

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION-2009

Legislative Document

No. 1455

H.P. 1007

House of Representatives, April 9, 2009

An Act To Establish the Maine Fuel Board

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

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SMITH of Monmouth.
Cosponsored by Senator SCHNEIDER of Penobscot and
Representatives: AUSTIN of Gray, CLEARY of Houlton, HUNT of Buxton, PRESCOTT of
Topsham, Senator: PERRY of Penobscot.

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

2 **PART A**

3 **Sec. A-1. 5 MRSA §12004-A, sub-§27**, as amended by PL 1999, c. 687, Pt. B,
4 §1, is repealed.

5 **Sec. A-2. 5 MRSA §12004-A, sub-§33-A**, as amended by PL 1999, c. 687, Pt.
6 B, §1, is repealed.

7 **Sec. A-3. 5 MRSA §12004-A, sub-§49** is enacted to read:

8 49.

9 Maine Fuel Board

\$35/Day

32 MRSA §18121

10 **PART B**

11 **Sec. B-1. 10 MRSA §8001, sub-§38, ¶U**, as enacted by PL 1995, c. 397, §11, is
12 repealed.

13 **Sec. B-2. 10 MRSA §8001, sub-§38, ¶II**, as amended by PL 1995, c. 560, Pt. H,
14 §3 and affected by §17, is repealed.

15 **Sec. B-3. 10 MRSA §8001, sub-§38, ¶LL**, as amended by PL 2007, c. 369, Pt.
16 B, §5 and affected by Pt. C, §5, is further amended to read:

17 LL. Board of Elevator and Tramway Safety; and

18 **Sec. B-4. 10 MRSA §8001, sub-§38, ¶MM**, as enacted by PL 2007, c. 369, Pt.
19 B, §6 and affected by Pt. C, §5, is amended to read:

20 MM. Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and
21 Fitting; and

22 **Sec. B-5. 10 MRSA §8001, sub-§38, ¶NN** is enacted to read:

23 NN. Maine Fuel Board.

24 **Sec. B-6. 10 MRSA §9703, sub-§4**, as enacted by PL 2003, c. 580, §1, is
25 amended to read:

26 **4. Oil and solid fuel burning equipment standards.** Oil and solid fuel burning
27 equipment standards adopted pursuant to Title 32, section ~~2313~~ 18123, subsection 2;

28 **Sec. B-7. 10 MRSA §9703, sub-§5**, as enacted by PL 2003, c. 580, §1, is
29 amended to read:

30 **5. Propane and natural gas equipment standards.** Propane and natural gas
31 equipment standards adopted pursuant to Title 32, section ~~44805~~ 18123, subsection 2;

1 **5. Dispensing station.** "Dispensing station" means a licensed facility consisting of
2 fixed equipment where propane or natural gas is stored and dispensed into portable
3 containers.

4 **6. Equipment installations.** "Equipment installations" means the installation,
5 alteration or repair of oil, solid fuel, propane or natural gas burning equipment and
6 chimneys, including accessory equipment as relating only to the safety of the installation.
7 Associated electrical equipment must be wired in compliance with the rules of the
8 Electricians' Examining Board established in Title 5, section 12004-A, subsection 13.

9 **7. Natural Gas.** "Natural gas" means hydrocarbon fuel in a gaseous state with a
10 composition of predominantly CH₄, delivered by pipeline to the property of the
11 consumer.

12 **8. NFPA.** "NFPA" means the National Fire Protection Association.

13 **9. Propane.** "Propane" means a hydrocarbon fuel with a chemical composition of
14 predominantly C₃H₈, whether recovered from natural gas or from crude oil.

15 **10. Self-service dispensing station.** "Self-service dispensing station" means a
16 licensed facility where propane or natural gas is dispensed into permanently mounted fuel
17 containers on vehicles and is operated by the general public at a dispensing station.

18 **11. Solid fuel.** "Solid fuel" means coal, wood and other similar organic materials or
19 any combination of them.

20 **12. State fuel inspector.** "State fuel inspector" means a person employed by the
21 Department of Professional and Financial Regulation, Office of Licensing and
22 Registration to enforce the provisions of this chapter.

23 **13. Wood pellets.** "Wood pellets" means a wood fuel product manufactured from
24 compressed sawdust or other wood by-product that is pressed or extruded into pieces of
25 uniform size and shape that are designed to be fed in bulk to a combustion chamber.
26 "Wood pellets" does not include ground wood chips.

27 **§18102. License required**

28 A person who installs or services oil, solid fuel, propane or natural gas burner
29 equipment and a facility where propane or natural gas is dispensed must be licensed
30 under this chapter, except as provided under section 18104.

31 **§18103. Violations; penalties**

32 **1. Unlicensed practice.** A person, firm or corporation who makes an oil, solid fuel,
33 propane or natural gas installation without being licensed as provided by subchapter 3 or
34 who employs an unlicensed person to make installations is subject to the provisions of
35 Title 10, section 8003-C.

36 **2. Strict liability.** Except as otherwise specifically provided, violation of this
37 section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

1 **§18104. Exceptions**

2 The licensing provisions of this chapter do not apply to:

3 **1. Electricians.** An electrician duly licensed under chapter 17 insofar as the
4 installation of electrical equipment or the performance of any electrical work involved in
5 the installation of oil or solid fuel or propane or natural gas burners is concerned;

6 **2. Engineers and operators.** A person holding an engineer's license issued under
7 section 15109, or working under the general supervision of one so licensed while
8 performing oil or solid fuel burner repair and maintenance on propane or natural gas
9 burning equipment as is necessary in the steam or heating plant where that person is
10 employed, if that work is performed in compliance with section 18107, or a person
11 employed by companies under the jurisdiction of the Public Utilities Commission;

12 **3. Equipment.** Solid fuel burning fireplace stoves, room heaters and stoves
13 designed exclusively for heating and cooking and not attached to a central heating system
14 and heating or cooling equipment operated by means of solar energy;

15 **4. Highway transport drivers.** A highway transport driver who drives a tractor-
16 trailer commercial motor vehicle that has a cargo tank with a water capacity of 9,000
17 gallons or more and delivers propane to a bulk plant, as defined in NFPA standards,
18 Number 58, or industrial customers;

19 **5. Individual user of a self-service propane or natural gas dispensing station.**
20 An individual user of a self-service propane or natural gas dispensing station;

21 **6. Mechanics.** The installation of air-handling equipment, sheet metal and other
22 specialized equipment and services associated with oil or solid fuel or propane or natural
23 gas burning equipment made by qualified mechanics of those trades who do not hold a
24 master oil and solid fuel burning technician's license under section 18132, journeyman oil
25 and solid fuel burning technician's license under section 18133, apprentice oil and solid
26 fuel burning technician's license under section 18134 or propane and natural gas
27 technician's license under section 18135. Such an installation must conform to the
28 standards and rules of the board and must be made under the supervision of a master oil
29 and solid fuel burning technician or propane and natural gas technician having
30 responsibility for the installation;

31 **7. Personal abode.** A person making an oil, solid fuel, propane or natural gas
32 burning installation in a single family residence occupied or to be occupied by that person
33 as that person's bona fide personal abode, provided that the installation conforms with
34 standards and rules of the board;

35 **8. Persons working on internal combustion engines and associated gas trains.** A
36 person who works on internal combustion engines and associated gas trains;

37 **9. Plumbers.** A plumber duly licensed under chapter 49 insofar as the work covered
38 by that chapter is involved; and

1 **10. Regular employees of industrial facilities.** Regular employees of industrial
2 plants installing and servicing oil, solid fuel, propane or natural gas burning equipment of
3 greater than 10,000,000 BTUs per hour input.

4 **§18105. Municipal licenses not required; municipal permits**

5 A municipality, notwithstanding any provision of a municipal charter, may not
6 require an oil and solid fuel burning technician or a propane and natural gas technician to
7 be municipally licensed. A municipality may not issue a permit for an oil, solid fuel,
8 propane or natural gas burning installation unless satisfied that the person applying for
9 the permit complies with the requirements of this chapter.

10 **§18106. Major equipment sales information**

11 Upon request by the board or its authorized agent, a wholesaler or retailer of major
12 oil, solid fuel, propane and natural gas heating equipment shall provide sales information
13 to the board regarding that equipment. Sales information regarding the equipment may
14 include the identity of the purchaser, the date of purchase, the make, model and serial
15 number, if applicable, and any other information requested.

16 **§18107. Installations to conform to standards**

17 Installation of oil, solid fuel, propane and natural gas burning equipment and
18 chimneys may not be made in this State unless the installation complies with all the
19 standards and rules adopted by the board. Whenever oil, solid fuel, propane and natural
20 gas burning equipment, accessory equipment or its installation are separately contracted,
21 the master oil and solid fuel burning technician or the propane and natural gas technician
22 in charge of the installation is responsible for ascertaining total conformance to the
23 standards and rules adopted by the board. Whenever a state fuel inspector authorized
24 under section 18110 finds a person installing or assisting in an oil, solid fuel, propane or
25 natural gas installation, that person shall, on request of the state fuel inspector, provide
26 evidence of being properly licensed when required by this chapter and, if unable to
27 provide the evidence, shall furnish the state fuel inspector with that person's full name
28 and address and, if applicable, the full name and address of the master oil and solid fuel
29 burning technician or the propane and natural gas technician in charge.

30 **§18108. Disclosures; penalties**

31 A person, firm or company that installs a chimney or fireplace for compensation must
32 issue, prior to the installation taking place, a disclosure statement to a consumer that the
33 chimney or fireplace complies with NFPA standards, Number 211. The disclosure
34 statement must be in a format approved by the board and contain the information the
35 board considers necessary. Any chimney or fireplace installer who fails to provide the
36 required disclosure statement to a consumer prior to the installation of a chimney or
37 fireplace commits a civil violation for which a fine of not less than \$500 may be
38 adjudged.

1 **§18109. Inspection of aboveground and underground propane and natural gas**
2 **storage facilities and rooftop installations of ASME containers**

3 The board shall inspect and issue permits to aboveground and underground propane
4 and natural gas storage facilities and rooftop installations of ASME containers to a person
5 who applies and submits a fee under section 18143.

6 **§18110. State fuel inspector**

7 **1. Inspection.** A state fuel inspector, upon written complaint or whenever a state
8 fuel inspector considers it necessary, for purposes of examination may enter into and
9 upon and inspect all buildings, dispensing stations and premises within that state fuel
10 inspector's jurisdiction at all reasonable hours. An inspector may enter a building,
11 dispensing station or other premises within that state fuel inspector's jurisdiction only
12 with the permission of the person having control of the building, dispensing station or
13 other premises or, after hearing, upon order of the court. Whenever a state fuel inspector
14 finds any installation of oil, solid fuel, propane or natural gas equipment or a chimney in
15 a building or structure that does not comply with the requirements of this chapter, that
16 inspector shall order that the installation be removed or remedied, and that order must be
17 complied with immediately by the owner or occupant of the building, dispensing station
18 or other premises or by the installer of the equipment in violation. If a state fuel inspector
19 finds an installation that falls under the inspector's jurisdiction in a building, dispensing
20 station or structure that creates a danger to other property or to the public, the inspector
21 may serve a written order upon the owner and the occupant, if any, to vacate within a
22 reasonable period of time to be stated in the order.

23 **2. Order to correct deficiency; appeal.** A person ordered by a state fuel inspector
24 to correct a deficiency or to vacate a building or structure may appeal the order by filing a
25 written notice of appeal with the board within 30 days after receipt of the order. The
26 board shall schedule an appeal hearing as soon as practicable upon receipt of a timely
27 notice of appeal. The appeal hearing must be conducted de novo and is governed by the
28 provisions of the Maine Administrative Procedure Act applicable to adjudicatory
29 hearings. The state fuel inspector who issued the order on appeal has the burden of proof
30 at the appeal hearing. If the board upholds the order, it shall prescribe the time required
31 for compliance. The person receiving the order under subsection 1 may appeal the
32 board's decision by filing a petition for review in Superior Court in accordance with Title
33 5, chapter 375, subchapter 7 within 30 days after receipt of the board's written decision.

34 **3. Final orders.** The decision of the Superior Court on an appeal is final. An order
35 by a state fuel inspector and an order by the board are final and subject to no further
36 appeal upon failure to file a timely, written appeal as provided in subsection 2.

37 **4. Injunction to enforce order.** Upon the failure of any person to carry out a final
38 order as provided in subsection 3, the board may petition the Superior Court for the
39 county in which the building or dispensing station or structure is located for an injunction
40 to enforce that order. If the court determines, on hearing such a petition, that a lawful
41 final order was issued, it shall order compliance.

1 An out-of-state applicant must present satisfactory evidence to the board of experience in
2 installing, cleaning, servicing, altering and repairing oil and solid fuel burning equipment.

3 **§18133. Journeyman oil and solid fuel burning technician**

4 **1. Scope of license.** A journeyman oil and solid fuel burning technician may install,
5 clean, service, alter or repair oil and solid fuel burning equipment and must hold one or
6 more of the following authorities: number one and number 2 oils up to 15 gallons per
7 hour; number one and number 2 oils over 15 gallons per hour; number 4, number 5 and
8 number 6 oils; number one to number 6 oils; and solid fuel. A journeyman oil and solid
9 fuel burning technician may install oil and solid fuel burning equipment under the
10 indirect supervision of a master oil and solid fuel burning technician who has the same
11 authority or higher and must at all times be under the indirect supervision of, or in the
12 employ of, a master oil and solid fuel burning technician.

13 **2. Professional qualifications.** Each applicant for a journeyman oil and solid fuel
14 burning license must pass an examination approved by the board and must meet one of
15 the following qualifications:

16 A. One year of licensed practical experience as an apprentice oil and solid fuel
17 burning technician;

18 B. Six months of licensed practical experience as an apprentice oil and solid fuel
19 burning technician and completion of an oil burner technician course at a community
20 college, career and technical education center or career and technical education
21 region or a comparable institute in the State or another state consisting, at a
22 minimum, of 160 hours of study, of which at least 75 hours are made up of laboratory
23 work on oil burner equipment and related systems; or

24 C. Successful completion of a minimum one-year accredited heating course at a
25 community college in this State consisting at a minimum of 320 hours of study, of
26 which at least 150 hours are made up of laboratory work on oil burner equipment and
27 related systems.

28 An out-of-state applicant must present satisfactory evidence to the board of experience in
29 installing, cleaning, servicing, altering and repairing oil and solid fuel burning equipment.

30 **§18134. Apprentice oil and solid fuel burning technician**

31 **1. Scope of license.** An apprentice oil and solid fuel burning technician may:

32 A. Assist in making oil and solid fuel installations and repairing and servicing of oil
33 and solid fuel burning equipment under the direct supervision of a master or
34 journeyman oil and solid fuel burning technician who holds the same or higher
35 authority. License authorities include: number one and number 2 oils up to 15
36 gallons per hour; number one and number 2 oils over 15 gallons per hour; number 4,
37 number 5 and number 6 oils; number one to number 6 oils; and solid fuel;

38 B. Clean oil and solid fuel burning equipment without direct supervision if the
39 licensee has either successfully completed at least 160 hours of training approved by
40 the board or completed at least one year of supervised oil and solid fuel burning work
41 experience; and

1 C. Bleed an oil burner without direct supervision. If the oil burner fails to operate
2 after bleeding, the apprentice shall refer the problem to a journeyman oil and solid
3 fuel burning technician or master oil and solid fuel burning technician.

4 **§18135. Propane and natural gas technician**

5 **1. Scope of license.** A propane and natural gas technician may install, repair or
6 service propane or natural gas equipment and must be authorized in one of the following
7 authorities:

8 A. Appliance connection and service, which permits the technician to install and
9 service propane and natural gas appliances up to 500,000 BTUs per appliance;

10 B. Delivery, which permits the technician to deliver propane, either by liquid transfer
11 into a stationary container on the property of the consumer or by placing a portable
12 container on the property of the consumer;

13 C. Large equipment connection and service, which permits the technician to install
14 and service propane and natural gas appliances over 500,000 BTUs per appliance;

15 D. Plant operation, which permits the technician to work at a propane facility as
16 defined in NFPA standards, Number 58; or

17 E. Tank setting and outside piping, which permits the technician to set and maintain
18 propane tanks and outside piping.

19 **2. Professional qualifications.** Each applicant for a propane and natural gas
20 technician license must pass an examination approved by the board and must meet one of
21 the following qualifications:

22 A. One year of licensed practical experience as a propane and natural gas helper;

23 B. One year of licensed practical experience earned while holding a temporary
24 license as a plant operator or delivery technician;

25 C. Six months of licensed practical experience as a propane and natural gas helper or
26 experience earned while holding a temporary license as a plant operator or delivery
27 technician and completion of a board-approved propane and natural gas course at a
28 Maine community college, career and technical education center or career and
29 technical education region or a comparable institute from this State or another state;
30 or

31 D. Six months of licensed practical experience as a propane and natural gas helper or
32 experience earned while holding a temporary license as a plant operator or delivery
33 technician and completion of a national propane gas association's certified employee
34 training program or other propane or natural gas programs approved by the board.

35 An out-of-state applicant must present satisfactory evidence to the board of experience in
36 installing, cleaning, servicing, altering and repairing propane and natural gas burning
37 equipment.

1 **§18136. Propane and natural gas helper**

2 A propane and natural gas helper may assist in making propane and natural gas
3 installations and repairing and servicing of propane and natural gas equipment under the
4 direct supervision of a propane and natural gas technician who has the same authority as
5 described under section 18135, subsection 1 as the supervising propane and natural gas
6 technician.

7 **§18137. Temporary license; plant operator or delivery technician**

8 1. Scope of license. A temporary license may be issued to a plant operator or
9 delivery technician to practice as follows:

10 A. Authority to practice as a plant operator is restricted to work at a propane facility
11 as defined in NFPA standards, Number 58; and

12 B. Authority to practice as a delivery technician is restricted to the delivery of
13 propane, either by liquid transfer into a stationary container on the property of a
14 consumer or by placing a portable container on the property of a consumer.

15 2. License term. A temporary plant operator or delivery technician license must be
16 issued for a 2-year term and may not be renewed. A new temporary plant operator or
17 delivery technician license may not be issued within 3 years following the date of the
18 previous temporary plant operator or delivery technician license.

19 **§18138. Limited oil energy auditor**

20 1. Scope of license. A limited oil energy auditor's privileges to practice are
21 restricted to the performance of combustion safety and efficiency testing on oil-fired
22 space-heating equipment or water-heating equipment to ensure health and safety
23 standards and do not include any adjustment of oil-fired space-heating equipment or
24 water-heating equipment.

25 2. Professional qualifications. A limited oil energy auditor must provide to the
26 board, at a minimum, satisfactory evidence of relevant training and written and field
27 certification that conform to standards established by a nationally recognized building
28 performance industry certification and quality assurance program, the equivalent
29 residential energy auditor certification program in the State or an equivalent training and
30 education program as determined by the board.

31 **§18139. Limited propane and natural gas energy auditor**

32 1. Scope of license. A limited propane energy auditor's privileges are restricted to
33 the performance of combustion safety and efficiency testing on natural gas-fired or
34 propane gas-fired space-heating equipment or water-heating equipment to ensure health
35 and safety standards and do not include any adjustment of natural or propane gas-fired
36 space-heating equipment or water heating equipment.

37 2. Professional qualifications. A limited propane energy auditor must provide to
38 the board, at a minimum, satisfactory evidence of relevant training and written and field
39 certification that conform to standards established by a nationally recognized building

1 performance industry certification and quality assurance program, the equivalent
2 residential energy auditor certification program in the State or an equivalent training and
3 education program as determined by the board.

4 **§18140. Limited tank installer**

5 **1. Scope of license.** A limited tank installer's privileges to practice are restricted to
6 installing outside residential heating oil tanks at manufactured housing as defined by Title
7 10, section 9002, subsection 7, paragraph A.

8 **2. Issuance of license.** The following provisions govern the issuance of a limited
9 tank installer's license.

10 **A.** A limited tank installer's license may be issued to:

11 (1) A licensed manufactured housing mechanic as defined in Title 10, section
12 9002; or

13 (2) The owner of a manufactured housing dealership for the limited purpose of
14 installing heating oil tanks at manufactured housing that has been sold by the
15 owner. The license is revoked upon the owner ceasing to operate as a
16 manufactured housing dealer.

17 **B.** A limited tank installer's license may be issued jointly to a licensed manufactured
18 housing dealer, as defined in Title 10, section 9002, and an individual employee of
19 the dealer who is named as the corecipient of the joint limited tank installer's license.
20 The corecipient dealer and employee are restricted to installing heating oil tanks at
21 manufactured housing that was sold by the dealer. The joint limited tank installer's
22 license is revoked upon termination of the employee named as the corecipient of the
23 joint limited tank installer's license from the employ of the dealer.

24 **3. Professional qualifications.** A limited tank installer must provide satisfactory
25 evidence to the board of completion of a board-approved training program of at least 4
26 hours for proper installation of an outside oil tank.

27 **§18141. Limited wood pellet technician**

28 A limited wood pellet technician's privileges to practice are restricted to cleaning the
29 ash pan, cleaning the burn pot, scraping and cleaning the distribution tubes, emptying
30 finer from the collection box and cleaning the fan.

31 **§18142. Licensure; installation and maintenance standards; dispensing stations**

32 The following licensing, maintenance and installation standards apply to dispensing
33 stations operating in the State.

34 **1. License required.** An application for licensure of a dispensing station or self-
35 service dispensing station must be made by the owner and, if approved by the board, the
36 license must be issued in the name of the owner.

37 **2. Responsibilities.** The owner of a dispensing station or self-serving dispensing
38 station is responsible for the following.

1 A. A dispensing station operating in the State must comply with section 18107 and
2 the standards and rules adopted by the board, including, but not limited to, NFPA
3 standards, Numbers 54 and 58, and amendments to and replacements of those
4 standards.

5 B. The on-site operator of a dispensing station must be trained to be the limited
6 operator of the facility. The limited operator is responsible for training other
7 dispensing station employees and documenting that training. The training must
8 include the use of a manual prepared by a regional propane gas association, a video
9 prepared by a national propane gas association or equivalent materials approved by
10 the board. The training documentation must be kept at the dispensing station.

11 C. The owner of a dispensing station must file a new application for licensure with
12 the board within 30 days when:

13 (1) A dispensing station is relocated; or

14 (2) A dispensing station undergoes major repair or renovation.

15 **§18143. Fees**

16 The Director of the Office of Licensing and Registration within the Department of
17 Professional and Financial Regulation may establish by rule fees for purposes authorized
18 under this subchapter in amounts that are reasonable and necessary for their respective
19 purposes, except that the fee for any one purpose may not exceed \$350 biennially. Rules
20 adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter
21 375, subchapter 2-A.

22 **§18144. Renewals**

23 A license expires on the date set by the Commissioner of Professional and Financial
24 Regulation pursuant to Title 10, section 8003, subsection 4 for the licensing period for
25 which the license was issued. A renewal license may be issued for each ensuing licensing
26 period in the absence of any reason or condition that might warrant the refusal to grant a
27 license upon receipt by the board of the written request of the applicant and the fee for the
28 license set under section 18143. An expired license may be reissued up to 90 days after
29 the date of expiration upon payment of a late fee in addition to the renewal fee as set
30 under section 18143. An individual who submits an application for renewal more than 90
31 days after the license expiration date is subject to all requirements governing new
32 applicants under this chapter and is subject to a renewal fee, late fee and additional late
33 fee as set under section 18143, except that the board may, in its discretion and giving due
34 consideration to the protection of the public, waive examination if that renewal
35 application is made within 2 years from the date of that expiration.

36 **PART D**

37 **Sec. D-1. 25 MRSA §2354**, as amended by PL 1991, c. 714, §6, is further
38 amended to read:

1 **§2354. Inspection of buildings being repaired**

2 Subject to Title 32, chapter ~~33~~ 139, the inspector of buildings shall inspect all
3 buildings while in process of being repaired and see that all reasonable safeguards are
4 used against the catching and spreading of fire and that the chimneys and flues are made
5 safe. The inspector may give directions in writing to the owner as necessary concerning
6 such repairs to render the building safe from the catching and spreading of fire.

7 **Sec. D-2. 25 MRSA §2465, sub-§2**, as amended by PL 2005, c. 571, §1, is
8 further amended to read:

9 **2. Prohibitions.** A person may not for compensation construct, install or maintain
10 any vent or solid fuel burning appliance unless that vent or appliance is constructed,
11 installed or maintained in accordance with this section or the rules adopted pursuant to
12 this section. Construction and installation of chimneys and fireplaces are also governed
13 by Title 32, chapter ~~33~~ 139.

14 **Sec. D-3. 25 MRSA §2465, sub-§3**, as corrected by RR 2007, c. 2, §12, is
15 amended to read:

16 **3. Enforcement.** Subject to Title 32, chapter ~~33~~ 139, the Commissioner of Public
17 Safety or the commissioner's designees, ~~state oil and solid fuel compliance officers~~ fuel
18 inspectors, duly appointed fire chiefs or their designees and municipal building officials
19 and code enforcement officers may enforce the requirements of this section, the rules
20 adopted pursuant to this section and Title 32, section ~~2313-A~~ 18108.

21 **Sec. D-4. 25 MRSA §2465, sub-§5**, as amended by PL 2005, c. 571, §1, is
22 further amended to read:

23 **5. Home rule.** Subject to Title 32, chapter ~~33~~ 139, any municipality may adopt
24 ordinance requirements for the materials, installation, construction, maintenance or
25 inspection of chimneys, fireplaces, vents or solid fuel burning appliances that exceed the
26 requirements of this section and the rules adopted pursuant to this section.

27 **Sec. D-5. 25 MRSA §2465, sub-§6, ¶A**, as enacted by PL 2003, c. 452, Pt. N, §6
28 and affected by Pt. X, §2, is amended to read:

29 A. A person who, for compensation, constructs or installs vents or solid fuel
30 burning appliances in violation of the standards and then permits such violation to
31 remain uncorrected after 30 days' notice from an official empowered to enforce this
32 section commits a civil violation for which a fine of not more than \$500 for each
33 violation may be adjudged. The court may waive any penalty or cost against a
34 violator upon satisfactory proof that the violation was corrected within 30 days of the
35 issuance of a complaint. Construction and installation of chimneys and fireplaces are
36 governed by Title 32, chapter ~~33~~ 139.

37 **Sec. D-6. 30-A MRSA §4221, sub-§4, ¶B**, as amended by PL 2003, c. 304, §1,
38 is further amended to read:

1 B. Installation of domestic heating appliances by master oil burner and solid fuel
2 burning technicians licensed pursuant to Title 32, chapter ~~33~~ 139; and

3 **Sec. D-7. 32 MRSA §1102-A, sub-§7**, as enacted by PL 1999, c. 386, Pt. F, §8,
4 is amended to read:

5 **7. Oil burner technicians.** A person licensed under chapter ~~33~~ 139 subject to the
6 restrictions of the license as issued;

7 **Sec. D-8. 32 MRSA §1102-A, sub-§8**, as enacted by PL 1999, c. 386, Pt. F, §8,
8 is amended to read:

9 **8. Propane and natural gas installers.** A person licensed under chapter ~~130~~ 139,
10 when installing propane and natural gas utilization equipment, subject to the restrictions
11 of that person's license;

12 **Sec. D-9. 32 MRSA §1102-B, sub-§5, ¶G**, as enacted by PL 1999, c. 386, Pt. F,
13 §9, is amended to read:

14 G. Work performed by any person licensed under chapter ~~33~~ 139 as an oil burner
15 technician, subject to the restrictions of the license as issued;

16 **Sec. D-10. 32 MRSA §1102-B, sub-§5, ¶H**, as enacted by PL 1999, c. 386, Pt.
17 F, §9, is amended to read:

18 H. Work performed by a person licensed under chapter ~~130~~ 139 as a propane and
19 natural gas installer, when installing propane and natural gas utilization equipment,
20 subject to the restrictions of that person's license;

21 **Sec. D-11. 32 MRSA §3301, sub-§5-A**, as amended by PL 1999, c. 386, Pt. L,
22 §1, is further amended to read:

23 **5-A. Propane and natural gas installer.** A "propane and natural gas installer"
24 means a person licensed under chapter ~~130~~ 139 when installing propane and natural gas
25 utilization equipment, subject to the restrictions of that person's license.

26 **Sec. D-12. 32 MRSA §3302, sub-§1, ¶B**, as amended by PL 1999, c. 386, Pt. L,
27 §2, is further amended to read:

28 B. Plumbing by oil burner technicians, duly licensed under chapter ~~33~~ 139, and
29 propane and natural gas installers, licensed under chapter ~~130~~ 139, except that this
30 exception only applies to hot and cold water connections to existing piping in the
31 same room where the installation is taking place and does not apply beyond any
32 existing branch connection supplying water; and

33 **Sec. D-13. 38 MRSA §1281**, as amended by PL 2005, c. 52, §2, is further
34 amended to read:

1 **§1281. Emergency provisions**

2 In an emergency that results from a sudden, unexpected event that is not a planned
3 asbestos abatement project, including the emergency repair, installation, removal or
4 servicing of heating equipment in single-unit residential buildings by persons licensed by
5 the ~~Oil and Solid~~ Maine Fuel Board under Title 32, chapter ~~33~~ 139, the commissioner
6 may waive the requirements for a license or certificate under this chapter. For the
7 purposes of this section, emergency includes a sudden unexpected event that, if not
8 immediately attended to, presents a safety or health hazard; operations necessitated by
9 nonroutine failures of equipment or to protect equipment from damage; and actions of
10 fire and emergency medical personnel pursuant to duties within their official capacities.
11 Any person who performs an asbestos abatement activity, which activity would normally
12 require notification pursuant to section 1273, subsection 2, under emergency conditions,
13 shall notify the commissioner by phone within one working day and in writing within 3
14 days after performance of that activity.

15 **Sec. D-14. 38 MRSA §1395, sub-§3**, as enacted by PL 2007, c. 569, §6, is
16 amended to read:

17 **3. Licensed professional.** Is installed by a journeyman or master oil ~~burner~~ and
18 solid fuel burning technician licensed by the ~~Oil and Solid~~ Maine Fuel Board under Title
19 32, section ~~2401-B~~ 18132 or 18133 or, in the case of an outside tank serving
20 manufactured housing, by any person licensed by the ~~Oil and Solid~~ Maine Fuel Board
21 under Title 32, section ~~2401~~ 18140 to install such tanks.

22 **Sec. D-15. Transition provisions.** The following provisions govern the
23 transition of the Oil and Solid Fuel Board and the Propane and Natural Gas Board to the
24 Maine Fuel Board.

25 **1. Board membership.** The reconfiguration of the membership of the Maine Fuel
26 Board must be achieved by attrition. All appointments to positions eliminated by this Act
27 that become vacant or expire after January 1, 2010 may not be filled.

28 **2. Board rulemaking.** The rules adopted under the Maine Revised Statutes, Title
29 32, chapters 33 and 130 will remain in effect until the Maine Fuel Board adopts rules
30 pursuant to this Act.

31 **3. Licenses.** With the exception of temporary licenses for delivery and plant
32 operators, licenses issued by the Oil and Solid Fuel Board and the Propane and Natural
33 Gas Board remain valid upon the effective date of this Act. Applicants for temporary
34 delivery and plant operator licenses who apply after the effective date of this Act will be
35 required to obtain a technician license with the appropriate authority. Temporary licenses
36 for delivery and plant operators issued prior to the effective date of this Act remain valid
37 until the expiration date and may not be reissued.

38 **Sec. D-16. Effective date.** This Act takes effect January 1, 2010.

SUMMARY

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This bill repeals the Maine Revised Statutes, Title 32, chapters 33 and 130, governing the licensure and regulation of oil and solid-fuel burning technicians and propane and natural gas technicians, and combines the 2 licensing programs into one licensing program under a merged licensing board, the Maine Fuel Board, established by one authorizing statute. This bill reflects the current standards for the installation of oil and solid fuel burner equipment and propane and natural gas equipment and strengthens licensing requirements for propane and natural gas technicians who apply for licensure after the effective date of the bill. The bill provides for a limited license for wood pellet technicians and for board authority to consider the impact of new heating technology that may be available in the future.