



DEPARTMENT OF

**Professional &  
Financial Regulation**

STATE OF MAINE

- OFFICE OF SECURITIES
- BUREAU OF INSURANCE
- CONSUMER CREDIT PROTECTION
- BUREAU OF FINANCIAL INSTITUTIONS
- OFFICE OF LICENSING AND REGISTRATION

## **Request for Information from Interested Parties: Sunrise Review for LD 1241**

*“Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Certain Mechanical Trades”*

**Department of Professional and Financial Regulation  
Office of the Commissioner  
June 12, 2009**

## *Sunrise Review Survey: Regulation of Certain Mechanical Trades*

Please return the completed survey to the Commissioner's Office by July 20, 2009. You may respond to any or all questions. The survey should be e-mailed to Doug Dunbar, Assistant to the Commissioner. The address is [doug.dunbar@maine.gov](mailto:doug.dunbar@maine.gov). An electronic version of the survey is available by contacting the Commissioner's Office at (207) 624-8511.

**Completed by: (name, title)** [Michael Barden, Director Environmental Affairs](#)

**On behalf of:** [Maine Pulp and Paper Association](#)

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Date:        [July 16](#)                     , 2009

### **General Information**

**1. Group or organization you represent:**

[Maine Pulp and Paper Association](#)

**2. Position on proposed legislation.** Does this group or organization support or oppose state regulation of certain mechanical trades (*pipefitters, refrigeration technicians and contractors, fire protection sprinkler fitters and contractors, sheet metal workers and contractors, and mechanical contractors*)?

[Oppose](#)

### **Evaluation Criteria (32 M.R.S.A. § 60-J)**

**1. Data on group proposed for regulation.** Please provide a description of the professional or occupational group proposed for regulation, including:

- (a) The number of individuals or business entities that you believe would be subject to regulation (if possible, please provide a breakdown or information specific to each trade);

Maine's pulp and paper mills employ hundreds of workers that perform work that could be captured under LD 1241. Sheet metal work is a routine and customary practice in all pulp and paper mills.

(b) The names and addresses of associations, organizations and other groups representing potential licensees (if possible, please provide information specific to each trade); and

(c) An estimate of the number of potential licensees in each group.

**2. Specialized skill.** Please describe whether the work of these certain mechanical trades requires such a specialized skill that the public is not qualified to select a competent individual without assurances that minimum qualifications have been met (if possible, please address each trade separately).

**3. Threat to public health, safety, or welfare.** Please describe:

(a) The nature and extent of potential harm to the public, if any or all of these trades continue to be unregulated by the State (please be as specific as possible); and

(b) The extent to which there is a threat to the public's health, safety or welfare without state regulation (*Please provide evidence of the potential harm, including: a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, other professional or occupational boards and professional and occupational associations that have been lodged against these trades--pipefitters, refrigeration technicians and contractors, fire protection sprinkler fitters and contractors, sheet metal workers and contractors, and mechanical contractors--in this State within the past 5 years*).

**4. Voluntary and past regulatory efforts.** Please provide a description of the voluntary efforts made by these trades to protect the public through self-regulation, private certifications, membership in professional or occupational associations or academic credentials and a statement of why these efforts are inadequate to protect the public (if possible, please address each trade separately).

Regulations are currently in place that govern licensing for refrigeration/air conditioning repairs/installation work at industrial plants. Code requirements are in place for piping and fire protection sprinkler system installation/repairs that permit specified amount of work that can be performed by mill employees and requirements that repairs/installation of certain size be performed by licensed or certified providers. We are not aware of any studies or analysis that would justify licensing of sheet metal work at industrial plants.

**5. Costs and benefits of regulation.** Please describe the extent to which regulation of these trades will increase the cost of services provided by them and the overall cost-effectiveness and economic impact of the proposed regulation, including the indirect costs to consumers.

Requiring licenses for all the proposed trades covered under LD 1241 would add considerable cost to mill operations. These additional costs cannot be recouped through higher product prices and would put Maine mills at a competitive disadvantage

- 6. Service availability under regulation.** Please describe the extent to which regulation of these trades would increase or decrease the availability of services to the public.
- 7. Existing laws and regulations.** Please discuss the extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from continued non-regulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners.  
  
[See 4 above](#)
- 8. Method of regulation.** Please describe why registration, certification, license to use the title, license to practice or another type of regulation is being proposed, why that regulatory alternative was chosen and whether the proposed method of regulation is appropriate.
- 9. Other states.** Please provide a list of other states that regulate any or all of these trades, the type of regulation, copies of other states' laws and available evidence from those states of the effect of regulation on these trades in terms of a before-and-after analysis.
- 10. Previous efforts to regulate.** Please provide the details of any previous efforts in this State to implement regulation of these trades.
- 11. Minimal competence.** Please describe whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are.
- 12. Financial analysis.** Please describe the method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by potential licensees through dedicated revenue mechanisms.
- 13. Mandated benefits.** Please describe whether the profession or occupation plans to apply for mandated benefits.