

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

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of a private corporation to which the question relates or with which the municipality contracts, unless the municipal official is directly or indirectly the owner of at least 10% of the stock of the private corporation.

Effective October 7, 1967

Chapter 248

AN ACT Relating to Inspection of County Jails.

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

R. S., T. 34, § 3, amended. Section 3 of Title 34 of the Revised Statutes is amended by adding after the 2nd paragraph, the following paragraph:

Failure on the part of the county commissioners to maintain standards established under this section, discovered during any jail inspection conducted under this section, shall be reported by the commissioner in writing to the county commissioners of the county in which such jail is located, specifying deficiencies and departures from such standards. It shall be the responsibility of the county commissioners to cause such deficiencies to be corrected and such standards to be restored, within 60 days from receipt of the report of the commissioner. The commissioner may contract with any qualified person to serve as consultant to the department for the purpose of inspections under this section and to inspect the county jails, and any law to the contrary notwithstanding, such qualified person may be an officer or employee of the department.

Effective October 7, 1967

Chapter 249

AN ACT to Revise the Oil Burner Men's Law.

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

Sec. 1. R. S., T. 32, § 2301, repealed and replaced. Section 2301 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2301. Definitions

The following words and phrases when used in this chapter shall be construed as follows:

1. Oil burner installations. "Oil burner installations" shall mean the installation, alteration or repair of oil burning equipment, including industrial, commercial and domestic type central heating plants, and domestic type range burners and space heaters and further including all accessory equipment, control systems, whether electric, thermostatic or mechanical, electrical wiring in connection therewith to a suitable distribution panel or disconnect switch, but excluding all other electrical equipment or work in the building or structure where the above equipment is installed, and shall include hot and cold water connections

to existing piping in the same room but not beyond any existing branch connecting supplying water.

2. Master oil burner man. "Master oil burner man" shall mean a person qualified under this chapter engaging in or about to engage in the business of installing or servicing oil burning equipment and who presents to the board satisfactory evidence that he has 4 years of practical experience, except that the board may grant a waiver for a maximum period of 3 years from the effective date of this Act to journeymen holding a current license without the 4 years' experience until such time as he has acquired the necessary experience to allow him to take the master's examination.

3. Journeyman oil burner man. "Journeyman oil burner man" shall mean a person who is qualified under this chapter to clean, service and repair oil burning equipment. He shall install oil burner equipment only under the supervision of a master oil burner man. He shall present to the board satisfactory evidence that he has one year of practical experience, except that a journeyman oil burner man who has a valid license on the effective date of this Act may exchange his license for a master's license upon payment of the fee of \$25.

4. Apprentice oil burner man. "Apprentice oil burner man" shall mean a person who is licensed under this chapter to assist in making oil burner installations, repairs and servicing of oil burning equipment under the direct supervision of a master or journeyman oil burner man. An apprentice oil burner man may clean oil burners and oil burning equipment without direct supervision.

Sec. 2. R. S., T. 32, § 2302, sub-§ 3, amended. Subsection 3 of section 2302 of Title 32 of the Revised Statutes is amended to read as follows:

3. **Plants.** The maintenance and operation of oil burner installations in or about industrial or manufacturing ~~plants~~ or electrical generating plants or ~~other plants~~ any buildings owned or maintained by them or by facilities operated by a public utility;

Sec. 3. R. S., T. 32, § 2302, sub-§ 4, repealed. Subsection 4 of section 2302 of Title 32 of the Revised Statutes is repealed, as follows:

~~7. Employees of owners of real property. The maintenance and operation of oil burner installations when done by regular employees of owners or lessees of real property when working as such.~~

Sec. 4. R. S., T. 32, § 2303, amended. Section 2303 of Title 32 of the Revised Statutes is amended to read as follows:

§ 2303. Installations to conform to standards

No oil burning equipment of whatever type ~~may~~ shall hereafter be installed in this State unless it conforms to the standards adopted by the board. No installation of such equipment shall hereafter be made unless such installation complies with the regulations issued by the board.

Sec. 5. R. S., T. 32, § 2304, repealed and replaced. Section 2304 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2304. Municipal licenses not required; municipal permits.

No municipality, provisions in charters to the contrary, shall require oil burner men to be municipally licensed, but no municipality shall issue a permit for an oil burner installation unless satisfied that the person applying for the permit complies with this chapter.

Sec. 6. R. S., T. 32, §§ 2304-A - 2304-B, additional. Title 32 of the Revised Statutes is amended by adding 2 new sections 2304-A and 2304-B, to read as follows:

§ 2304-A. State oil burner inspectors

The board when funds are available shall appoint one or more oil burner inspectors, subject to the Personnel Law, to enforce this chapter, the cost thereof, including necessary oil burner equipment, to be drawn from the funds from license fees under this chapter. Said inspectors shall act under the supervision of the chairman, subject to the directions of the board. Said oil burner inspectors, upon written complaint of any owner, lessee or tenant of a building, supervising state fire inspector, fire chief, fire department inspector, personnel of an electric utility or local electrical inspector or whenever they shall deem it necessary at all reasonable hours, for purpose of examination, may enter into and upon all buildings or premises within their jurisdiction and inspect the same. They may enter any building only with the permission of the person having control thereof or, after hearing, upon order of court. Whenever any oil burner inspector shall find any oil burner installation in any building or structure which does not comply with this chapter, he shall order the same to be removed or remedied and such order shall forthwith be complied with by the owner or occupant of such premises or buildings. Such owner or occupant may within 24 hours appeal to the Oil Burner Men's Licensing Board, which shall within 10 days review such order and file its decision thereon, which decision shall be complied with within such time as may be fixed in said decision of the Oil Burner Men's Licensing Board. In the event any person fails or refuses to carry out any such order of an oil burner inspector or decision of said board, a court may order appropriate injunctive relief.

§ 2304-B. Failure to comply with order of inspector

If the owner of any building neglects or refuses without justification for more than 10 days to comply with any order of the oil burner inspector concerning oil burner installations as provided in this chapter, he shall be punished by a fine of not less than \$5 for each day's neglect.

Sec. 7. R. S., T. 32, § 2305, amended. Section 2305 of Title 32 of the Revised Statutes is amended to read as follows:

§ 2305. Funds for enforcement

The Insurance Commissioner is empowered to expend up to ~~20%~~ \$2,500 of the funds accruing to the board for the employment of one or more state fire inspectors, subject to the Personnel Law, to assist in the enforcement of this chapter and for the purchase of necessary ~~electrical testing~~ oil burning equipment. Such expenditures of accrued funds shall terminate upon the employment of one or more state oil burner inspectors.

Sec. 8. R. S., T. 32, § 2351, amended. Section 2351 of Title 32 of the Revised Statutes is amended to read as follows:

§ 2351. Appointment; vacancies; removal; compensation

An Oil Burner Men's Licensing Board, as heretofore established and in this chapter called the "board," shall consist of a chairman who shall be the Director of State Fire Prevention, ex officio, and ~~a~~ 4 other members, called the appointive members, who shall be appointed by the Governor with the advice and consent of the Council. ~~Two of said appointive members shall be appointed from a slate at the time of each such appointment of 3 persons nominated by the Maine Oil Heating Equipment Dealers Association.~~ ~~Both~~ All of said appointive members shall be oil burner men who are active in the trade, ~~one~~ 2 shall have had at least 5 years' and the other 2 at least 10 year's experience as such. The appointive members shall be appointed for terms of 2 years, provided that of the first ~~a~~ 4 members appointed, ~~one~~ 2 shall be appointed for a term of one year and the other 2 for a term of 2 years. As the term of each appointive member expires, he may be reappointed or a new member appointed for a term of 2 years. Any vacancy in said board caused by death, resignation or removal of any member shall be filled by the appointment of a person qualified to take his place, to hold office during the unexpired term of the member whose place is filled. Any member of said board may be removed from office for cause by the Governor with the advice and consent of the Council. The members of the board shall each be allowed the sum of ~~\$15~~ \$20 per day and their necessary expenses for travel, board and room while attending to the necessary duties of their office.

Sec. 9. R. S., T. 32, § 2355, amended. The first paragraph of section 2355 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

The board shall investigate all complaints made to it and all cases of non-compliance with or violation of this chapter. The board shall have the authority after hearing to temporarily suspend a license until the complaint can be heard by the Administrative Hearing Commissioner. The Administrative Hearing Commissioner shall have the power to suspend or to revoke the license of any licensed oil burner man who is found guilty of:

Sec. 10. R. S., T. 32, § 2401, repealed and replaced. Section 2401 of Title 32 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2401. License required

No installation or servicing of oil burning equipment shall hereafter be made for compensation, except as provided in this chapter, unless made by a person licensed by the board.

Sec. 11. R. S., T. 32, §§ 2402-2404, repealed and replaced. Sections 2402 to 2404 of Title 32 of the Revised Statutes are repealed and the following enacted in place thereof:

§ 2402. Rules; fees; application; certificates

1. Rules and regulations. The board may make such reasonable rules and regulations as it deems suitable for the issuance of various types and classes of license to cover the various types of oil burner installations as set forth in sec-

tion 2301. A license may cover one or more or all types of installations. The board may make such reasonable rules and regulations as it deems suitable concerning the term and type of experience required by candidates for examination.

2. Fees.

A. Master, \$25;

B. Journeyman, \$10;

C. Apprentice, \$5.

3. Application. The board shall issue a master or journeyman license upon the payment of the proper fee, as set forth in subsection 2, to any person who applies therefor and who presents evidence to the board that he has the required experience for the type of license for which application has been made and who has satisfactorily met the examination requirements of the board.

4. Certificate. All persons licensed by the board shall receive a certificate thereof under the seal of the board and with the signature of the chairman, which shall state the facts and which must be publicly displayed at the principal place of business of said oil burner man or, if no such place of business, must be carried on the person and displayed at any time upon request, as long as said person continues in the business as defined.

§ 2403. Examinations

Applicants for a master or journeyman's oil burner license shall present to the chairman of the board, a written application for examination, containing such information as the board may require, accompanied by a fee of \$5. Examinations shall be in whole or in part in writing, shall be conducted by the board and shall be of a thorough and practical character commensurate with the responsibilities of the prospective license holder. Examinations may include questions on the Standards of the Oil Burner Men's Licensing Board, provisions of the National Electrical Code as may be applicable to oil burner installations, and other pertinent factors concerned with oil burner installations and oil burner equipment. Any person failing to pass his first examination may be reexamined at any subsequent meeting of said board upon payment of examination fee.

§ 2404. Renewals

All licenses issued shall expire December 31st of each year as to a master oil burner man and June 30th as to other licenses. They may be renewed thereafter for periods of one year without further examination upon the payment of the proper fee as set forth in section 2402. Any person who fails to renew his license within a period of 2 years from the date of issuance of his last license shall be required to take an examination.