

MAINE STATE LEGISLATURE

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No. 1791

S.P. 635

March 29, 2007

An Act To Amend the Oil and Solid Fuel Board and Propane and Natural Gas Board Licensing Laws

(EMERGENCY)

Reference to the Committee on Business, Research 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 BENOIT of Sagadahoc. (GOVERNOR'S BILL)
Cosponsored by Representative BEAUDETTE of Biddeford and Senators: COURTNEY of York, SCHNEIDER of Penobscot, Representatives: BEAULIEU of Auburn, MacDONALD of Boothbay, PRESCOTT of Topsham, SILSBY of Augusta, SMITH of Monmouth.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the need to weatherize Maine's existing housing inventory is critical to the
4 health, safety and welfare of the citizens of the State; and

5 **Whereas,** the weatherization of existing homes across the State will require
6 qualified individuals to perform energy efficiency and combustion testing on weatherized
7 homes for safety reasons; and

8 **Whereas,** Maine law currently limits combustion testing of oil-fired and gas-fired
9 heating appliances to individuals who are licensed as oil burner technicians or natural gas
10 and propane technicians, therefore limiting the number of individuals permitted to
11 perform combustion testing in connection with residential weatherization; and

12 **Whereas,** it is necessary to increase the number of individuals permitted to perform
13 combustion testing on weatherized homes; and

14 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
15 the meaning of the Constitution of Maine and require the following legislation as
16 immediately necessary for the preservation of the public peace, health and safety; now,
17 therefore,

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

19 **Sec. 1. 32 MRSA §2401-A, sub-§6,** as amended by PL 1999, c. 386, Pt. J, §13, is
20 further amended to read:

21 **6. Personal abode.** ~~Nothing in this chapter prevents a~~ A person ~~from~~ making an oil
22 or solid fuel burner installation in a single family residence occupied or to be occupied by
23 that person as that person's bona fide personal abode, provided that the installation
24 conforms with board laws and rules; and

25 **Sec. 2. 32 MRSA §2401-A, sub-§7** is enacted to read:

26 **7. Combustion testing.** A person performing combustion testing as defined by the
27 board in rule authorized by section 2353. Rules adopted by the board under this
28 subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
29 This subsection does not limit the authority of a licensed oil burner technician to perform
30 combustion testing on oil burning equipment.

31 **Sec. 3. 32 MRSA §14807, sub-§7,** as repealed and replaced by PL 1999, c. 790,
32 Pt. B, §5, is amended to read:

33 **7. Exceptions.** The licensing provisions of this section do not apply to:

34 A. A highway transport driver who delivers propane to bulk plants or industrial
35 customers;

- 1 B. An individual user of a self-service propane or natural gas dispenser as defined
2 by section 14802, subsection 10;
- 3 C. Regular employees of industrial plants installing and servicing propane or
4 natural gas-fired equipment of greater than 10,000,000 BTUs per hour input; ~~or~~
- 5 D. Persons working on internal combustion engines and associated gas trains; or
- 6 E. Persons performing combustion testing as defined by the board in rule authorized
7 by section 14804. Rules adopted by the board under this paragraph are routine
8 technical rules pursuant to Title 5, chapter 375, subchapter 2-A. This paragraph does
9 not limit the authority of a licensed propane or natural gas technician to perform
10 combustion testing on propane and natural gas appliances.

11 **Sec. 4. Implementation provision.** The Oil and Solid Fuel Board and the
12 Propane and Natural Gas Board shall each engage in emergency rulemaking pursuant to
13 the Maine Administrative Procedure Act and each shall adopt final rules implementing
14 this Act within 90 days after the effective date of this Act.

15 **Emergency clause.** In view of the emergency cited in the preamble, this
16 legislation takes effect when approved.

17 **SUMMARY**

18 This bill creates an exemption from licensing requirements in the laws governing the
19 Oil and Solid Fuel Board and the Propane and Natural Gas Board for individuals who
20 perform combustion testing on oil burning equipment and propane and natural gas
21 appliances. Each licensing board is required to engage in emergency rulemaking
22 regarding combustion testing that an unlicensed individual may perform without a
23 license. Each board's emergency rules are to be adopted under the provisions of the
24 Maine Administrative Procedure Act within 90 days of the effective date of this Act.