

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

"dogs kept as sled dogs or dogs used in competition" means dogs regularly and consistently used in training or participation in competitive or recreational sled dog activities or other competition canine events.

See title page for effective date.

CHAPTER 344

H.P. 1007 - L.D. 1455

An Act To Establish the Maine Fuel Board

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

PART A

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 B, §1, is repealed.

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 B, §1, is repealed.

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

49.

Maine Fuel Board

\$35/Day

32 MRSA
§18121

PART B

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 B-1. 10 MRSA §8001, sub-§38, ¶U, as enacted by PL 1995, c. 397, §11, is repealed.

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 H, §3 and affected by §17, is repealed.

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

LL. Board of Elevator and Tramway Safety; ~~and~~

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

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

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

NN. Maine Fuel Board.

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

4. Oil and solid fuel burning equipment standards. Oil and solid fuel burning equipment standards

adopted pursuant to Title 32, section ~~2343~~ 18123, subsection 2;

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

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

Sec. B-8. 10 MRSA §9725, sub-§4, as enacted by PL 2007, c. 699, §6, is amended to read:

4. Oil and solid fuel burning equipment standards. Oil and solid fuel burning equipment standards adopted pursuant to Title 32, section ~~2353~~ 18123, subsection 2;

Sec. B-9. 10 MRSA §9725, sub-§5, as enacted by PL 2007, c. 699, §6, is amended to read:

5. Propane and natural gas equipment standards. Propane and natural gas equipment standards adopted pursuant to Title 32, section ~~44804~~ 18123, subsection 2;

PART C

Sec. C-1. 32 MRSA c. 33, as amended, is repealed.

Sec. C-2. 32 MRSA c. 130, as amended, is repealed.

Sec. C-3. 32 MRSA c. 139 is enacted to read:

CHAPTER 139

MAINE FUEL BOARD

SUBCHAPTER 1

GENERAL PROVISIONS

§18101. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Accessory equipment. "Accessory equipment" means equipment, materials and controls that are not integral parts of the oil, solid fuel, propane or natural gas burning unit but that are connected to the oil, solid fuel, propane or natural gas burning unit and have the potential to affect the safety of the equipment.

2. ASME container. "ASME container" means a container constructed in accordance with a code developed by the American Society of Mechanical Engineers or its successor organization.

3. Board. "Board" means the Maine Fuel Board established in Title 5, section 12004-A, subsection 49.

4. Chimney. "Chimney" means a factory-built, masonry or metal chimney constructed to allow one or more vertical or nearly vertical passageways for con-

veying flue gases from a building to the outside atmosphere.

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

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

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

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

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

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

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

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

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

§18102. License required

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

§18103. Violations; penalties

1. Unlicensed practice. A person, firm or corporation who makes an oil, solid fuel, propane or natural gas installation without being licensed as provided by

subchapter 3 or who employs an unlicensed person to make installations is subject to the provisions of Title 10, section 8003-C.

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

§18104. Exceptions

The licensing provisions of this chapter do not apply to:

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

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

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

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

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

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

and natural gas technician having responsibility for the installation;

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

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

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

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

§18105. Municipal licenses not required; municipal permits

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

§18106. Major equipment sales information

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

§18107. Installations to conform to standards

Installation of oil, solid fuel, propane and natural gas burning equipment and chimneys may not be made in this State unless the installation complies with all the standards and rules adopted by the board. Whenever oil, solid fuel, propane and natural gas burning equipment, accessory equipment or its installation are separately contracted, the master oil and solid fuel burning technician or the propane and natural gas technician in charge of the installation is responsible for ascertaining total conformance to the standards and rules adopted by the board. Whenever a state fuel inspector authorized under section 18110 finds a person installing or assisting in an oil, solid fuel, propane or natural gas installation, that person shall, on request

of the state fuel inspector, provide evidence of being properly licensed when required by this chapter and, if unable to provide the evidence, shall furnish the state fuel inspector with that person's full name and address and, if applicable, the full name and address of the master oil and solid fuel burning technician or the propane and natural gas technician in charge.

§18108. Disclosures; penalties

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

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

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

§18110. State fuel inspector

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

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

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

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

5. Authority of state fuel inspectors. A state fuel inspector has authority throughout the several counties of the State, similar to that of a sheriff's, relating to enforcement of this chapter and rules adopted under this chapter. These powers are limited to the issuing of citations, the serving of summonses, the conducting of investigations, the ordering of corrections of violations and the issuance of orders to vacate a building or structure in accordance with this chapter. A state fuel inspector may review the oil, solid fuel, propane or natural gas equipment or chimney installation records of any person licensed under this chapter or any person performing installations authorized under this chapter.

§18111. Failure to comply with order of a state fuel inspector

If the owner, occupant of any building or an installer neglects or refuses, without justification, for more than 10 days to comply with any order of a state fuel inspector, that person commits a civil violation for which a fine of not less than \$100 for each day's neglect may be adjudged.

**SUBCHAPTER 2
MAINE FUEL BOARD**

§18121. Board established; membership; terms

The Maine Fuel Board, established by Title 5, section 12004-A, subsection 49, consists of 9 members. The Governor shall appoint the members described in subsections 1 to 4. All members must be residents of this State. The 7 members that are required to hold a license must have been licensed for at least the 7 years immediately prior to appointment to the board. The board consists of:

1. Oil and solid fuel burning technicians. Three members who each hold a valid license as a master oil and solid fuel burning technician, including one licensed by a solid fuel authority;

2. Propane and natural gas technicians. Three members who each hold a valid license as a propane and natural gas technician, including one who works in the natural gas industry;

3. Dual licensed member. One member who is licensed both as a master oil and solid fuel burning technician and a propane and natural gas technician;

4. Public member. One public member as defined in Title 5, section 12004-A; and

5. Member appointed by Commissioner of Public Safety. One member appointed by the Commissioner of Public Safety as that commissioner's representative.

Appointments are for 3-year terms. Appointments of members must comply with Title 10, section 8009. A board member may be removed by the Governor for cause.

§18122. Meetings; chair; quorum

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings are held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Five members of the board constitute a quorum.

§18123. Powers and duties

The board has the following powers and duties.

1. Board to enforce this chapter. The board shall enforce the provisions of this chapter.

2. Rules. The board may, in accordance with the Maine Administrative Procedure Act, adopt rules commensurate with the authority vested in it by this chapter, including, but not limited to, rules adopting technical standards for the proper installation and servicing of oil, solid fuel, propane and natural gas burning equipment. The board may adopt by rule national or other technical standards, in whole or in part, that it considers necessary to carry out the provisions of this

chapter. Rules adopted pursuant to this chapter are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

3. Emerging technologies. The board may authorize specific pilot projects relating to emerging fuel fired heating technologies and may waive application of its rules to approved pilot projects. The board may request from the proponent of a pilot project such information as the board may require to evaluate the potential benefit of the pilot project. An order of the board approving a pilot project must describe the nature, scope and duration of the project; must contain such performance expectations, conditions and reporting requirements as the board considers necessary to ensure accountability and protect the public health and safety; and must identify the board rules waived in connection with the project. An emerging technologies pilot project authorized by the board is subject to the provisions of sections 18103 and 18111.

SUBCHAPTER 3

LICENSING

§18131. General qualifications

An applicant for a license under this subchapter must submit a properly completed application on forms furnished by the board, together with the fee established under section 18143.

§18132. Master oil and solid fuel burning technician

1. Scope of license. A master oil and solid fuel burning technician may install, clean, service, alter or repair oil and solid fuel burning equipment and must hold one or more of the following authorities: number one and number 2 oils up to 15 gallons per hour; number one and number 2 oils over 15 gallons per hour; number 4, number 5 and number 6 oils; number one to number 6 oils; and solid fuel.

2. Professional qualifications. Each applicant for a master oil and solid fuel burning license must meet the following qualifications:

A. The applicant must demonstrate 4 years of licensed practical experience as an apprentice oil and solid fuel burning technician and a journeyman oil and solid fuel burning technician and evidence that the licensed practical experience for at least 2 of those 4 years was as a licensed journeyman oil and solid fuel burning technician or other requirements the board may establish. Courses approved by the board that apply to a journeyman license cannot be applied toward the requirements for a master license; and

B. The applicant must pass an examination approved by the board.

An out-of-state applicant must present satisfactory evidence to the board of experience in installing,

cleaning, servicing, altering and repairing oil and solid fuel burning equipment.

§18133. Journeyman oil and solid fuel burning technician

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

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

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

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

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

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

§18134. Apprentice oil and solid fuel burning technician

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

A. Assist in making oil and solid fuel installations and repairing and servicing of oil and solid fuel burning equipment under the direct supervision of a master or journeyman oil and solid fuel burning technician who holds the same or higher

authority. License authorities include: number one and number 2 oils up to 15 gallons per hour; number one and number 2 oils over 15 gallons per hour; number 4, number 5 and number 6 oils; number one to number 6 oils; and solid fuel;

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

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

§18135. Propane and natural gas technician

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

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

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

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

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

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

2. Professional qualifications. Each applicant for a propane and natural gas technician license must meet one of the following qualifications:

A. Successful completion of the certified employee training program of a national propane gas association; or

B. Successful completion of a board-approved propane or natural gas course at a Maine community college, career and technical education center or career and technical education region or a com-

parable institute of this State or another state and passage of an examination approved by the board.

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

§18136. Propane and natural gas helper

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

§18137. Temporary license; plant operator or delivery technician

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

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

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

2. License term. An applicant for a temporary plant operator or delivery technician license must apply for a temporary plant operator or delivery technician license within 90 days after first performing the functions listed in subsection 1 and may be issued a license for a 1-year term, which may not be renewed. A new temporary plant operator or delivery technician license may not be issued within 3 years following the date of issuance of the previous temporary plant operator or delivery technician license.

§18138. Limited oil energy auditor

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

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

§18139. Limited propane and natural gas energy auditor

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

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

§18140. Limited tank installer

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

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

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

- (1) A licensed manufactured housing mechanic as defined in Title 10, section 9002; or
- (2) The owner of a manufactured housing dealership for the limited purpose of installing heating oil tanks at manufactured housing that has been sold by the owner. The license is revoked upon the owner ceasing to operate as a manufactured housing dealer.

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

3. Professional qualifications. A limited tank installer must provide satisfactory evidence to the board of completion of a board-approved training pro-

gram of at least 4 hours for proper installation of an outside oil tank.

§18141. Limited wood pellet technician

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

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

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

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

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

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

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

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

- (1) A dispensing station is relocated; or
- (2) A dispensing station undergoes major repair or renovation.

§18143. Fees

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

§18144. Renewals

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

PART D

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

§2354. Inspection of buildings being repaired

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

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

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

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

3. Enforcement. Subject to Title 32, chapter ~~33~~ 139, the Commissioner of Public Safety or the commissioner's designees, state ~~oil and solid fuel compliance officers~~ fuel inspectors, duly appointed fire chiefs or their designees and municipal building officials and code enforcement officers may enforce the require-

ments of this section, the rules adopted pursuant to this section and Title 32, section ~~2313-A~~ 18108.

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

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

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

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

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

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

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

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

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

8. Propane and natural gas installers. A person licensed under chapter ~~430~~ 139, when installing propane and natural gas utilization equipment, subject to the restrictions of that person's license;

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

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

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

H. Work performed by a person licensed under chapter ~~430~~ 139 as a propane and natural gas installer, when installing propane and natural gas utilization equipment, subject to the restrictions of that person's license;

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

5-A. Propane and natural gas installer. A "propane and natural gas installer" means a person licensed under chapter ~~430~~ 139 when installing propane and natural gas utilization equipment, subject to the restrictions of that person's license.

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

B. Plumbing by oil burner technicians, duly licensed under chapter ~~33~~ 139, and propane and natural gas installers, licensed under chapter ~~430~~ 139, except that this exception only applies to hot and cold water connections to existing piping in the same room where the installation is taking place and does not apply beyond any existing branch connection supplying water; and

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

§1281. Emergency provisions

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

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

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

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

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

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

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

PART E

Sec. E-1. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Licensing and Enforcement 0352

Initiative: Deallocates funds to reflect savings from reducing the number of board members from 15 to 8 as a result of combining the Oil and Solid Fuel Board and the Propane and Natural Gas Board to form the Maine Fuel Board.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	(\$3,494)	(\$7,338)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$3,494)	(\$7,338)

Sec. E-2. Effective date. This Act takes effect January 1, 2010.

Effective January 1, 2010.

CHAPTER 345

H.P. 457 - L.D. 643

An Act To Authorize a Court To Appoint a Parenting Coordinator To Assist in Domestic Relations Actions

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

Sec. 1. 19-A MRSA §1653, sub-§2, ¶D, as amended by PL 2001, c. 329, §2, is further amended to read:

D. The order of the court awarding parental rights and responsibilities must include the following:

(1) Allocated parental rights and responsibilities, shared parental rights and responsibilities or sole parental rights and responsibilities, according to the best interest of the child as provided in subsection 3. An award of shared parental rights and responsibilities may include either an allocation of the child's primary residential care to one parent and rights of parent-child contact to the other parent, or a sharing of the child's primary residential care by both parents. If either or both parents request an award of shared primary residential care and the court does not award shared primary residential care of the child, the court shall state in its decision the reasons why shared primary residential care is not in the best interest of the child;

(2) Conditions of parent-child contact in cases involving domestic abuse as provided in subsection 6;

(3) A provision for child support as provided in subsection 8 or a statement of the reasons for not ordering child support;

(4) A statement that each parent must have access to records and information pertaining to a minor child, including, but not limited to, medical, dental and school records and other information on school activities, whether or not the child resides with the parent, unless that access is found not to be in the best interest of the child or that access is found to be sought for the purpose of causing detriment to the other parent. If that access is not ordered, the court shall state in the order its reasons for denying that access;

(5) A statement that violation of the order may result in a finding of contempt and imposition of sanctions as provided in subsection 7; ~~and~~

(6) A statement of the definition of shared parental rights and responsibilities contained in section 1501, subsection 5, if the order of the court awards shared parental rights and responsibilities; ~~and~~

(7) If the court appoints a parenting coordinator pursuant to section 1659, a parenting plan defining areas of parental rights and responsibilities within the scope of the parenting coordinator's authority.

An order modifying a previous order is not required to include provisions of the previous order that are not modified.

Sec. 2. 19-A MRSA §1659 is enacted to read:

§1659. Parenting coordination and assistance

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Parenting coordinator" means a neutral 3rd party appointed by the court to oversee and resolve disputes that arise between parents in interpreting and implementing the parenting plan set forth in the court's order and who:

(1) On July 1, 2009 is listed in the roster of guardians ad litem maintained by the Chief Judge of the District Court pursuant to rules adopted by the Supreme Judicial Court, or who holds one or more of the licenses listed in the rules and is listed on the roster after July 1, 2009 after completing the other requirements set forth in the rules; and

(2) Meets any other qualifications and requirements established by the Supreme Judicial Court.

B. "Parenting plan" means a plan defining areas of parental rights and responsibilities within the scope of a parenting coordinator's authority included in an order of the court pursuant to section 1653.

2. Appointment. A court may appoint a parenting coordinator pursuant to this subsection.

A. In a proceeding under this chapter, on the motion of a party or on the court's own motion, the court may appoint a parenting coordinator, with or without consent of the parties, in a case in which:

(1) The parents have demonstrated a pattern of persistent inability or unwillingness to: