

# MAINE STATE LEGISLATURE

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E I G H T Y - N I N T H   L E G I S L A T U R E

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**Legislative Document**

**No. 257**

H. P. 684

House of Representatives, Feb. 1, 1939.

Referred to Committee on Legal Affairs. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Dwinal of Camden.

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S T A T E   O F   M A I N E

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
THIRTY-NINE

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**AN ACT Providing for the Regulation and Supervision of Electricians  
and Electrical Installations.**

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

**Sec. 1. Commissioner of electrical installations appointed; duties; salary.** A commissioner of electrical installations whose office shall be at the state capitol, shall be appointed by the governor and council, and shall hold his office for 4 years, and until his successor has been appointed and qualified. He may administer oaths in the performance of his official duties in any part of the state and at any time. He shall keep a correct account of all his doings and of all moneys and fees received by him by virtue of his office, pay over the same to the treasurer of state quarterly and at the same time settle his account with the governor and council. He shall give bond to the treasurer in the sum of \$5000 for the faithful discharge of his duties. He may with the approval of the governor and council, appoint and with their consent remove, a deputy commissioner who by virtue of such appointment, shall be and perform the duties of chief clerk of the department. In the event of a vacancy in the office of commissioner of electrical installations, or during the absence or disability of that officer, the deputy commissioner of electrical installations shall perform the duties of the office.

It shall be the duty of the commissioner of electrical installations, in addition to the preceding, to issue licenses and certificates, designate the time and place of examinations of applicants, collect fees, investigate all cases of non-compliance with or violation of the provisions of this chapter, and shall bring all such cases to the notice of the proper prosecuting officers. The commissioner shall, after a conviction for crime in the course of the electrical business of any person, firm or corporation to whom a license has been issued by him and after hearing, may revoke or suspend the license of the person, firm or corporation to whom the same was issued. Said commissioner may also suspend or revoke any license or certificate in any case where such license or certificate has been wrongfully obtained or for any fraud connected with the said license or certificate.

The commissioner of electrical installations shall receive a salary of \$3500 per year.

**Sec. 2. Electricians to be licensed; definitions.** No person, firm or corporation shall enter into, engage in, or work at the business of installing wires, conduits, apparatus, fixtures or other appliances for carrying or using electricity for light, heat or power purposes, either as master electricians or as journeyman electrician, unless such person, firm or corporation shall have received a license and a certificate therefor, issued by the state commissioner of electrical installations and in accordance with the provisions hereinafter set forth.

The words "master electrician" as used in this chapter shall mean a corporation, firm or person, having a regular place of business, that, by the use of journeymen, performs the work of installing wires, conduits, apparatus, fixtures and other appliances for carrying or using electricity for light, heat or power purposes.

The words "journeyman electrician" as used in this chapter shall mean a person doing any work of installing wires, conduits, apparatus, fixtures and other appliances for hire.

**Sec. 3. Creation of board of examiners.** There is hereby created a board of electrical examiners. The governor shall appoint 3 persons, each of whom shall be a resident of the state and who, immediately prior to the date of his appointment, shall have been a resident of the state for 5 years and whose vocation for a period of at least 10 years shall have been that of master or journeyman electrician: 1 member shall be appointed for a term of 1 year; 1 member shall be appointed for a term of 2 years; 1 member shall be appointed for a term of 3 years; and until their successors are appointed and qualify. Thereafter the term of the members of said commission shall be for 3 years and until their successors are appointed

and qualify. At least 1 member of the board shall be a master electrician and at least 1 member of the board shall be a journeyman electrician. Members to fill vacancies shall be appointed for the unexpired term. The board shall make such rules and regulations relative to the examinations as to them may seem proper. The chairman of the board shall be the member whose term soonest expires. Such board shall hold at least 2 sessions annually in Augusta and at such other times and places as the commissioner of electrical installations shall direct, for the purpose of examining all applicants for electricians' certificates, either by oral or written examinations or by practical demonstrations, and upon such examination being had, shall furnish to the commissioner the names of those who have passed such examination, recommending that "Certificate A" or "Certificate B," as the case may be, be issued them.

The members of the said board of examiners shall receive \$10 for each day they are in session, together with their necessary travelling expenses for actual attendance at such sessions.

They shall make an annual report of their doings.

**Sec. 4. Forms of licenses to be issued.** Two forms of licenses shall be issued. The 1st, hereinafter referred to as "Certificate A," shall be known as "master electrician's license," and the second, hereinafter referred to as "Certificate B," shall be known as "journeyman electrician's license."

(1) "Certificate A" shall be issued to any person, firm or corporation engaged in or about to engage in the business of installing electrical wires, conduits, apparatus, fixtures and other electrical appliances, qualified under this chapter. The certificate shall specify the name of the person, firm or corporation so applying, and the name of the person, who in the case of a firm shall be 1 of its members, and in the case of a corporation, 1 of its officers, passing said examinations, by which he or it shall be authorized to enter upon or engage in business as set forth therein. The holding of "Certificate A" shall not entitle the holder individually to engage in or perform the actual work of installing electric wires, conduits and appliances as previously described in this chapter, but shall entitle him to conduct business as a master electrician.

(2) "Certificate B" shall be granted to any person who has passed an examination before the state board of electricians. It shall specify the name of such person, who shall thereby be authorized to engage in the occupation of a journeyman electrician. Except as otherwise provided in section 8, a holder of a "Certificate B" shall not be entitled to engage in the business of installing wires, conduits, apparatus, fixtures or other appliances

for carrying or using electricity for light, heat or power purposes except as an employee of a holder of a "Certificate A" or unless said holder of a "Certificate B" is also registered as a master electrician and holds a "Certificate A."

(3) Persons desiring an examination shall make written application therefor, accompanied by the proper fee, which shall be \$25 for "Certificate A" and \$5 for "Certificate B." An applicant failing in his examination shall not have his fee returned to him, but shall be entitled to 1 free re-examination. For each subsequent re-examination for "Certificate A" he shall pay \$15 and for "Certificate B" \$1.50.

(4) Each "Certificate A" shall expire on July 31st in each year, but may be renewed by the same person, or the same firm or corporation, acting by 1 or more of its members or officers, without further examination upon payment of a fee of \$15, application therefor being made during the preceding month, or in case of sickness, absence, or other disability of the holder, at such time thereafter as the board may permit.

(5) Each "Certificate B" shall expire on July 31st in each year, but may be renewed upon payment of a fee of \$1.50, and upon the same conditions set forth in the preceding paragraph.

(6) Holders of "Certificate A" shall keep their certificate of registration displayed in a conspicuous place in their principal offices or places of business. Holders of "Certificate B" shall be furnished by the examiners with evidence of having been so licensed, in card form or otherwise, which shall be carried on the person of the licensee and exhibited on request.

(7) Any certificate expiring while the holder thereof is in the military or naval service of the United States shall be renewed without further examination, upon payment of the prescribed fee, at any time within 4 months after such person's discharge from the service.

(8) Examination papers and applications for "Certificate A" and "Certificate B" shall be preserved for at least 3 years, after which time they may, at the discretion of the board, be destroyed.

(9) Records of the meetings of the board shall be open for inspection at all times, and they shall have printed annually a manual of their regulations, including the names of all licensees.

**Sec. 5. Penalty for working without license.** Any person, firm or corporation, or employee thereof, and any representative, member or officer of such firm or corporation individually, entering upon or engaging in the

business and work hereinbefore defined, without having complied with this chapter, shall for the 1st offense be punished by a fine of not less than \$10, nor more than \$100, and for a subsequent offense by a fine of not less than \$50, nor more than \$500, or by imprisonment for 6 months, or by both such fine and imprisonment.

**Sec. 6. Liability of holders of a master's certificate.** No person, firm, or corporation holding a "Certificate A" shall be liable for work done by his or its employees, unless it appears that such work was done with his or its knowledge or consent or by his or its authorization.

**Sec. 7. Exceptions.** This chapter shall not apply to the installation, repairing and wiring of elevators or to work in connection with the erection, construction, maintenance or repair of lines for transmission of electricity from the source of supply to the service switch on the premises where used by municipal electric plants, by electric companies as defined in section 15 of chapter 62 of the revised statutes, by gas companies authorized to make or sell electricity, by electric street railway companies, by electric railroad companies, or by railroad companies; nor to the work of such plants or companies on premises owned or controlled by them; nor to the work of said municipal electric plants or of said electric or gas companies in installing, maintaining and repairing, on the premises of customers, service connections and meters and other apparatus and appliances remaining the property of such plants or companies after installation; nor to work in connection with the lighting of public ways, alleys, private ways or private or public parks, areas or squares; nor to the work of companies incorporated for the transmission of intelligence by electricity in installing, maintaining or repairing wires, apparatus, fixtures or other appliances used by such companies and necessary for or incident to their business, whether or not such wires, conduits, apparatus, fixtures or other appliances are on its own premises.

**Sec. 8. Exemptions.** This chapter shall not forbid the employment of learners or apprentices working with and under the direct personal supervision of licensed journeyman electricians.

Electricians employed by theatrical companies may install temporary wiring and appliances required for the purpose of the engagement of any such company, subject to the supervision of a person licensed under this chapter.

Electricians regularly employed by firms or corporations other than holders of "Certificate A" may install such electrical wiring, conduits and appliances or make such repairs as may be required only on the premises

and property of such firms or corporations ; provided, that such electricians hold journeymen's licenses, and have complied with the provisions of this chapter.

**Sec. 9. Penalty for misstatement.** Any person applying for a journeyman's license and making any misstatement as to his experience or other qualifications, or any person, firm or corporation subscribing to or vouching for any such misstatement, shall be subject to the penalties set forth in section 5.

**Sec. 10. Fees and fines to go to state.** All fees and fines collected under the provisions of this chapter shall be paid over to the treasurer of state.

**Sec. 11. Special provisions for licenses first issued.** All persons, firms and corporations that for a period of 10 years have been engaged in the business of installing electrical wires, conduits, apparatus, fixtures and other electrical appliances in this state as the principal part of their business shall be licensed without examination.

All persons who for a period of 5 consecutive years next prior to the effective date of this act, have gained their livelihood by the occupation of electrician shall be licensed as journeymen electricians without examination.

No prosecutions for violation of the provisions of this act during the period of 90 days after its effective date shall be instigated. It is the intent of the legislature that this act shall take effect for the purpose of organization and preparation for a period of 90 days, and that from that time on all of the provisions of this act except section 11 hereof shall be effective.

This section shall be in force for a period of 90 days only. All applications received hereunder within that time shall be passed on although the issuance of the license should come after the 90 day period.

**Sec. 12. Inspectors of electrical installations. Their duties and compensation.** In every city and town having a system of electrical power there shall be appointed by the commissioner of electrical installations, with the approval of the local municipal officers, one or more inspectors of the installations of wires, conduits, apparatus, fixtures and other appliances for the carrying of electricity for light, heat or power purposes. Said inspectors shall be master electricians, and may or may not be residents of the town or city in which they are appointed.

Such inspectors shall inspect all electrical installations for which permits are granted in accordance with the provisions of section 13 and shall report to the said municipal officers all violations of any law, ordinance, by-law or regulation relative to electrical installations, and also perform such

other appropriate duties as may be required. The approval of any other inspector other than those appointed as provided in this section shall not be in compliance with the provisions hereof.

The compensation of said inspectors shall be determined as follows:  $\frac{3}{4}$  of the fee paid for installation permits, as provided in section 14 of this chapter shall be paid to the inspector.

**Sec. 13. Not to inspect own work. Additional inspectors.** No inspector of electrical installations shall inspect or approve any electrical installation done by himself, or by any person by whom he is employed, or who is employed by or with him, but in a city or town subject to the provisions of the preceding section, the commissioner shall appoint an additional inspector in the same manner and subject to the same qualifications as the regular inspector of electrical installations, who shall inspect, in the manner herein prescribed, electrical installations done by the regular inspector or by any person by whom he is employed, or who is employed by or with him. Said additional inspector may act in case of the absence or inability of the regular inspector and shall receive for his services the same compensation as the regular inspector for a like duty.

**Sec. 14. Regulations; permits.** Each town or city which has therein a system of electrical power shall by ordinance or by-law, prescribe regulations for the materials, installation, alteration and inspection of wires, conduits, apparatus, fixtures or other appliances for carrying or using electricity for light, heat or power purposes; and shall provide that such wires, conduits, apparatus, fixtures or other appliances shall not be placed in any building in such city or town, except in accordance with the plan approved by the inspector of electrical installations or the municipal officers; and shall further provide that no such electrical installations shall be made except for emergency purposes, without a permit for which a reasonable fee shall be charged, first being issued therefor, upon such terms and conditions as the city or town shall prescribe.

**Sec. 15. Inspectors to report.** Inspectors of electrical installations shall annually, before the 1st day of June, make a full report in detail to their respective cities and towns, and to the commissioner of electrical installations, of all their proceedings under the preceding sections.

**Sec. 16. Penalties.** Whoever violates any provision of the 3 preceding sections, or any ordinance, by-law or regulation made thereunder, shall be punished by a fine of not less than \$10, nor more than \$50 for each offense. Municipal and police courts and trial justices shall have jurisdiction of all offenses under said sections.