small plant to sit for the high  
pressure boiler operator's examination without first  
obtaining a boiler operator's training permit.

32  
34           C. The holder of a 4th-class engineer's license may have  
charge of a plant of not more than 50,000 #/HR or operate or  
supervise a plant up to the capacity of the license of the  
36 engineer in charge of the plant in which the licensee is  
employed. An applicant for a 4th-class engineer's license  
38 must be a high school graduate or have equivalent education  
and at least one year of operating or supervising experience  
40 under a duly licensed engineer having charge of a plant. An  
applicant for a 4th-class engineer's license must have at  
least one year operating or supervising experience as a high  
pressure boiler operator.

44  
46           D. The holder of a 3rd-class engineer's license may have  
charge of a plant of not more than 100,000 #/HR or operate  
or supervise a plant up to the capacity of the license of  
48 the engineer in charge of the plant in which the licensee is  
employed. An applicant for a 3rd-class engineer's license

2 must have at least one year operating or supervising  
experience as a 4th-class engineer.

4 E. The holder of a 2nd-class engineer's license may have  
6 charge of a plant of not more than 200,000 #/HR or operate  
8 or supervise a plant up to the capacity of the license of  
10 the engineer in charge of the plant in which the licensee is  
employed. An applicant for a 2nd-class engineer's license  
must have at least 2 years operating or supervising  
experience as a 3rd-class engineer.

12 F. The holder of a first-class engineer's license may  
14 operate, supervise or have charge of a plant of unlimited  
16 steam capacity. An applicant for a first-class engineer's  
license must have at least 2 years operating or supervisory  
experience as a 2nd-class engineer.

18 G. One year of schooling in the field of boiler operation  
20 in a school approved by the board is equivalent to 6 months  
of operating experience. The board may conduct an  
22 accreditation review of the technical school. The cost of  
the accreditation review must be paid by the technical  
24 school and may not exceed \$500.

26 H. In the event of a lack of qualified personnel in the  
28 plant in which the applicant is employed, the ~~committee~~  
board may waive the operating experience requirements of the  
30 applicant for examination for the next higher grade of  
license. Any such license issued must be limited to that  
plant.

32 I. Notwithstanding the provisions of this subsection, the  
34 ~~examining-committee~~ board may permit an applicant to take  
the examination for a license if, in the ~~committee's~~ board's  
36 opinion, the experience or educational qualifications, or  
both, of the applicant are equivalent to the operating  
38 experience required by this subsection.

40 **Sec. X-19. 32 MRSA §15109, sub-§9, ¶¶C and D,** as enacted by PL  
1995, c. 560, Pt. H, §14 and affected by §17, are amended to read:

42 C. A late fee not to exceed \$75 on all renewals for which  
44 the board receives a renewal application up to 2 years after  
the expiration of the license; and

46 D. Examination fee for engineers and operators, \$50+; and

48 **Sec. X-20. 32 MRSA §15109, sub-§9, ¶E** is enacted to read:

2           E. Application fee, \$25.

4           **Sec. X-21. 32 MRSA §15110**, as enacted by PL 1995, c. 560, Pt.  
H, §14 and affected by §17, is amended by adding at the end a new  
paragraph to read:

6           The board may conduct a welding test facility review. The  
8 cost of that review must be paid by the welding test facility and  
may not exceed \$500.

10           **Sec. X-22. 32 MRSA §15111**, as enacted by PL 1995, c. 560, Pt.  
12 H, §14 and affected by §17, is amended to read:

14           **§15111. Operation of condemned vessels**

16           A boiler or pressure vessel that has been condemned for  
18 further use in this or any other state by an--~~authorized~~ a  
licensed boiler inspector employed by an insurance company or by  
20 an inspector authorized to inspect boilers by a state or the  
Federal Government may not be installed or operated in this State.

22           **Sec. X-23. 32 MRSA §15113**, as enacted by PL 1995, c. 560, Pt.  
H, §14 and affected by §17, is amended by inserting after the 2nd  
24 paragraph a new paragraph to read:

26           The board may conduct shop inspections. The cost of the  
shop inspection must be paid by the shop and may not exceed  
28 \$3,000.

30           **Sec. X-24. 32 MRSA §15114**, as enacted by PL 1995, c. 560, Pt.  
H, §14 and affected by §17, is amended to read:

32           **§15114. Certificate required**

34           It is unlawful for any person, firm, partnership or  
36 corporation to operate under pressure in this State a boiler or  
pressure vessel to which this chapter applies without a valid  
38 inspection certificate as provided in this chapter. The operation  
of a boiler or pressure vessel without an inspection certificate  
40 constitutes a Class E crime on the part of the owner or user of  
the boiler or pressure vessel and is punishable by a fine of not  
42 more than \$100 or by imprisonment for not more than 30 days, or  
by both.

44           **Sec. X-25. 32 MRSA §15115**, as enacted by PL 1995, c. 560, Pt.  
46 H, §14 and affected by §17, is amended to read:

48           **§15115. Temporary certificate**

2 If an emergency affecting public safety and welfare exists,  
3 the board may authorize the chief inspector to issue a temporary  
4 inspection certificate for a period not exceeding 6 months after  
5 an inspection certificate has expired. A temporary inspection  
6 certificate may be issued without an internal inspection being  
7 made. If the boiler or pressure vessel is insured, the temporary  
8 inspection certificate may not be issued until recommended in  
9 writing by the authorized inspector of the company insuring the  
10 boiler or pressure vessel and by the chief inspector or one of  
11 the deputies; or, if the boiler or pressure vessel is not  
12 insured, the temporary inspection certificate must be recommended  
13 in writing by at least 2 authorized state inspectors. The  
14 provisions as to posting of the inspection certificate apply to  
15 the temporary inspection certificate.

16 **Sec. X-26. 32 MRSA §15116**, as enacted by PL 1995, c. 560, Pt.  
17 H, §14 and affected by §17, is amended to read:

18 **§15116. Insurance**

19  
20 When a boiler or pressure vessel is insured and inspected by  
21 a duly accredited insurance company licensed to do business in  
22 this State, a copy of the record of each internal inspection of  
23 the boiler or pressure vessel must be filed with the board.

24  
25 When an insurance company cancels insurance upon any boiler  
26 or pressure vessel requiring inspection under section 15117 that  
27 is not exempt under section 15102 or the policy expires and is  
28 not renewed, notice must immediately be given to the board. An  
29 insurance company shall notify the board immediately upon  
30 insuring a boiler or pressure vessel pursuant to this section.

31  
32 **Sec. X-27. 32 MRSA §15117**, as enacted by PL 1995, c. 560, Pt.  
33 H, §14 and affected by §17, is amended to read:

34 **§15117. Inspection required; certificates issued**

35  
36 Each boiler or pressure vessel used or proposed for use  
37 within this State, except boilers or pressure vessels exempt  
38 under section 15102, must be thoroughly inspected by the chief  
39 inspector or one of the deputy inspectors or authorized  
40 inspectors, as to its design, construction, installation,  
41 condition and operation. The board shall adopt rules pursuant to  
42 the Maine Administrative Procedure Act specifying the method and  
43 frequency of inspection. When any boiler or pressure vessel  
44 inspected as specified by the board is found to be suitable and  
45 to conform to the rules of the board, the chief inspector shall  
46 issue to the owner or user of that boiler or pressure vessel,  
47 upon payment of a fee to the board, an inspection certificate for  
48 each boiler or pressure vessel. The fee must be set by the board  
49  
50

and may not exceed \$100. Inspection certificates must specify the maximum pressure that the boiler or pressure vessel inspected is allowed to carry. The inspection certificate may be valid for not more than 14 months from its date and must be posted under glass in the engine or boiler room containing the boiler or pressure vessel or an engine operated by it or, in the case of a portable boiler, in the office of the plant where it is temporarily located.

In accordance with the provisions of the Maine Administrative Procedure Act, the chief inspector or any deputy inspector may at any time suspend an inspection certificate when, in the inspector's opinion, the boiler or pressure vessel for which it was issued may not continue to be operated without menace to the public safety. ~~An authorized A licensed~~ A licensed inspector has corresponding powers with respect to inspection certificates for boilers and pressure vessels insured by the company employing the inspector. ~~This suspension must continue pending decision on the board's application with the Administrative Court for a temporary suspension pursuant to Title 4, section 1153.~~

**Sec. X-28. 32 MRSA §15118, first ¶**, as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is amended to read:

The owner or user of each boiler or pressure vessel required by this chapter to be inspected by the chief inspector or a deputy inspector, shall pay the inspector upon inspection a fee or fees to be determined by the board. Not more than \$500 may be collected for the inspection of any one boiler or pressure vessel made in any one year, unless additional inspections are required by the owners or users of the boiler or pressure vessel or unless the boiler or pressure vessel has been inspected and an inspection certificate has been refused, withheld or withdrawn or unless an additional inspection is required because of the change of location of a stationary boiler or pressure vessel. The nature and size of miniature boilers or pressure vessels to be inspected may be determined by the board.

**Sec. X-29. 32 MRSA §15119**, as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is amended to read:

**§15119. Powers of chief inspector**

The chief inspector may:

**1. Free access to premises.** Have free access for the chief inspector or a deputy or ~~deputies~~ deputy inspectors during reasonable hours to any premises in the State where a boiler or pressure vessel is built or where a boiler or pressure vessel or power plant apparatus is being installed or operated, for the

2 purpose of ascertaining whether the boiler or pressure vessel is  
built, installed and operated in accordance with this chapter;

4 **2. Inspection certificates.** Issue, suspend and revoke  
inspection certificates allowing boilers or pressure vessels to  
6 be operated, as provided in sections 15115 and 15117, and as  
provided in the Maine Administrative Procedure Act; and

8  
10 **3. Enforce laws and rules.** Enforce the laws of the State  
governing the use of boilers and pressure vessels and enforce the  
rules of the board; ~~and.~~

12  
14 ~~4. Examinations and certificates of competency. Hold  
examinations and issue certificates of competency to inspectors  
who have successfully passed such examinations.~~

16  
18 **Sec. X-30. 32 MRSA §15120**, as enacted by PL 1995, c. 560, Pt.  
H, §14 and affected by §17, is amended to read:

20 **§15120. Licensed inspectors; duties**

22 In addition to any deputy ~~or authorized~~ boiler inspectors  
certified and appointed under ~~sections~~ section 15106 ~~and 15107~~,  
24 the board shall, upon the request of any company authorized to  
insure against loss from explosion of boilers or pressure vessels  
26 in this State, issue to the boiler inspectors of the company  
certificates of authority as authorized licensed inspectors.  
28 Each inspector before receiving a certificate of authority must  
~~pass satisfactorily the examination provided for in section 15107~~  
30 ~~or, in lieu of such an examination,~~ hold a certificate as an  
inspector of steam boilers for a state that has a standard of  
32 examination equal to that of this State or a certificate from the  
National Board of Boiler and Pressure Vessel Inspectors, or its  
34 successor organization. Authorized Licensed inspectors are not  
entitled to receive a salary from, nor may any of their expenses  
36 be paid by, the State. The continuance of ~~an authorized~~ a  
licensed inspector's certificate is conditioned upon the  
38 authorized licensed inspector continuing in the employ of a  
boiler inspection and insurance company duly authorized and upon  
40 maintenance of the standards imposed by this chapter. Authorized  
Licensed inspectors shall inspect all boilers insured by their  
42 respective companies, and the owners or users of those insured  
boilers are exempt from the payment of the fees provided for in  
44 section 15118. Each company employing authorized licensed  
inspectors shall, within 30 days following each annual internal  
46 inspection made by the inspectors, file a report of the  
inspection with the chief inspector.

48 **PART Y**

50





2       **§15206. Powers and duties of board**

4           The board shall administer, coordinate and enforce this  
6       chapter and has the following powers and duties in addition to  
      those otherwise set forth in this chapter.

8           1. Rules. The board shall, in accordance with Title 5,  
10       chapter 375, adopt rules for the safe and proper construction,  
12       installation, alteration, repair, use, operation and inspection  
14       of elevators and tramways in the State. The rules must include  
      standards for the review and audit of inspections performed by  
      elevator inspectors not employed by the State. The rules must  
      conform as nearly as practicable to the established standards as  
      approved by the American National Standards Institute.

16       The board shall publish and distribute among elevator and tramway  
18       owners, lessees, manufacturers, repair companies and others  
20       requesting them copies of the rules as adopted by the board, at a  
22       cost sufficient only to cover the printing and mailing expenses  
      of distribution, except those rules that are American National  
      Standards Institute standards, which must be obtained from the  
      publisher.

24           2. Hearings. Hearings may be conducted by the board to  
26       assist with investigations, to determine whether grounds exist  
28       for suspension, revocation or denial of a license, or as  
      otherwise considered necessary to the fulfillment of its  
      responsibilities under this chapter.

30       The board may not refuse to renew a license for any reason other  
32       than failure to pay a required fee, unless it has afforded the  
34       licensee an opportunity for an adjudicatory hearing. The board  
36       shall hold an adjudicatory hearing at the written request of any  
38       person who is denied a license without a hearing for any reason  
40       other than failure to pay a required fee, as long as the request  
42       for a hearing is received by the board within 30 days of the  
      applicant's receipt of written notice of the denial of the  
      application, the reasons for the denial and the applicant's right  
      to request a hearing. Hearings must be conducted in conformity  
      with Title 5, chapter 375 to the extent applicable. The board  
      may subpoena witnesses, records and documents in any hearing it  
      conducts.

44           3. Contracts. The board may enter into contracts to carry  
46       out its responsibilities under this chapter.

48           **Sec. Y-7. 32 MRSA §15206-A is enacted to read:**

50       **§15206-A. Investigations of complaints; revocation of license**

2           1. Investigations. The board shall investigate or cause to  
4           be investigated all complaints made to it and all cases of  
6           noncompliance with or violation of this chapter. Any person may  
8           register a complaint of fraud, deceit, gross negligence,  
10           incompetency or misconduct against any person licensed or  
12           required to be licensed under this chapter. These complaints  
14           must be in writing, sworn to by the person making them and filed  
16           with the Office of Licensing and Registration.

18           2. Suspension; revocation. The board may suspend or revoke  
20           a license pursuant to Title 5, section 10004. The board may  
22           refuse to issue or renew a license or the Administrative Court  
24           may suspend or revoke a license of any licensed person who is  
26           found guilty of:

28           A. The practice of fraud or deceit in obtaining a license;

30           B. Any gross negligence, incompetency or misconduct in the  
32           licensee's job performance;

34           C. Violating any provision of this chapter or any rule of  
36           the board; or

38           D. Conviction of a crime, subject to the limitations of  
40           Title 5, chapter 341.

42           **Sec. Y-8. 32 MRSA §15208**, as enacted by PL 1995, c. 560, Pt.  
44           H, §14 and affected by §17, is amended to read:

46           **§15208. Examination of elevator and lift inspectors; licenses**

48           The board shall set standards necessary for the examination  
50           of elevator and lift inspectors. The board may set standards for  
the examination of inspectors limited to the inspection of  
categories of equipment within the definition of "elevator,"  
including, but not limited to, accessibility lifts. The  
examination fee is set by the board and may not exceed \$100. The  
examination must be written, in part or in whole, and must be  
confined to questions the answers to which will aid in  
determining the fitness and competency of the applicant for the  
intended service and must be of uniform standard throughout the  
State. ~~If an applicant fails to pass this examination, the  
applicant may appeal to the board for a 2nd examination within 90  
days of notification of the applicant's failure to pass, and the  
2nd examination must be given by the board or by examiners other  
than those by whom the first examination was given. Upon the  
result of this 2nd examination, the board shall determine whether  
the applicant is qualified.~~

2 The record of the applicant's examination, ~~whether original~~  
3 ~~or on appeal~~, must be accessible to the applicant. The  
4 examinations must be kept on file in the office of ~~the~~  
5 ~~supervising inspector~~ for a period of not less than 2 years.

6 Applications for examination and license must be made on  
7 forms furnished by the board.

8 An elevator and lift inspector's license expires on the 3rd  
9 anniversary date of the original issue. The license fee must be  
10 set by the board and may not exceed \$300.

11 The license may be renewed for a period of 3 years without  
12 further examination if a renewal fee in an amount set by the  
13 board, not to exceed \$300, is paid and the licensee has worked as  
14 an elevator inspector during the initial 3-year period.

15 Licensed elevator and lift inspectors that install, service  
16 or sell elevator or lift equipment may not inspect the equipment  
17 that they install, service or sell.

18 **Sec. Y-9. 32 MRSA §15209, sub-§5, ¶¶A and B**, as enacted by PL  
19 1995, c. 560, Pt. H, §14 and affected by §17, are amended to read:

20  
21  
22 A. The examination for a licensed tramway inspector must be  
23 given by the supervising chief inspector or by 2 or more  
24 examiners appointed by the supervising chief inspector. The  
25 examination must be written, in whole or in part, and must  
26 be confined to questions the answers to which will aid in  
27 determining the fitness and competency of the applicant for  
28 the intended service and must be of uniform standard  
29 throughout the State. ~~If an applicant fails to pass this~~  
30 ~~examination, the applicant may appeal to the board for a 2nd~~  
31 ~~examination within 90 days of notification of the~~  
32 ~~applicant's failure to pass, and the 2nd examination must be~~  
33 ~~given by the board or by examiners other than those by whom~~  
34 ~~the first examination was given. Upon the result of this 2nd~~  
35 ~~examination, the board shall determine whether the applicant~~  
36 ~~is qualified.~~

37  
38 B. The record of the applicant's examination, ~~whether~~  
39 ~~original or on appeal~~, must be accessible to the applicant.  
40 The examinations must be kept on file in the office of ~~the~~  
41 ~~supervising inspector~~ for a period of not less than 2 years.

42 **Sec. Y-10. 32 MRSA §15209-A** is enacted to read:

43 **§15209-A. Wire rope inspectors; licenses**

2 The board shall license an applicant as a wire rope  
3 inspector, who may perform the inspections required for each  
4 tramway equipped with wire rope, if that applicant has a total of  
5 5 years' experience in wire rope manufacture, installation,  
6 maintenance or inspection. A wire rope inspector's license  
7 expires on the 3rd anniversary date of the original issue. The  
8 license fee must be set by the board and may not exceed \$150.

10 **Sec. Y-11. 32 MRSA §15210, 1st ¶**, as enacted by PL 1995, c.  
11 560, Pt. H, §14 and affected by §17, is amended to read:

12 The board may revoke a tramway ~~ex,~~ elevator or lift  
13 inspection license or remove inspection endorsements from an  
14 elevator or lift mechanic's license for the following causes:

16 **Sec. Y-12. 32 MRSA §15211**, as enacted by PL 1995, c. 560, Pt.  
17 H, §14 and affected by §17, is amended to read:

18 **§15211. Notice of accidents**

20 Each elevator or tramway accident caused by equipment  
21 failure, resulting in injury to a person or in substantial damage  
22 to equipment, must be reported by the owner or lessee to the  
23 supervising chief inspector in accordance with the board's  
24 rules. When an elevator accident occurs, the inspection  
25 certificate for the involved elevator must be summarily revoked  
26 in accordance with Title 5, section 10004, pending decision on  
27 any application with the Administrative Court for a further  
28 suspension.

30 **Sec. Y-13. 32 MRSA §15213**, as enacted by PL 1995, c. 560, Pt.  
31 H, §14 and affected by §17, is amended to read:

32 **§15213. Elevator or lift mechanics; license; definition**

34 A person may not service, repair, alter or install any  
35 elevator unless that person is licensed as an elevator or lift  
36 mechanic under sections 15214 and 15216. Elevator work in  
37 industrial plants, manufacturing plants and hospitals may be  
38 performed by plant personnel who are not licensed under sections  
39 15214 and 15216 if the work is supervised by the plant engineer  
40 and performed in compliance with rules adopted by the board.

42 The word "elevator," as used in this section and sections  
43 15214 and 15216, includes all electrical equipment, wiring,  
44 steelwork and piping in the elevator machine room, hoistway and  
45 pit pertaining to the operation and control of an elevator,  
46 except power feeders and required power equipment up to the  
47 control panel, heating, lighting, ventilation and drainage  
48 equipment.

2           **Sec. Y-14. 32 MRSA §15214**, as enacted by PL 1995, c. 560, Pt.  
H, §14 and affected by §17, is amended to read:

4           **§15214. Issuance; qualifications**

6           The board shall issue an elevator or lift mechanic's license  
8 to any applicant who has at least 2 years' experience in the  
service, repair, alteration or installation of elevators and  
10 lifts while employed by an elevator company, or has equivalent  
experience as defined by rules of the board, and satisfactorily  
12 passes the examination provided for in section 15216.

14           A licensed elevator or lift mechanic may not have more than  
2 helpers under direct supervision. These helpers need not be  
16 licensed.

18           A licensed elevator or lift mechanic shall comply with the  
elevator rules of this State.

20           **Sec. Y-15. 32 MRSA §15215**, as enacted by PL 1995, c. 560, Pt.  
H, §14 and affected by §17, is amended to read:

22           **§15215. Inspector endorsement to elevator or lift mechanic's  
license**

24           An elevator or lift mechanic may inspect elevators and lifts  
26 if the mechanic has an inspection endorsement to the mechanic's  
license. The board shall establish rules to examine and qualify  
28 mechanics to conduct elevator and lift inspections. The board  
shall set an ~~examination-----for-----endorsement~~  
30 ~~examination-for-endorsement~~ fee, and endorsement and endorsement  
32 renewal fees, which may not exceed 1/3 of the elevator or lift  
34 inspector's license and renewal fees.

36           **Sec. Y-16. 32 MRSA §15216**, as enacted by PL 1995, c. 560, Pt.  
H, §14 and affected by §17, is amended to read:

38           **§15216. Examination of elevator or lift mechanics; applications;  
licenses; fees**

40           The examination fee for an elevator or lift mechanic's  
42 license must be set by the board and may not exceed \$100. The  
44 examination must be written, in whole or in part, and must be  
confined to questions the answers to which will determine the  
46 fitness and competency of the applicant for the intended service.

48           If an applicant for a mechanic's license fails to pass the  
examination, the applicant may request a 2nd examination ~~within~~  
50 ~~90 days of notification of the applicant's failure to pass and~~

2 ~~the--2nd--examination--must--be--given--without--further--fee.~~ Any  
3 ~~additional--examinations--may--be--given--only--upon--the--payment--of--the~~  
4 ~~examination--fee--as--provided--in--this--section.~~

5 The record and examination papers of the applicant must be  
6 accessible to the applicant and the applicant's employer and must  
7 be kept on file in the office of the supervising chief inspector  
8 for a period of not less than 2 years.

10 Applications for examination and license must be made on  
11 forms furnished by the board.

12 An elevator or lift mechanic's license expires on the 3rd  
13 anniversary date of the original issue and ~~may be renewed for~~  
14 ~~periods of 3 years without further examination, if a renewal fee~~  
15 ~~in an amount set by the board, not to exceed \$100, is paid and~~  
16 ~~the licensee has worked as an elevator mechanic during the~~  
17 ~~initial 3-year period. The license fee must be set by the board~~  
18 ~~and may not exceed \$100.~~

19 The license may be renewed for a period of 3 years without  
20 further examination if a renewal fee in an amount set by the  
21 board, not to exceed \$100, is paid and the licensee has worked as  
22 an elevator or lift mechanic during the initial 3-year period.

23 **Sec. Y-17. 32 MRSA §§15216-A, 15216-B and 15216-C** are enacted  
24 to read:

25 **§15216-A. Application fee**

26 The fee charged for an application, which may not exceed  
27 \$25, must be set by the board.

28 **§15216-B. Wire rope inspectors; licenses**

29 The board shall license an applicant as a wire rope  
30 inspector, who may perform the inspections required on wire rope,  
31 if that applicant submits to the board documented evidence of a  
32 total of 5 years' experience in wire rope manufacture,  
33 installation, maintenance or inspection. The original license  
34 fee and renewal fee for a wire rope inspector for a period of 3  
35 years must be set by the board in an amount not to exceed \$200.

36 **§15216-C. License renewal**

37 Any license issued under this chapter is automatically  
38 renewable upon payment of the renewal fee as set forth in this  
39 chapter. The expiration dates for licenses issued under this  
40 chapter may be established at such other times as the  
41 commissioner may designate. The board shall notify persons  
42

2 licensed under this chapter of the date of expiration of the  
3 license and the fee required for its renewal for a 3-year  
4 period. The notice must be mailed to the person's last known  
5 address at least 30 days in advance of the expiration date of the  
6 license.

7  
8 A license may be renewed up to 90 days after the date of its  
9 expiration upon payment of a late fee of \$10 in addition to the  
10 renewal fee. Any person who submits an application for renewal  
11 more than 90 days after the license expiration date is subject to  
12 all requirements governing new applicants under this chapter,  
13 except that the board may in its discretion waive the examination  
14 and other requirements. The board may levy penalties for  
15 nonrenewal in an amount not to exceed \$100. Notwithstanding any  
16 other provision of this chapter, the board shall waive the  
17 examination if a renewal application is made within 90 days after  
18 separation from the United States Armed Forces, under conditions  
19 other than dishonorable, by a person who failed to renew that  
20 person's license because that person was on active duty in the  
21 Armed Forces; except that the waiver of examination may not be  
22 granted if the person served a period of more than 4 years in the  
23 Armed Forces, unless that person is required by some mandatory  
24 provision to serve a longer period and that person submits  
satisfactory evidence of this mandatory provision to the board.

25 **Sec. Y-18. 32 MRSA §15221, sub-§§1, 3, 4 and 6, as enacted by PL**  
26 **1995, c. 560, Pt. H, §14 and affected by §17, are amended to read:**

27  
28 **1. Fees; inspection certificate.** Each elevator or tramway  
29 proposed to be used within this State must be thoroughly  
30 inspected by either the supervising chief inspector, a state  
31 inspector or a licensed elevator or tramway inspector and, if  
32 found to conform to the rules of the board, the board shall issue  
33 to the owner or user an inspection certificate. Fees for  
34 inspection and certification of elevators and tramways must be  
35 set by the board pursuant to section 15225 and must be paid by  
36 the owner or user of the elevator or tramway. The certificate  
37 must specify the maximum load to which the elevator or tramway  
38 may be subjected, the date of its issuance and the date of its  
39 expiration. The elevator certificate must be posted in the  
40 elevator and the tramway certificate at a conspicuous place in  
41 the machine area.

42  
43 **3. Temporary suspension of inspection certificate;**  
44 **condemnation card.** When, in the inspector's opinion, the  
45 elevator or tramway can not continue to be operated without  
46 menace to the public safety, the supervising chief inspector or  
47 state inspector may temporarily suspend an inspection certificate  
48 in accordance with Title 5, section 10004 and post or direct the

2 posting of a red card of condemnation at every entrance to the  
elevator or tramway. The condemnation card is a warning to the  
4 public and must be of such type and dimensions as the board  
determines. The suspension continues, pending decision on any  
6 application with the Administrative Court for a further  
suspension. The condemnation card may be removed only by the  
inspector posting it or by the supervising chief inspector.

8  
4. **Special certificate; special conditions.** When, upon  
10 inspection, an elevator or tramway is found by the inspector to  
be in reasonably safe condition but not in full compliance with  
12 the rules of the board, the inspector shall certify to the  
supervising chief inspector the inspector's findings and the  
14 supervising chief inspector may issue a special certificate, to  
be posted as required in this section. This certificate must set  
16 forth any special conditions under which the elevator or tramway  
may be operated.

18  
6. **Follow-up inspections.** All follow-up inspections  
20 necessary to enforce compliance must be performed by either the  
supervising chief inspector or a state inspector. A fee as set  
22 forth in section 15225 must be charged for those follow-up  
inspections.

24  
Sec. Y-19. 32 MRSA §15224, as enacted by PL 1995, c. 560, Pt.  
26 H, §14 and affected by §17, is amended to read:

28 **§15224. Installation of new elevators and tramways; fees**

30 Detailed plans or specifications of each new or altered  
elevator or tramway must be submitted to and approved by the  
32 supervising chief inspector before the construction may be  
started. Fees for examination of the plans or specifications must  
34 be \$5 per \$1,000 of the valuation of the elevator or tramway as  
covered by the blueprints. The minimum fee may not be less than  
36 \$35 and the maximum fee may not be more than \$100.

38 Sec. Y-20. 32 MRSA §15225, sub-§§1, 2 and 4, as enacted by PL  
1995, c. 560, Pt. H, §14 and affected by §17, are amended to read:

40  
1. **Initial inspection of elevators; fee.** The initial  
42 inspection of elevators may be made by the supervising chief  
inspector or ~~a state-inspector~~ or the commissioner's designee and  
44 the fee for the initial inspection of each new or altered  
elevator must be set by the board, not to exceed \$100, plus  
46 expenses.

48  
2. **Initial inspection of tramways; fee.** The initial  
inspection of tramways may be made by the supervising chief



1 inspector, ~~a state inspector~~ or the commissioner's designee or a  
2 licensed tramway inspector and the fee for the initial inspection  
4 of each new or altered tramway must be set by the board, not to  
exceed \$100, plus expenses.

6 **4. Annual inspection of tramways; fee.** The annual fee for  
the required inspections of tramways must be set by the board,  
8 not to exceed \$200.

10 **Sec. Y-21. 32 MRSA §15226**, as enacted by PL 1995, c. 560, Pt.  
H, §14 and affected by §17, is amended to read:

12 **§15226. Reports by inspectors**

14  
16 A state inspector or licensed inspector shall make a full  
report to the supervising chief inspector, giving all data  
18 required by the rules adopted by the board and shall report to  
the supervising chief inspector and to the owner or lessee all  
20 defects found and all noncompliances with the rules. When any  
serious infraction of the rules is found by a state inspector or  
22 licensed inspector and that infraction is, in the opinion of the  
inspector, dangerous to life, limb or property, the inspector  
24 shall report that infraction immediately to the supervising chief  
inspector.

26 **Sec. Y-22. 32 MRSA §15227**, as enacted by PL 1995, c. 560, Pt.  
H, §14 and affected by §17, is amended to read:

28 **§15227. Powers of chief inspector**

30  
32 The board is authorized to investigate all elevator and  
tramway accidents that result in injury to a person or in damage  
to the installation.

34 The supervising chief inspector is authorized:

36  
38 **1. Enforce laws and rules.** To enforce the laws of the  
State governing the use of elevators and tramways and to enforce  
adopted rules of the board;

40  
42 **2. Free access to premises or location.** To provide free  
access for state inspectors, including the supervising chief  
inspector, at all reasonable times to any premises in the State  
44 where an elevator or tramway is installed or is under  
construction for the purpose of ascertaining whether that  
46 elevator or tramway is installed, operated, repaired or  
constructed in accordance with this chapter;

48  
50 **3. Supervise inspectors.** To allocate and supervise the  
work of state inspectors;



2           2. Allow late renewal of mobile home park licenses within  
3 90 days of expiration with a late fee of \$50;

4           3. Develop and require an educational program for  
5 applicants and licensees servicing and installing manufactured  
6 housing at an initial cost not to exceed \$25; and

8           4. Add license fee for installers.

10           Part D authorizes certain boards and commissions to assess  
11 licensed persons or entities for expenses incurred in performing  
12 enforcement duties, to enter into contracts and to issue  
13 citations for violations.

14           Part E limits the license application and examination fees  
15 for chiropractors to \$75.

18           Part F amends the Electricians' Examining Board laws to:

20           1. Relocate statutory fee caps from the definitions section  
21 to a new fee section;

22           2. Relocate exemptions from licensure and clarify that  
23 installations pursuant to these sections must be performed under  
24 the National Electrical Code;

26           3. Add "optical fiber cable installers" to the exceptions  
27 to licensing requirements; and

30           4. Add a statutory fee cap for permit applications.

32           Part G amends the Board of Hearing Aid Dealers and Fitters  
33 laws to:

34           1. Permit the dealer or fitter to charge the entire  
35 purchase price at the point of sale;

38           2. Delete the provision enabling the dealer or fitter to  
39 retain 10% of the purchase price in the event of a refund;

40           3. Expand the "trial period" from 30 to 60 days with the  
41 possibility of an additional 60 days; and

44           4. Specify a time frame of 30 days within which the dealer  
45 or fitter must reimburse the purchase price to the customer for a  
46 device that is not accepted.

48           Part H repeals the Maine Revised Statutes, Title 32, chapter  
49 29, regarding the Arborist Examining Board. This jurisdiction

2 over arborist licensing is being relocated to the Department of  
Agriculture, Food and Rural Resources.

4 Part I amends the State Board of Nursing statute to update  
education requirements to address computer adaptive technology.

6 Part J amends the Board of Occupational Therapy Practice  
8 laws to:

10 1. Insert the work "therapy" between "occupational" and  
"practitioners" in the definition of "occupational therapy  
12 practitioner" for the purpose of clarity; and

14 2. Add the words "therapy assistant" to the "license  
required" section to clarify that licenses are required of these  
16 practitioners, as indicated elsewhere within the existing statute.

18 Part K amends the Oil and Solid Fuel Board laws to:

20 1. Relocate licensing requirements and statutory fee caps  
from the definitions section to new license and fees sections;

22 2. Repeal the manufacturers' registration process; and

24 3. Allow a person 7 days to appeal an order by a state oil  
26 and solid fuel compliance officer to the Oil and Solid Fuel  
Board, and clarify further appeals process in the courts.

28 Part L amends the Board of Examiners in Physical Therapy  
30 laws to:

32 1. Eliminate obsolete language referring to the Central  
Licensing Division;

34 2. Eliminate outdated examination information and require a  
36 supervisor's affidavit to verify the supervisory relationship  
with graduates awaiting examination; and

38 3. Reduce the requirements for foreign-trained applicants  
40 to proficiency in spoken English.

42 Part M amends the Plumbers' Examining Board laws to:

44 1. Relocate licensing requirements and statutory fee caps  
from the definitions section to a new fee section;

46 2. Cross-reference the definition for "propane and natural  
48 gas installer" since propane and natural gas installers are now  
licensed under Maine law;

50

- 2 3. Allow a person to do plumbing in a single-family  
residence occupied by that person provided the installation  
conforms with board laws and rules;
- 4
- 6 4. Provide a person 7 days to appeal to the Plumbers'  
Examining Board an order issued to correct a plumbing deficiency  
or vacate a building;
- 8
- 10 5. Relocate examination requirements; and
- 12 6. Add reciprocity provision.
- 14 Part N amends the State Board of Examiners of Psychologists  
laws to allow qualified persons, other than psychologists, to  
review credentials from applicants for licensure.
- 16
- 18 Part O amends the definition of "transient seller of  
consumer merchandise" to exclude out-of-state banks and licensed  
nonbank lenders from registration requirements. The intent of  
20 the statute was not to include lending as "merchandise."
- 22 Part P amends the State Board of Veterinary Medicine laws to  
set a nominal processing fee for the issuance of temporary  
24 permits and permits to perform relief veterinary service.
- 26 Part Q amends the State Board of Certification for  
Geologists and Soil Scientists laws to allow soil scientist  
28 applicants to sit for the general practice examination upon  
graduation.
- 30
- 32 Part R amends the Board of Examiners on Speech-language  
Pathology and Audiology laws to clarify the qualifications of  
speech-language pathology assistants.
- 34
- 36 Part S amends the State Board of Alcohol and Drug Counselors  
laws to reduce the membership of the board.
- 38 Part T amends the Board of Respiratory Care Practitioners  
laws to:
- 40
- 42 1. Update current acronyms used to equal national standards;
- 44 2. Allow student trainees to use an acronym; and
- 46 3. Relocate the associate provisions from the exemption  
section to its own section and allow the issuance of a permit.
- 48 Part U amends the Board of Counseling Professionals  
Licensure laws to clarify that "licensed clinical professional

2 counselor," "licensed pastoral counselor" and "licensed marriage  
and family therapist" are of equivalent clinical status.

4 Part V amends the Board of Barbering and Cosmetology laws to:

6 1. Allow limited instructor licenses for persons  
specializing in manicuring and aesthetics giving individuals who  
8 practice under limited licenses authority to instruct in their  
area of expertise;

10 2. Eliminate the issuance of a separate instructor license;

12 3. Eliminate individual student permits by requiring  
14 schools to register their students by roster; and

16 4. Provide for application, replacement, duplicate and  
certified license verification fees caps.

18 Part W amends the Propane and Natural Gas Board laws to:

20 1. Change the BTU requirement for license endorsements of  
22 appliance connection and service technician and large equipment  
connection and service technician from 2,000,000 BTUs per  
24 appliance to 500,000 BTUs since the heater configurations change  
at 500,000 BTUs and equipment over 500,000 BTUs per appliance is  
26 considered large equipment;

28 2. Allow a person 7 days to appeal an order by a state  
propane and natural gas inspector to the Propane and Natural Gas  
30 Board;

32 3. Add a section to set out the ramifications for failing  
to comply with an order of a propane and natural gas inspector;

34 4. Add a section that requires that persons be licensed to  
36 install propane or natural gas;

38 5. Add industrial plant employees and internal combustion  
engine technicians as exceptions to the licensing provisions of  
40 this chapter;

42 6. Clarify renewal requirements;

44 7. Clarify definition of "dispensing station" to include  
natural gas facilities;

46 8. Authorize permitting of underground storage facilities  
48 and rooftop installations; and

2           9. Repeal the Maine Revised Statutes, Title 32, section  
14817 that repealed the Propane and Natural Gas Act on July 1,  
2000.

4  
6           Part X:

8           1. Changes the name of the Board of Boiler Rules to the  
Board of Boilers and Pressure Vessels;

10          2. Wherever "boilers" appears in statute, adds "and  
pressure vessels";

12          3. Allows a boiler operator training permit to be extended;

14          4. Amends the qualifications for a 4th-class engineer's  
16 license by requiring that the engineer must have experience for  
one year as a high pressure boiler operator;

18          5. Deletes references to "examining committee" in Title 32,  
20 section 15109, subsection 7, paragraph I in order to give the  
board the authority to use a testing agency to administer the  
22 exams if the board determines it necessary;

24          6. Adds an exception to the licensing requirements for high  
pressure boiler operators by allowing the owner of a small plant  
26 to sit for the examination without first obtaining a boiler  
operator's training permit;

28          7. Deletes the requirement that certain rules affecting  
30 boilers and pressure vessels take effect at a specified time;

32          8. Amends the law to permit the board to impose discipline;  
and

34          9. Sets a statutory fee cap for application fees, boiler  
36 operator training permits, shop inspection reviews and welding  
school accreditation reviews.

38           Part Y:

40          1. Deletes the requirement that certain rules affecting new  
42 elevators and tramways take effect at a specified time;

44          2. Amends the law to permit the Board of Elevator and  
Tramway Safety to impose discipline;

46          3. Changes the term "supervising inspector" to "chief  
48 inspector";

50          4. Adds statutory authority to license wire rope inspectors;

2           5. Sets a statutory fee cap for application fees and  
original license fees for elevator or lift mechanics and tramway  
4 inspections; and

6           6. Adds statutory authority for penalties for late renewal.



2

**32 § 15210. Revocation of tramway or elevator  
4 inspector's license**

6 The board may revoke a tramway or elevator  
inspection license or remove inspection endorsements  
8 from an elevator mechanic's license for the following  
causes: b! 1995, c. 560, Pt. H, @14 (new); @17 (aff).  
10 ?b

12 **1. Failure to submit true reports.** For failure  
to submit true reports concerning the conditions of a  
14 tramway or elevator or for conduct determined by the  
board to be contrary to the best interests of tramway  
16 or elevator safety or the board; or  
b! 1995, c. 560, Pt. H, @14 (new); @17 (aff). ?b

18

**2. Physical infirmities.** For physical  
20 infirmities that develop to a point at which it appears  
that an inspector or mechanic is no longer able to  
22 perform the required duties in a thorough and safe  
manner.

24 b! 1995, c. 560, Pt. H, @14 (new); @17 (aff). ?b

26

Section history:

28

1995, c. 560 , § H14 (NEW). 1995, c. 560 , § H17  
30 (AFF).

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