

MAINE STATE LEGISLATURE

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NINETY - SECOND L E G I S L A T U R E

Legislative Document

No. 1154

H. P. 1453

House of Representatives, April 6, 1945.

Reported a Minority of Committee on Judiciary. Reports tabled pending acceptance of either report. Specially assigned for Wednesday, April 11th. New Draft ordered printed.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Creating a Board of Examiners for Electricians.

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

R. S., c. 74-A, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 74-A, to read as follows:

'CHAPTER 74-A.

BOARD OF EXAMINERS FOR ELECTRICIANS.

Sec. 1. General provisions. No person, firm or corporation shall, after the 1st day of August, 1945, 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 electrical contractor or as journeyman electrician, unless such person, firm or corporation shall have received a license and a certificate therefor, issued by the state board of examiners of electricians and in accordance with the provisions hereinafter set forth.

Sec. 2. Definitions. The words "electrical contractor" as used in this chapter shall mean a corporation, firm or person, who, by the employment

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.

Sec. 3. State board of examiners for electricians; appointment of members; terms. There is hereby created in the department of labor and industry a state board of examiners of electricians, hereinafter called "the board", which at all times shall consist of 5 registered voters of this state, one of whom shall be a member of an electrical inspection department of any city or town in the state, with at least 5 years' experience as an electrical inspector, one of whom shall be a qualified electrical contractor, one of whom shall be a journeyman electrician, one of whom shall be the commissioner of insurance and one of whom shall be an employee of any electric or electric utility company. Upon the passage of this chapter, the governor shall appoint the members of the board of examiners with the advice and consent of the council, for terms of 2 years, the 1st appointments to be made on or before July 1st, 1945 and each successive appointment to be made on the 1st of July of each succeeding uneven year. Any vacancy which may occur on the board from any cause shall be filled by the governor with the advice and consent of the council for the remainder of the unexpired term.

Sec. 4. Organization of the board. At the meeting for organization after the first appointment of said board, the members thereof shall choose a chairman and secretary, who shall hold office until their successors are appointed. Vacancies arising in the office of chairman or secretary between regular appointments shall be cared for in a like manner.

Sec. 5. Meetings of the board; time and place of examinations. The board may make necessary rules for the proper performance of their duties. They shall hold examinations in Augusta, twice in each year and at other convenient places within the state at the discretion of the board. Public notice shall be given of all examinations. In the conduct of the examinations they shall make uniform requirements for all cities and towns, which may be revised from time to time, as circumstances require. Said examinations shall be sufficiently frequent to give ample opportunity for all applicants to be thoroughly and carefully examined, may be written and/or in practical work, and may be supervised by one or more of the examiners, but no license shall be granted except by said board.

Sec. 6. Compensation and disbursements of the board. Each member of said board shall receive compensation in the amount of \$10 for each day of actual service in attending meetings of the board at which business is transacted; provided, however, that the compensation in 1 year shall not exceed the sum of \$200 per member, and all expenses incurred, for printing, postage, advertising, rent, traveling in the performance of the duties required under the provisions of this chapter; and provided further, that the secretary shall not make any such payments except upon written order or voucher signed by the chairman of said board. After the compensation of members and secretary of said board, and the expense hereinbefore described, have been paid out of such fees, the balance remaining shall be paid to the treasurer of state during the month of January of each year. Said board shall report biennially to the legislature in the month of January, a detailed statement of its receipts and disbursements during the year, with a statement of its acts and proceedings, and such recommendations as said board may deem proper.

Sec. 7. Applications; licenses; fees. Three forms of licenses shall be issued. First, hereinafter referred to as "Certificate A," shall be known as "electrical contractor's license"; the second, hereinafter referred to as "Certificate B," shall be known as "journeyman electrician's license"; and the third, hereinafter referred to as "Certificate C," shall be known as "limited premises license".

I. "Certificate A" shall be issued to any person, firm or corporation, qualified under the provisions of this chapter, engaging in, or about to engage in, the business of installing electrical wires, conduits, apparatus, fixtures and other electrical appliances. 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 one of its members, and in the case of a corporation, one of its officers, passing said examination, 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 an electrical contractor.

II. "Certificate B" shall be granted to any person, who has passed an examination before the board or who for 5 years prior to the passage of this chapter shall have been engaged as a journeyman electrician. It shall specify the name of such person, who shall thereby be authorized to engage in the occupation of a journeyman electrician.

A holder of "Certificate B" shall not be entitled to do any work 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 of a "Certificate C" for employment only on the premises of the holder of a "Certificate C" or unless said holder of a "Certificate B" is also registered as an electrical contractor and holds a certificate. "Certificate C" shall be issued to any person, firm, or corporation regularly employing one or more electricians for installation and maintenance of electric wiring, devices, appliances and equipment on premises owned or occupied by the applicant. The application must be made by some responsible officer of a firm or corporation, and shall contain a description of the premises within which work is to be done under the permit. "Certificate C" shall be issued for individual premises for the purpose of maintenance and repair work.

III. 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 one free reexamination. For each subsequent reexamination for "Certificate A," he shall pay \$15 and for "Certificate B," \$1. Applicants for "Certificate C" shall not require an examination.

IV. 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 one 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.

V. Each "Certificate B" shall expire on July 31st in each year, but may be renewed upon payment of a fee of \$1, and upon the same conditions set forth in the preceding subsection.

Each "Certificate C" shall expire on July 31st in each year, but may be renewed upon payment of a fee of \$1, and upon the same conditions set forth in the preceding subsection.

VI. Holders of "Certificate A" shall keep their certificate 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.

VII. 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.

VIII. 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 examiners, be destroyed.

IX. Records of the meetings of the examiners 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.

A fee of \$25 shall be paid by each applicant for an electrical contractor's certificate. A fee of \$5 shall be paid by each applicant for a journeyman electrician's certificate. A fee of \$1 shall be paid by each applicant for a limited premises certificate.

Sec. 8. Violations and penalties. Any person, firm, association or corporation or employee thereof, and any representative, member or officer of such firm, association or corporation individually entering upon or engaging in the business and work hereinbefore defined, without having complied with the provisions of this chapter, shall for the 1st offense be punished by a fine of not more than \$100, and for a subsequent offense by a fine of not more than \$500, or by imprisonment for 6 months, or by both such fine and imprisonment.

Sec. 9. Revocation of certificates. All electrical work covered herein which is done in any city or town having rules and requirements for such work shall be done in accordance with such rules and requirements. Failure of any licensee to do such work in such manner, or his failure or refusal to correct such work with reasonable promptness after notice by local inspection or enforcement authorities where same is required by law, shall, when reported to said board be ground for suspension or revocation of said license, in the discretion of the board after proper notice and hearing. All such electrical work which is done in cities and towns and not having such rules and requirements shall be done in accordance with such rules and requirements as may be specified by the board, or subject to its approval, by the public utility having authority to supply electricity in the place where said work is done. Any rules so made or approved shall be based upon some definite edition of the "national electrical code" with such changes or additions as may be deemed required. Failure of any licensee to do such work in such manner shall be considered ground for suspension or revocation of such license, in the discretion of the board, after notice and hearing.

No certificates issued under the provisions of this chapter shall be assignable or transferable. They may, after hearing, be suspended or revoked by said board upon failure or refusal of the licensee to comply with the rules and requirements of said board or for other sufficient cause.

Sec. 10. Exceptions. The provisions of this chapter shall not apply to :

I. Employees of any person, firm or corporation under control of the public utilities commission of this state when such employees are actually engaged in the discharge of their assigned duties for such person, firm or corporation.

II. The electrical work and equipment employed in connection with the construction, installation, operation, repair or maintenance of any railroad, by a railroad corporation in rendering its authorized service, or in any way incidental thereto.

III. Any electrical work, including construction, installation, operation, maintenance and repair in or about industrial or manufacturing plants, or in, on or about other properties, equipment or buildings, residential or of any other kind used by the operators of such plants, provided such work is performed by their employees.

IV. The electrical work and equipment in mines, ships, railway rolling stock or automotive equipment, theatres or the operation of portable sound equipment.

V. Any work involved in the manufacture, test or repair of electrical equipment in the manufacturer's plant, but not including any electrical wiring other than that required for testing purposes.

VI. Installations in suitable laboratories of exposed electrical wiring for experimental purposes only.

The provisions of this chapter shall not forbid the installation of electrical work in a single-family or 2-family dwelling on the immediate premises thereof, by the owner thereof if living on, or about to live on the premises.

Electricians regularly employed by firms or corporations, holders of "Certificate C," 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.

The provisions of this chapter shall not forbid the employment of 1

learner or apprentice working with and under the direct personal supervision of a licensed journeyman electrician.

Nothing in this chapter shall be so construed as to forbid the insertion in electrical circuits, by unlicensed persons, of devices or appliances which are properly designed for such insertion and for which proper wire and insertion devices are installed.

Any person, firm or corporation which has been engaged in said business for at least 5 years prior to the effective date of this chapter shall not be required to pass any examination provided application be made within 1 year after the effective date of this chapter, but shall present satisfactory proof to said board of fitness to conduct such business.

Sec. 11. Regulations by cities or towns. Any city or town may, by ordinance or by-law, prescribe regulations pertaining to the electrical business which will not be inconsistent with this law.

Sec. 12. Misstatement; penalty. 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 8.

Sec. 13. Limitation. The provisions of this chapter shall not apply in cities, towns or plantations that have a population of 10,000 people or less.'