

MAINE STATE LEGISLATURE

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CHAPTER 49

PLUMBERS

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SUBCHAPTER I

GENERAL PROVISIONS

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§ 3301. Definitions

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

1. Apprentice. "Apprentice" shall mean any person other than a journeyman plumber or master plumber who is engaged in learning and assisting in the installation of plumbing and drainage.

2. Board. "Board" shall be the Plumbers' Examining Board appointed under section 3401.

3. Journeyman plumber. "Journeyman plumber" shall mean any person who customarily performs the work of installing plumbing and drainage under the direction of a master plumber or, not being a master plumber, does plumbing repair work as a regular part time occupation.

4. Master plumber. "Master plumber" shall mean any person, firm or corporation that as a business, hires or employs a person or persons to do plumbing work, or without hiring any person does such work as a principal business or as auxiliary to a principal business for his or its own account.

5. Plumbing. "Plumbing" is the art of installing in buildings the pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water-carried wastes, and shall include the necessary water piping and water connections to all types of heating apparatus using water. (1961, c. 229.)

R.S.1954, c. 25, § 179; 1961, c. 229.

§ 3302. Exceptions

This chapter shall not apply to regular employees of public utilities as defined in Title 35, section 15, when working as such, nor to regular employees of owners or lessees of real property when working as such, nor to any oil burner man duly licensed under chapter 33, insofar as work covered by said license is involved, nor to persons whose occupation is the doing of miscellaneous jobs of manual labor in the course of which some incidental plumbing repairs or alterations are made by them.

R.S.1954, c. 25, § 192; 1961, c. 231.

§ 3303. Provisions in city charters not affected

This chapter shall not prevent the licensing of plumbers licensed by cities under the charters or ordinances thereof.

R.S.1954, c. 25, § 194.

§ 3304. Penalties

Whoever violates any provision of section 3301 and subchapters II and IV, or any ordinance, bylaw or regulation made thereunder, shall be punished by a fine of not less than \$10 nor more than \$50 for each offense.

Any person who installs any plumbing or drainage without having first obtained a license either as a master plumber or as a journeyman plumber or employing a person to do plumbing who has not such a license, unless he be an apprentice within the meaning of this subchapter and subchapters III and V or procures any license wrongfully or by fraud, or violates any of the provisions of this subchapter and subchapters III and V shall be deemed guilty of a misdemeanor and if convicted thereof shall be punished by a fine of not more than \$100 or by imprisonment for not more than 3 months, or by both.

R.S.1954, c. 25, §§ 177, 193; 1963, c. 402, § 34.

SUBCHAPTER II

REGULATIONS

Sec.

- 3351. Local ordinance or bylaws.
- 3352. Permits; fees; hearings on regulations.
- 3353. Law governing; local inspectors.

§ 3351. Local ordinance or bylaws

Any city or town may, by ordinance or bylaw, prescribe regulations for the materials, construction, alteration and inspection of all pipes, tanks, faucets, valves and other fixtures by and through which waste or sewage is used and carried, and for the materials and sizes of pipe which carry water to all plumbing fixtures, which regulations shall provide not less than the minimum requirements of the rules and regulations of the Department of Health and Welfare in relation to plumbing work, for the carrying of such waste and sewage and for the materials and sizes of pipe which carry water to all plumbing fixtures, and shall provide that such pipes, tanks, faucets, valves or other fixtures shall not be placed in any building in such city or town, nor shall any septic tank or other system of private sewage disposal be installed to receive the drainage from such plumbing, except to repair leaks or replace an old fixture to be used for the same purpose, except after the issuing of a permit for the installation of such work, issued by the inspector of plumbing in such city or town in accordance with a written description or information on such application blanks as shall be approved and furnished to such cities or towns by the department.

R.S.1954, c. 25, § 173.

§ 3352. Permits; fees; hearings on regulations

The permit required by section 3351 shall be issued on the payment of a fee of not less than 50¢ for each such permit but not more than \$2 per fixture, up to a total of 5 fixtures; for over 5 fixtures not less than 20¢ and not more than 60¢ shall be charged for each additional fixture, as shall be determined by such ordinance or bylaw; $\frac{1}{3}$ of the amount of such fees shall be paid through the Department of Health and Welfare to the Treasurer of State to be maintained as a permanent fund and used by the department for the carrying out of this subchapter. The re-

mainder shall be paid to the treasury of the city or town and used exclusively for carrying out the plumbing laws in such cities or towns. Fixtures for the purposes of this subchapter shall be defined as receptacles intended to receive and discharge water, liquid or water carried wastes into a drainage system with which they are connected.

The department shall hold hearings on the first Tuesdays of February and August of each year or oftener if deemed advisable for the purpose of considering changes in the rules and regulations pertaining to plumbing.

R.S.1954, c. 25, § 174; 1959, c. 200.

§ 3353. Law governing; local inspectors

In any city or town which does not prescribe plumbing regulations as provided for in section 3351, the rules and regulations of the Department of Health and Welfare in relation to plumbing work for the carrying of such waste and sewage and for the materials and sizes of pipe which carry water to all plumbing fixtures shall have full force and effect. Permits for the installation of such plumbing in such cities or towns shall be issued by a local inspector appointed or approved by the department on the payment of such fees as shall be determined by that department within the limitations as to amount set forth in section 3352. All amounts so received shall be paid into the state fund described in section 3352.

R.S.1954, c. 25, § 175.

SUBCHAPTER III EXAMINING BOARD

Sec.

- 3401. Membership; vacancies; removal; compensation.
- 3402. Employees.
- 3403. Meetings; rules and regulations.
- 3404. Investigation of complaints; revocation of licenses.
- 3405. Disposal of fees.
- 3406. Records.

§ 3401. Membership; vacancies; removal; compensation

A Plumbers' Examining Board, as heretofore established, shall consist of an executive officer who shall be the Director of the Division of Sanitary Engineering of the Bureau of Health and

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2 other members, hereinafter called the appointive members, who shall be appointed by the Governor with the advice and consent of the Council. One of said appointive members shall be a master plumber as defined in section 3301, and the other a journeyman plumber as defined in section 3301, and who has been engaged in the business of plumbing for at least 2 years. As the terms of said appointive members expire, new appointive members shall be appointed for terms 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 hold office during the unexpired term of the member whose place is thus 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 \$10 per day and their necessary traveling expenses for actual attendance upon any examination of candidates for license and for any necessary hearings.

R.S.1954, c. 25, § 180.

§ 3402. Employees

The board shall be empowered to appoint and remove such employees as it shall deem necessary and to fix their compensation within the limitations of the funds provided by this chapter.

R.S.1954, c. 25, § 181.

§ 3403. Meetings; rules and regulations

The board shall hold regular meetings semianually and shall hold additional meetings at such other times as they shall determine by their rules, or upon request of the 2 appointive members of their board, or upon request of the Director of the Division of Sanitary Engineering. Said board shall keep correct records of all its proceedings and shall be authorized to make such rules and regulations as it shall deem necessary for the holding of examinations and for carrying out the purpose of this chapter, and to provide for reciprocity of licensing with similar boards of other states which maintain standards at least equal to this State.

R.S.1954, c. 25, § 182.

§ 3404. Investigation of complaints; revocation of licenses

The board shall investigate all complaints made to it and all cases of noncompliance with or violation of this chapter and shall

bring all such cases to the notice of the proper prosecuting officers. The board, after a conviction for crime in the course of plumbing business of any person, firm or corporation to whom a license has been issued by them or for any just cause may by vote of majority of the board file a statement or complaint with the Administrative Hearing Commissioner, designated in Title 5, chapters 301 to 307, asking to have the license or registration suspended or revoked.

R.S.1954, c. 25, § 190; 1961, c. 394, § 7; 1963, c. 412, § 23.

§ 3405. Disposal of fees

All fees received by the board shall be paid by the executive officer thereof into the Treasury of the State and may be used for carrying out this chapter.

R.S.1954, c. 25, § 189.

§ 3406. Records

The board shall keep a record of the names and residences of all persons registered under this chapter and a record of all moneys received and disbursed by it, and said records or duplicates thereof shall be open for inspection during office hours.

R.S.1954, c. 25, § 191.

SUBCHAPTER IV

PLUMBING INSPECTORS

Sec.

3451. Appointment.

3452. Compensation; duties.

3453. Approving own work forbidden; additional inspector.

3454. Annual reports.

§ 3451. Appointment

In every city or town where there is a system of water supply or sewerage, the local health officer may, whenever necessary, appoint one or more inspectors of plumbing, who may or may not be residents of the town or city for which they are appointed, and who shall hold office for one year.

The appointments of local plumbing inspectors shall be subject to the approval of the Commissioner of Health and Welfare, and any vacancies in their offices not filled subject to the com-

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missioner's approval may be filled by the commissioner for the unexpired term. The commissioner may delegate authority to approve appointments of plumbing inspectors to the Director of Health.

R.S.1954, c. 25, § 170.

§ 3452. Compensation; duties

The compensation of said inspectors shall be determined by the local health officer appointing them, subject to the approval of the municipal officers, and shall be paid from the treasury of their respective cities or towns. Such inspectors shall inspect all plumbing, for which permits are granted, within their respective cities or towns, which is in process of construction, alteration or repair, and shall report to said health officer all violations of any law, ordinance, bylaw, rule or regulation relative to plumbing. They shall perform such other appropriate duties as may be required. The approval of plumbing by any inspector, other than those appointed as provided in section 3451, shall not be a compliance with the provisions hereof.

R.S.1954, c. 25, § 171.

§ 3453. Approving own work forbidden; additional inspector

No inspector of plumbing shall inspect or approve any plumbing work done by himself, or by any person by whom he is employed, or who is employed by or with him. In a city or town, which is subject to sections 3451 and 3452, the local health officer shall appoint an additional inspector of plumbing, in the same manner and subject to the same qualifications as the regular inspector of plumbing, who shall inspect, in the manner prescribed, plumbing done by the regular inspector or by any person by whom he is employed or who is employed by or with him. Said additional inspector may act in case of the absence or inability of the regular inspector, and shall receive for his services the same compensation as the regular inspector for a like duty.

R.S.1954, c. 25, § 172.

§ 3454. Annual reports

Inspectors of plumbing and local health officers shall annually, before the first day of June, make a full report in detail to their respective cities or towns of all their proceedings during the year under subchapters II and IV.

R.S.1954, c. 25, § 176.

SUBCHAPTER V

LICENSES

Sec.

- 3501. License required.
- 3502. Examination.
- 3503. Master plumbers.
- 3504. —Renewal.
- 3505. Journeymen plumbers.
- 3506. —Renewal.
- 3507. Corporations and partnerships.

§ 3501. License required

No plumbing shall be done for compensation, except as provided, unless done by a plumber or other person licensed by the Plumbers' Examining Board.

R.S.1954, c. 25, § 178.

§ 3502. Examination

Each applicant for license shall present to the executive officer of the board on blanks furnished by the board, a written application for examination and license, containing such information as the board may require, accompanied by the fee provided for in sections 3503 and 3505. Examinations shall be in whole or in part in writing and shall be of a thorough and practical character. They shall cover the theoretical and practical nature of plumbing and such branches thereof as the board may deem necessary.

R.S.1954, c. 25, § 185.

§ 3503. Master plumbers

Any person shall, upon the payment of a fee of \$15, be entitled to examination and, if found qualified by a majority of the members of the board, shall be licensed as a master plumber and shall receive a certificate thereof under the seal of the board and with the signature of the executive officer, which shall state the facts and which must be publicly displayed at the principal place of business of said master plumber as long as said person continues in the business. Any person refused a license may be reexamined at any subsequent meeting of said board, within

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one year of the time of such refusal, without additional fee and thereafter may be examined as often as he may desire upon payment of the fee of \$15 for each examination.

R.S.1954, c. 25, § 183.

§ 3504. —Renewal

All licenses issued shall expire on the last day of the calendar year in which issued, and they may be renewed thereafter for periods of one year without further examination on payment of a fee of \$20 for each year for a master plumber.

R.S.1954, c. 25, § 186.

§ 3505. Journeymen plumbers

Any person shall, upon payment of a fee of \$3, be entitled to examination and, if found qualified by a majority of the members of the board, shall be licensed as a journeyman plumber and shall receive a certificate thereof under the seal of the board and with the signature of the executive officer, which shall state the facts, and which shall be carried on the person and displayed at any time upon request. Any journeyman plumber refused a license may be reexamined at any subsequent meeting of said board within one year of the time of such refusal, without additional fee and thereafter may be examined as often as he may desire upon payment of a fee of \$3 for each examination.

R.S.1954, c. 25, § 184.

§ 3506. —Renewal

All licenses issued shall expire on the last day of the calendar year in which issued, and they may be renewed thereafter for periods of one year without further examination on payment of a fee of \$3 for each year for a journeyman plumber.

R.S.1954, c. 25, § 187.

§ 3507. Corporations and partnerships

The board may issue its license to corporations and partnerships engaged in the plumbing business and applying therefor, provided one or more officers or employees of any such corporation directly in charge of the business affairs of such corporation, or the members of such partnership directly in charge of the business affairs, apply for the examinations and satisfy the board of their qualifications as master plumbers.

R.S.1954, c. 25, § 188.