

MAINE STATE LEGISLATURE

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OF THE
STATE OF MAINE

AS PASSED BY THE
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Augusta, Maine
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requirements applicable to testing of the employer's portion of the sample. The employee or applicant shall pay the costs of these tests. Payment for these tests may not be required earlier than when notice of the choice of laboratory is given to the employer; and

Sec. 7. 26 MRSA §685, sub-§2, ¶A, as affected by PL 1989, c. 604, §§2 and 3, is amended to read:

A. Subject to any limitation of the Maine Human Rights Act or any other state law or federal law, an employer may use a confirmed positive result or refusal to submit to a test as a factor in any of the following decisions:

- (1) Refusal to hire an applicant for employment or refusal to place an applicant on a roster of eligibility;
- (2) Discharge of an employee;
- (3) Discipline of an employee; or
- (4) Change in the employee's work assignment.

Sec. 8. 26 MRSA §685, sub-§2, ¶A-1 is enacted to read:

A-1. An employer who tests a person as an applicant and employs that person prior to receiving the test result may take no action on a positive result except in accordance with the employee provisions of the employer's approved policy.

Sec. 9. 26 MRSA §686, sub-§2, ¶A, as affected by PL 1989, c. 604, §§2 and 3, is amended to read:

A. The rules ~~shall~~ must provide for notice to be given to the employees of any employer who submits a written policy or amendment applicable to employees to the department for review under this section. The employees may submit written comments to the department challenging any portion of the employer's written policy, including the proposed designation of any position under section 684, subsection 3, paragraph B.

See title page for effective date.

CHAPTER 325

S.P. 495 - L.D. 1354

An Act to Modify the Electricians' Examining Board Law

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

Sec. 1. 32 MRSA §1101, sub-§1-A is enacted to read:

1-A. Electrical company. "Electrical company" means a person, firm, corporation or partnership employing licensees engaged in the business of doing electrical installations. A company license must be validated by an employee or officer of the company holding a current master or limited electrical license. A limited licensee may validate only a company license making installations specific to the limited license. The company license becomes void upon the death of or the severance from the company of the validating licensee.

Sec. 2. 32 MRSA §1101, sub-§3, as amended by PL 1989, c. 450, §11, is further amended to read:

3. Helper electrician. "Helper electrician" means a person who is engaged in assisting in making electrical installations in the employment of a master electrician, limited electrician or electrical company and under the direct supervision of a master, journeyman or limited electrician but who does not qualify under subsection 1. The biennial renewal fee for a helper electrician license shall be \$20.

Sec. 3. 32 MRSA §1101, sub-§3-A, as amended by PL 1987, c. 735, §43, is further amended to read:

3-A. Journeyman-in-training electrician. "Journeyman-in-training electrician" means a person doing work of installing electrical wires, conduits, apparatus, fixtures and other electrical equipment making electrical installations in the employment of a master electrician, limited electrician or electrical company and under the supervision of a journeyman, limited or a master electrician.

Sec. 4. 32 MRSA §1101, sub-§4, as amended by PL 1987, c. 735, §44, is further amended to read:

4. Journeyman electrician. "Journeyman electrician" means a person doing work of installing electrical wires, conduits, apparatus, fixtures and other electrical equipment making electrical installations in the employment of a master electrician, limited electrician or electrical company.

Sec. 5. 32 MRSA §1101, sub-§4-A, as amended by PL 1993, c. 349, §66, is further amended to read:

4-A. Supervision. One apprentice electrician or one helper electrician may work with and under the

supervision of each master electrician, limited electrician or journeyman electrician. A master electrician, who teaches an electrical course at a Maine applied technology center, a Maine applied technology region or a Maine technical college, may have a maximum of 12 helper electricians under direct supervision while making electrical installations that are a part of the instructional program of the school, ~~provided that as long as~~ the total value of each installation does not exceed ~~\$1,000~~ \$2,500. ~~No~~ An electrical installation may not be commenced pursuant to this subsection without the prior approval of the director or president of the school at which the master electrician is an instructor. These installations are limited to those done in buildings or facilities owned or controlled by:

- A. School administrative units;
- B. Nonprofit organizations; and
- C. Households as defined in Title 36, ~~section 6103, where the household income as defined in that section is within the limits established for one or 2 member households by Title 36, section 6108, except that if there are more than 2 members in a household, an additional \$500 of household income shall be allowed for each additional member of the household in computing the income limitation and provided that the household is owner occupied~~ sections 6206 and 6207.

The Electricians' Examining Board and the municipal electrical inspector of the municipality in which the installation is to be made, if the municipality has an inspector, shall must be notified of all installation projects entered into pursuant to this subsection prior to the commencement of the project. There shall must be an inspection by a state electrical inspector or by the municipal electrical inspector of the municipality in which the installation has been made, if the municipality has an inspector, before any wiring on the project is concealed.

Sec. 6. 32 MRSA §1101, sub-§5, as amended by PL 1987, c. 735, §45, is further amended to read:

5. Limited electrician. ~~A limited electrician's license~~ "Limited electrician" means a person doing work to install and service the electrical work related to a specific type of electrically operated equipment or to specific electrical installations shall be granted to any person who has passed a satisfactory examination before the board. It shall specify the name of such person who shall be limited to engage in the occupation of installing and servicing the electrical work related to the type of equipment or to specific electrical installations only authorized by this license.

Sec. 7. 32 MRSA §1102-B, sub-§5, ¶A, as enacted by PL 1981, c. 432, §2, is amended to read:

- A. ~~One or 2 family~~ Single-family dwellings;

Sec. 8. 32 MRSA §1104, first ¶, as amended by PL 1981, c. 432, §3, is further amended to read:

State electrical inspectors, upon an oral complaint of imminent danger or upon written complaint of any owner, lessee or tenant of a building, state fire inspector, fire chief, fire department inspector, personnel of an electric utility or local electrical inspector or whenever they ~~shall deem~~ determine it necessary at all reasonable hours, for purposes 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 state electrical inspector ~~shall find~~ finds any electrical installation in any building or structure ~~which that~~ does not comply with this chapter, ~~he the inspector~~ shall order the same to be removed or remedied and ~~such order shall forthwith be complied with by the owner or occupant of such the premises or buildings~~ shall immediately comply with the order. Whenever any state electrical inspector finds any electrical installation in any building or structure ~~which that~~ creates a danger to other property or to the public, ~~he the inspector~~ may forbid use of the building or structure by serving a written order upon the owner and the occupant, if any, to vacate within a reasonable period of time to be stated in the order.

Sec. 9. 32 MRSA §1155-A, sub-§1, as enacted by PL 1983, c. 413, §38, is amended to read:

1. Investigations. The board shall investigate or cause to be investigated all complaints made to it and all cases of noncompliance with or violation of this chapter. Any person may register a complaint of fraud, deceit, gross negligence, incompetency or misconduct against any person licensed or required to be licensed under this chapter. These complaints ~~shall must~~ be in writing, ~~shall be~~ sworn to by the person making them and filed with the ~~executive secretary of the board~~ case compliance coordinator in the Division of Licensing and Enforcement.

Sec. 10. 32 MRSA §1155-A, sub-§2, ¶B, as enacted by PL 1983, c. 413, §38, is amended to read:

- B. Any gross negligence, incompetency or misconduct in the performance of the work of making electrical installations. Continued failure to conform with application applicable regulations of the National Electrical Code, National Electrical Safety Code or of other safety codes ~~which that~~ have been approved by the American Standards Association ~~shall be~~ is prima facie evi-

dence of that gross negligence and incompetency. ~~For motion picture projectionists licensed under Title 8, section 653, any gross negligence, incompetency or misconduct in the performance of their work shall be prima facie evidence of that gross negligence and incompetency;~~

Sec. 11. 32 MRSA §1201, as repealed and replaced by PL 1987, c. 735, §53, is amended to read:

§1201. License required

No electrical installations may be made unless by an electrician or other person licensed by the board except as provided in this chapter. No person may perform any electrical installations on behalf of an electrical company unless licensed as provided in this chapter.

Sec. 12. 32 MRSA §1202, sub-§1, ¶C, as corrected by RR 1991, c. 2, §117, is amended to read:

C. For a limited electrician's license, a person must meet the following requirements.

(1) A limited electrician in water pumps ~~shall must~~ have ~~90~~ 135 hours of electrical education as approved by the Electricians' Examining Board or from an accredited institution and 2,000 hours of experience. The privileges of practice ~~shall be are~~ restricted to electrical work between the branch circuits and power supplies.

(2) A limited electrician in outdoor signs, including sign lighting, ~~shall must~~ have ~~90~~ 135 hours of electrical education as approved by the Electricians' Examining Board or from an accredited institution and 2,000 hours of experience. The privileges of practice do not include branch circuit wiring.

(3) A limited electrician in gasoline dispensing ~~shall must~~ have ~~90~~ 135 hours of electrical education as approved by the Electricians' Examining Board or from an accredited institution and 2,000 hours of experience. The privileges of practice ~~shall be are~~ restricted to electrical work between the branch circuit and the power supply.

(4) A limited electrician in traffic signals, including outdoor lighting of traffic signals, ~~shall must~~ have ~~90~~ 135 hours of electrical education as approved by the Electricians' Examining Board or from an accredited institution and 2,000 hours of experience.

(5) A limited electrician in house wiring ~~shall must~~ have 225 hours of electrical education as approved by the Electricians' Examining Board or from an accredited institution and 4,000 hours of experience. Privileges of practice ~~shall be are~~ restricted to one-family and 2-family dwellings, including modular and mobile homes. Any person having a limited license in mobile homes prior to the effective date of this section ~~shall is~~ automatically ~~be~~ licensed as a limited electrician in house wiring.

(6) A limited electrician in refrigeration must have 270 hours of electrical education as approved by the Electricians' Examining Board or from an accredited institution and 6,000 hours of experience. Graduates of a Maine technical college electrical program in refrigeration approved by the Electricians' Examining Board or from an accredited institution are credited with 4,000 hours of experience upon graduation. Privileges of practice are restricted to all associated wire from the loadside of distribution.

(7) A limited electrician in low energy, including fire alarms, ~~shall must~~ have 270 hours of electrical education as approved by the Electricians' Examining Board or from an accredited institution and 4,000 hours of experience. Any person having a limited license in fire alarms or experience in the installation of low-energy electronics, as defined by the National Electrical Code, prior to the effective date of this section, ~~shall automatically qualifies to~~ be licensed as a limited electrician in low energy.

Sec. 13. 32 MRSA §1202, sub-§1, ¶D, as repealed and replaced by PL 1989, c. 878, Pt. A, §92, is amended to read:

D. For a journeyman-in-training ~~electricians' electrician's~~ license, a person must be a graduate of an accredited Maine technical college or Department of Corrections electrical program or a vocational electrical program of the Department of Corrections, receive a passing grade on the journeyman examination and complete 2,000 hours of experience. ~~This provision shall be reviewed by the joint standing committee of the Legislature having jurisdiction over business legislation by March 1, 1991, and, unless continued by law, shall terminate at this time.~~

Sec. 14. 32 MRSA §1202, sub-§4, as enacted by PL 1991, c. 531, §11, is amended to read:

4. Inactive licenses. Any A licensee, who does not desire to perform any of the electrical installations described in section 1101, and who wants to preserve the license while not engaged in any electrical installations, shall surrender the license to the board for placement on inactive status. The board shall place the license on inactive status upon proper application by the licensee. The fee for inactive status may not exceed \$80 per renewal. During inactive status the licensee is required to renew the license biennially, but is not required to meet the education provisions under the rules of the board. ~~The dates on which the licenses expire are as provided in section 1204.~~

A licensee surrendering a license pursuant to this section may have the license reinstated to active status by demonstrating compliance within the previous biennium with section 1204 and proper application for an active license. Any license placed on inactive status after the effective date of this subsection and remaining inactive for 3 or more years may be reactivated by the applicant being required to successfully pass a license examination at the discretion of the board.

Sec. 15. 32 MRSA §1202, sub-§5 is enacted to read:

5. Electrical company. The board shall issue a license to operate an electrical company to a person who files an application validated by a master or limited electrician licensee.

Sec. 16. 32 MRSA §1203, as amended by PL 1993, c. 659, Pt. A, §3, is further amended to read:

§1203. Examinations

Applicants for licensure shall present to the board a written application for examination and license, containing such information as the board may require. The board shall adopt application, examination, licensure and biennial renewal fees in amounts ~~which~~ that are reasonable and necessary for their respective purposes, but in amounts not to exceed the following:

- 1. Applications \$25;
- 2. Examinations.....\$50; and
- 3. Licensure:
 - A. Journeyman/Journeyman-in-training \$80;
 - B. Master..... \$150;
 - C. Limited.\$100; and
 - D. Electrical company\$0.

~~Applications for a first examination must be received by the board at least 15 days prior to a scheduled meeting of the board. An applicant who has failed the examination is permitted to take the examination again as often as necessary upon timely payment of an additional examination fee for each examination.~~

~~When the unexpired term of license of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed 1/2 the biennial license renewal fee.~~

Sec. 17. 32 MRSA §1204, first ¶, as amended by PL 1991, c. 531, §12, is further amended to read:

~~All licenses issued expire October 31st of each biennial period as to master electricians and April 30th of each biennial period as to other licensees or other such times the Commissioner of Professional and Financial Regulation designates. All licensee licenses may be renewed for 2-year periods without further examination, upon the payment of the proper renewal fee and documentation of continuing education as established by rule as the board determines necessary. The expiration dates for licenses issued under this chapter may be established at such other times as the Commissioner of Professional and Financial Regulation may designate. The board shall notify everyone registered under this chapter of the date of expiration of the license and the fee required for its renewal for a 2-year period. The notice must be mailed to the person's last known address at least 30 days in advance of the expiration date of the license.~~

See title page for effective date.

CHAPTER 326

H.P. 1068 - L.D. 1503

An Act to Protect Consumers in High-cost Mortgages and Reverse Mortgages

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

Sec. 1. 9-A MRSA §1-301, sub-§17, as amended by PL 1987, c. 129, §23, is further amended to read:

- 17. "Creditor" means a person who both:
 - A. Regularly extends credit in consumer credit transactions; and