

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

---

Legislative Document

No. 1278

H.P. 906

House of Representatives, March 8, 2007

### An Act To Require Licensing for Certain Mechanical Trades

---

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CLARK of Millinocket.  
Cosponsored by Representatives: JACKSON of Allagash, PATRICK of Rumford, TUTTLE of Sanford.

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

2 **Sec. 1. 5 MRSA §12004-A, sub-§48** is enacted to read:

3 **48.**

4 Mechanical Trades Board                      Expenses Only                      32 MRSA §15331

5 **Sec. 2. 32 MRSA c. 20**, as amended, is repealed.

6 **Sec. 3. 32 MRSA c. 134** is enacted to read:

7 **CHAPTER 134**

8 **MECHANICAL TRADES**

9 **SUBCHAPTER 1**

10 **GENERAL PROVISIONS**

11 **§15321. Definitions**

12 As used in this chapter, unless the context otherwise indicates, the following terms  
13 have the following meanings.

14 **1. Board.** "Board" means the Mechanical Trades Board.

15 **2. Department.** "Department" means the Department of Professional and Financial  
16 Regulation.

17 **3. Fire protection sprinkler system.** "Fire protection sprinkler system" means an  
18 assembly of overhead piping or conduits that conveys water with or without other agents  
19 to dispersal openings or devices to extinguish, control or contain fire and to provide  
20 protection from exposure to fire or the products of combustion, planned in accordance  
21 with a national or state standard.

22 **4. Installation.** "Installation" means the initial placement of a system or part of a  
23 system or the extension, modification or alteration of a system or part of a system after  
24 the initial placement.

25 **5. Journeyman pipefitter.** "Journeyman pipefitter" means a person who, in  
26 accordance with this chapter:

27 A. Has completed a 5-year apprentice program or has passed a journeyman pipefitter  
28 examination; and

29 B. Without supervision, performs the work of pipefitting.

- 1        **6. Journeyman refrigeration technician.** "Journeyman refrigeration technician"  
2 means a person who, in accordance with this chapter:
- 3        A. Has completed a 5-year apprentice program or has passed a journeyman  
4 refrigeration technician examination; and
- 5        B. Without supervision, performs the work of refrigeration and air conditioning  
6 system installation and repair.
- 7        **7. Journeyman sheet metal worker.** "Journeyman sheet metal worker" means a  
8 person who, in accordance with this chapter:
- 9        A. Has completed a 4-year apprentice program or has passed a journeyman sheet  
10 metal worker examination; and
- 11        B. Without supervision, performs sheet metal work.
- 12        **8. Journeyman sprinkler fitter.** "Journeyman sprinkler fitter" means a person who,  
13 in accordance with this chapter:
- 14        A. Has completed a 5-year apprentice program or has passed a journeyman sprinkler  
15 fitter examination; and
- 16        B. Without supervision, performs fire protection sprinkler system installation and  
17 repair.
- 18        **9. Master fire protection sprinkler contractor.** "Master fire protection sprinkler  
19 contractor" means a person who, in accordance with this chapter:
- 20        A. Has a regular place of business; and
- 21        B. Without supervision, performs fire protection sprinkler system installation and  
22 repair.
- 23        **10. Master mechanical contractor.** "Master mechanical contractor" means a  
24 person who, in accordance with this chapter:
- 25        A. Has worked as a contractor;
- 26        B. Has been a journeyman pipefitter for at least 10 years;
- 27        C. Has been a master refrigeration contractor for at least 10 years; and
- 28        D. Is designated as a master mechanical contractor pursuant to this chapter.
- 29        **11. Master refrigeration contractor.** "Master refrigeration contractor" means a  
30 person who, in accordance with this chapter:
- 31        A. Has a regular place of business; and
- 32        B. Without supervision, performs refrigeration and air conditioning installation and  
33 repair.
- 34        **12. Master sheet metal contractor.** "Master sheet metal contractor" means a  
35 person who, in accordance with this chapter:
- 36        A. Has a regular place of business; and

- 1        B. Without supervision, performs sheet metal work.
- 2        **13. Pipefitter apprentice.** "Pipefitter apprentice" means a person who, in  
3 accordance with this chapter:
- 4        A. Is at least 18 years of age; and
- 5        B. Under the direct supervision of a journeyman pipefitter under a registered state-  
6 sanctioned apprentice program, is learning or working in the business of pipefitting.
- 7        **14. Pipefitting.** "Pipefitting" means the supervision, fabrication, installation and  
8 maintenance of pipefitting installations of every description and character.
- 9        **15. Refrigeration and air conditioning apprentice.** "Refrigeration and air  
10 conditioning apprentice" means a person who, in accordance with this chapter:
- 11        A. Is at least 18 years of age; and
- 12        B. Under the direct supervision of a master refrigeration contractor or a journeyman  
13 refrigeration technician under a registered state-sanctioned apprentice program, is  
14 learning or working in the business of refrigeration and air conditioning system  
15 installation and repair.
- 16        **16. Refrigeration and air conditioning system installation and repair.**  
17 "Refrigeration and air conditioning system installation and repair" means the installation,  
18 maintenance and repair of heating, ventilation, air conditioning and refrigeration systems.
- 19        **17. Sheet metal work.** "Sheet metal work" means the fabrication, installation and  
20 maintenance of all types of sheet metal applications, including, but not limited to:
- 21        A. Heating, air conditioning and ventilation systems;
- 22        B. Gutters, roofing and siding;
- 23        C. Food service equipment; and
- 24        D. Architectural and ornamental work.
- 25        **18. Sheet metal worker apprentice.** "Sheet metal worker apprentice" means a  
26 person who, in accordance with this chapter:
- 27        A. Is at least 18 years of age; and
- 28        B. Is learning or working in the business of sheet metal work under the direct  
29 supervision of a master sheet metal contractor or journeyman sheet metal worker  
30 under a registered state-sanctioned apprentice program.
- 31        **19. Sprinkler fitter apprentice.** "Sprinkler fitter apprentice" means a person who,  
32 in accordance with this chapter:
- 33        A. Is at least 18 years of age; and
- 34        B. Under the direct supervision of a master fire protection sprinkler contractor or  
35 journeyman sprinkler fitter under a registered state-sanctioned apprentice program, is

1 learning or working in the business of fire protection sprinkler system installation and  
2 repair.

3 **§15322. Applicability**

4 **1. License required.** Except as provided in section 15323, a license under this  
5 chapter is required for any person, corporation, partnership or other entity that is engaged  
6 in:

7 A. The performance of sheet metal work;

8 B. The performance of refrigeration and air conditioning system installation and  
9 repair;

10 C. The performance of pipefitting; and

11 D. The performance of fire protection sprinkler system installation and repair.

12 **§15323. Exceptions**

13 **1. Maintenance personnel.** This chapter does not apply to:

14 A. Persons classified as maintenance personnel regularly in the employ of a hospital  
15 or school or in the employ of a public utility company doing utility company work; or

16 B. An employee of a city, a town or the State who is regularly employed as a  
17 maintenance person on the premises of the employer.

18 **2. Owner of single-family dwelling.** The owner of a single-family domestic  
19 dwelling who intends to occupy the premises may, after approval by local municipal  
20 officials and upon receipt of a permit, perform pipefitting, refrigeration and air  
21 conditioning system installation and repair, sheet metal work or fire protection sprinkler  
22 system installation and repair in the State without being licensed pursuant to this chapter.  
23 Work performed pursuant to this subsection must conform to the best installation  
24 practices of the trade.

25 **§15324. Penalties; injunction**

26 **1. Penalties.** A person who engages in or works in sheet metal work, refrigeration  
27 and air conditioning system installation and repair, pipefitting or fire protection sprinkler  
28 system installation and repair without first obtaining a license as required by this chapter,  
29 or after the license issued under this chapter has expired or has been suspended or  
30 revoked or temporarily suspended or revoked, is guilty of a Class E crime.

31 **2. Injunction.** The State may bring an action in Superior Court to enjoin any person  
32 from violating this chapter, regardless of whether proceedings have been or may be  
33 instituted in the District Court or whether criminal proceedings have been or may be  
34 instituted.

35

**SUBCHAPTER 2**

1 **MECHANICAL TRADES BOARD**

2 **§15331. Membership**

3 The Mechanical Trades Board, established by Title 5, section 12004-A, subsection  
4 48, consists of the following 11 members, notwithstanding Title 5, section 12015:

5 1. Master refrigeration contractor. One member who has been a master  
6 refrigeration contractor for at least 5 years, appointed by the Governor;

7 2. Journeyman pipefitters. Two members who have been employed as journeyman  
8 pipefitters for at least 5 years, appointed by the Governor;

9 3. Journeyman refrigeration technician. One member who has been employed as  
10 a journeyman refrigeration technician for at least 5 years, appointed by the Governor;

11 4. Master fire protection sprinkler contractor. One member who has been a  
12 master fire protection sprinkler contractor for at least 5 years, appointed by the Governor;

13 5. Journeyman sprinkler fitter. One member who has been employed as a  
14 journeyman sprinkler fitter for at least 5 years, appointed by the Governor;

15 6. State Fire Marshal. The State Fire Marshal or the fire marshal's designee;

16 7. Master mechanical contractors. Two members who have been master  
17 mechanical contractors for at least 5 years, appointed from a list submitted by a statewide  
18 association of pipefitting contractors, appointed by the Governor;

19 8. Master sheet metal contractor. One member who has been a master sheet metal  
20 contractor for at least 5 years, appointed by the Governor; and

21 9. Journeyman sheet metal worker. One member who has been employed as a  
22 journeyman sheet metal worker for at least 5 years, appointed by the Governor.

23 **§15332. Terms; vacancies; chair; quorum**

24 1. Terms. A member of the board is appointed for a term of 3 years.

25 2. Vacancies. The Governor shall fill a vacancy in the board by appointment of a  
26 person of the same category as the board member being replaced to hold office for the  
27 unexpired term.

28 3. Chair. The board shall elect a chair every 3 years from its membership.

29 4. Quorum. Six members of the board constitute a quorum for the transaction of  
30 business.

31 **§15333. Powers and duties**

32 1. Administration. The board shall administer, coordinate and enforce this chapter.





1 **INSPECTION**

2 **§15341. Inspection; right of entry**

3 **1. Right of entry.** The board, upon proper identification, may enter at any  
4 reasonable hour any building, structure or premises where work that is governed by this  
5 chapter is being performed to ascertain compliance with this chapter and any rules  
6 adopted pursuant to this chapter.

7 **2. Display of license.** A person holding a license issued under this chapter shall  
8 display that license at the request of an authorized representative of the board.

9 **3. Obstruct access.** If a person obstructs entry or access to any part of a building,  
10 structure or premises by an authorized representative of the board, the board may:

11 A. Seek a search warrant authorizing entry and inspection;

12 B. Revoke or suspend any license authorized pursuant to this chapter; and

13 C. Seek any other remedy as provided by this chapter.

14 **SUBCHAPTER 4**

15 **LICENSES**

16 **§15351. Issuance of licenses**

17 **1. Application; qualifications.** The board may issue a license to any person who  
18 files a sworn application, who passes an examination approved by the board and who  
19 meets the qualifications regarding skill, expertise, education, experience and training set  
20 forth in this section and in rules adopted by the board.

21 **2. Journeyman refrigeration technician license.** The board may issue a  
22 journeyman refrigeration technician license to a person who submits an application on a  
23 form prescribed by the board with the required fee as set under section 15353 and who  
24 provides satisfactory evidence of the following qualifications:

25 A. A minimum of 5 years of work in the field of refrigeration and air conditioning  
26 system installation and repair as a refrigeration and air conditioning apprentice under  
27 the supervision of a master refrigeration contractor, or the equivalent thereof, and  
28 obtaining a passing grade as determined by the board on the journeyman refrigeration  
29 technician examination; or

30 B. A minimum of 3 years of work in the field of refrigeration and air conditioning  
31 system installation and repair as a refrigeration and air conditioning apprentice under  
32 the supervision of a master refrigeration contractor, or the equivalent thereof, and  
33 satisfactory completion of at least one academic year of instruction in refrigeration  
34 and air conditioning system installation and repair at a board-approved technical  
35 college or community college and obtaining a passing grade as determined by the  
36 board on the journeyman refrigeration technician examination.

1       **3. Master refrigeration contractor license.** The board may issue a master  
2 refrigeration contractor license to a person who submits an application on a form  
3 prescribed by the board with the required fee as set under section 15353 and who  
4 provides satisfactory evidence of:

5       A. Possessing the education, experience and training set forth in rules adopted by the  
6 board; and

7       B. Obtaining a passing grade as determined by the board on the master refrigeration  
8 contractor examination.

9       **4. Refrigeration and air conditioning apprentice license.** The board may issue a  
10 refrigeration and air conditioning apprentice license to a person who provides satisfactory  
11 evidence of completion of a course in refrigeration and air conditioning system  
12 installation and repair consisting of one year or 2 semesters at a board-approved technical  
13 college or community college and who submits the required fee as set under section  
14 15353.

15       **5. Journeyman pipefitter license.** The board may issue a journeyman pipefitter  
16 license to a person who submits an application on a form prescribed by the board with the  
17 required fee as set under section 15353 and who provides satisfactory evidence of the  
18 following qualifications:

19       A. A minimum of 5 years of work in the field of pipefitting as a pipefitter apprentice  
20 and obtaining a passing grade as determined by the board on the journeyman  
21 pipefitter examination; or

22       B. A minimum of 3 years of work in the field of pipefitting as a pipefitter apprentice  
23 and satisfactory completion of at least one academic year of instruction in pipefitting  
24 at a board-approved technical college or community college and obtaining a passing  
25 grade as determined by the board on the journeyman pipefitter examination.

26       **6. Pipefitter apprentice license.** The board may issue a pipefitter apprentice license  
27 to a person who provides satisfactory evidence of completion of a course in pipefitting  
28 consisting of one year or 2 semesters at a board-approved technical college or community  
29 college and who submits the required fee as set under section 15353.

30       **7. Journeyman sheet metal worker license.** The board may issue a journeyman  
31 sheet metal worker license to a person who submits an application on a form prescribed  
32 by the board with the required fee as set under section 15353 and who provides  
33 satisfactory evidence of the following qualifications:

34       A. A minimum of 5 years of work in the field of sheet metal work as a sheet metal  
35 worker apprentice under the supervision of a master sheet metal worker contractor, or  
36 the equivalent thereof, and obtaining a passing grade as determined by the board on  
37 the journeyman sheet metal worker examination; or

38       B. A minimum of 3 years of work in the field of sheet metal work as a sheet metal  
39 worker apprentice under the supervision of a master sheet metal contractor, or the  
40 equivalent thereof, and satisfactory completion of at least one academic year of  
41 instruction in sheet metal work at a board-approved technical college or community

1 college and obtaining a passing grade as determined by the board on the journeyman  
2 sheet metal worker examination.

3 **8. Master sheet metal contractor license.** The board may issue a master sheet  
4 metal contractor license to a person who submits an application on a form prescribed by  
5 the board with the required fee as set under section 15353 and who provides satisfactory  
6 evidence of:

7 A. Possessing the education, experience and training set forth in rules adopted by the  
8 board; and

9 B. Obtaining a passing grade as determined by the board on the master sheet metal  
10 contractor examination.

11 **9. Sheet metal worker apprentice license.** The board may issue a sheet metal  
12 worker apprentice license to a person who provides satisfactory evidence of completion  
13 of a course in sheet metal work consisting of one year or 2 semesters at a board-approved  
14 technical college or community college and who submits the required fee as set under  
15 section 15353.

16 **10. Journeyman sprinkler fitter license.** The board may issue a journeyman  
17 sprinkler fitter license to a person who submits an application on a form prescribed by the  
18 board with the required fee as set under section 15353 and who provides satisfactory  
19 evidence of the following qualifications:

20 A. A minimum of 5 years of work in the field of fire protection sprinkler system  
21 work as a sprinkler fitter apprentice under the supervision of a master fire protection  
22 sprinkler contractor, or the equivalent thereof, and obtaining a passing grade as  
23 determined by the board on the journeyman sprinkler fitter examination; or

24 B. A minimum of 3 years of work in the field of fire protection sprinkler system  
25 work as a sprinkler fitter apprentice under the supervision of a master fire protection  
26 sprinkler contractor, or the equivalent thereof, and satisfactory completion of at least  
27 one academic year of instruction in fire protection sprinkler system work at a board-  
28 approved technical college or community college and obtaining a passing grade as  
29 determined by the board on the journeyman sprinkler fitter examination.

30 **11. Master fire protection sprinkler contractor license.** The board may issue a  
31 master fire protection sprinkler contractor license to a person who submits an application  
32 on a form prescribed by the board with the required fee as set under section 15353 and  
33 who provides satisfactory evidence of:

34 A. Possessing the education, experience and training set forth in rules adopted by the  
35 board; and

36 B. Obtaining a passing grade as determined by the board on the master fire  
37 protection sprinkler contractor examination.

38 **12. Sprinkler fitter apprentice license.** The board may issue a sprinkler fitter  
39 apprentice license to a person who provides satisfactory evidence of completion of a  
40 course in fire protection sprinkler system work consisting of one year or 2 semesters at a

1 board-approved technical college or community college and who submits the required fee  
2 as set under section 15353.

3 **13. Master mechanical contractor license.** The board may issue a master  
4 mechanical contractor license to a person who submits an application on a form  
5 prescribed by the board with the required fee as set under section 15353 and who  
6 provides satisfactory evidence of the following qualifications:

7 A. A minimum of 10 years as a journeyman pipefitter; and

8 B. A minimum of 10 years as a master refrigeration contractor.

9 **§15352. Display of license certificate**

10 A person licensed by the board shall display that person's license certificate at the  
11 principal place of business of the licensee.

12 **§15353. Fees**

13 The Director of the Office of Licensing and Registration within the department may  
14 establish by rule fees authorized under this chapter in amounts that are reasonable and  
15 necessary for their respective purposes, except that the fee for any one purpose may not  
16 exceed \$200 biennially. Rules adopted pursuant to this section are routine technical rules  
17 as defined in Title 5, chapter 375, subchapter 2-A.

18 **§15354. Renewal**

19 **1. Expiration.** All licenses expire 2 years from the original date of issue or at such  
20 other time as the Commissioner of Professional and Financial Regulation may designate.

21 **2. Notification.** The board shall notify a person holding a license under this chapter  
22 of the date of expiration of the person's license and the fee required for its renewal for a  
23 2-year period. The notice must be mailed to the person's last known address at least 30  
24 days in advance of the expiration date of the license.

25 **3. Late renewal.** A license may be renewed up to 90 days after the date of its  
26 expiration upon payment of a late fee in addition to the renewal fee. Any person who  
27 submits an application for renewal more than 90 days after the license expiration date is  
28 subject to all requirements governing new applications under this chapter, except that the  
29 board may in its discretion, giving due consideration to the protection of the public, waive  
30 examination or other requirements. The board may assess penalties for a late renewal that  
31 is received more than 90 days after the date of expiration.

32 **4. Waiver of examination.** Notwithstanding subsection 3, the board shall waive  
33 examination if a renewal application is made within 90 days after separation from the  
34 United States Armed Forces, under conditions other than dishonorable, by a person who  
35 has failed to renew the person's license because the person was on active duty in the  
36 United States Armed Forces; the waiver of examination may not be granted if the person  
37 served more than 4 years in the United States Armed Forces unless the person was  
38 required by some mandatory provision to serve a longer period and the person submits  
39 satisfactory evidence to the board.

1 **§15355. Reciprocity**

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

8 **Sec. 4. Application.** Upon proper application and payment of the fees required in  
9 the Maine Revised Statutes, Title 32, chapter 134, the Mechanical Trades Board shall  
10 issue a license under that chapter, without examination, to any person who, on the  
11 effective date of this Act, has completed an apprentice program in or has been  
12 compensated for a minimum of 2,000 hours of employment in the business of performing  
13 sheet metal work, refrigeration and air conditioning system installation and repair,  
14 pipefitting or fire protection sprinkler system installation and repair.

15 **Sec. 5. Members of Mechanical Trades Board.** Notwithstanding the Maine  
16 Revised Statutes, Title 32, section 15331, until September 1, 2011, members appointed to  
17 the Mechanical Trades Board by the Governor must have a minimum of 10 years of  
18 experience in their respective mechanical trades but need not be licensed under this Act.

19 **Sec. 6. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 32,  
20 section 15332, subsection 1, for the original appointments of members of the Mechanical  
21 Trades Board, the Governor shall designate 3 members for one-year terms, 3 members for  
22 2-year terms and 4 members for 3-year terms.

23 **SUMMARY**

24 This bill requires licensure of persons that perform sheet metal work, refrigeration  
25 and air conditioning system installation and repair, pipefitting and fire protection  
26 sprinkler system installation and repair.

27 The bill grandfathers persons that have completed apprentice programs or have been  
28 compensated for a minimum of 2,000 hours in the business of performing sheet metal  
29 work, refrigeration and air conditioning system installation and repair, pipefitting or fire  
30 protection sprinkler system installation and repair.