



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. An electronic version of the survey is available by contacting the Commissioner's Office at (207) 624-8511.

Completed by: (name, title)

Hugh Kelleher, Executive Director

On behalf of:

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Date: ___July 27, 2009_____, 2009

General Information

1. Group or organization you represent:

Professional plumbing and HVAC contractors who work throughout New England, including in the State of Maine.

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*)?

Like our national association, we strongly believe that regulated mechanical trades are clearly in the interest of all citizens. History shows that without such oversight, there is a real risk to citizen health and safety. Just one example: plumbing cross-connections have been responsible for many deaths. These dangerous installations are typically caused by unlicensed, unregulated people who install systems without proper knowledge or oversight.

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: We would leave

this with the state, but we do believe that professionals clearly trained in the various fields would be responsible for the oversight.

- (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);
 - Plumbing contractors
 - HVAC contractors
 - Sprinkler / fire protection contractors
 - Sheet metal contractors

- (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).

- Plumbing: requires genuine training and knowledge. Lack of this can result in dangerous installations.
- HVAC: Again, potential dangers due to unsafe installations (gas explosions, etc.). Also, poorly designed or installed systems result in excess costs to consumers.
- Sprinkler Fitters / Fire protections installers: The need for oversight in this area should be self-evident. Would you want a person installing a fire protection system in your business or home, if that person did not understand how such a system should be designed and installed? Consider the potential risks.
- Sheet metal contractors / installers: Again there is value in overseeing those who install systems which involve air systems – systems which are typically fueled by natural gas, propane, or oil. In addition, duct work requires certain standards without which there is danger of mold, bacteria, and other contaminants.

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

Inadequate plumbing in particular presents potential dangers to public health and safety. But the other trades, insofar as they involve the use and transfer of fuel gases, also present risks.

- (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).

There are many documented cases of illnesses and death caused by inadequate piping installations. For instance, on Cape Cod there was a recent case where a young girl was killed because a heating system was inadequately vented. Carbon dioxide build-up killed her.

The value of a regulated system is that it can prevent these kinds of tragedies.

- 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).

Voluntary efforts in this area are joke. It is like giving a ten-year-old a license to drive.

If people are genuinely qualified, they should have no problem demonstrating their qualifications. If they can't demonstrate those qualifications, they should not be allowed to work in areas where they present potential dangers.

- 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.

Skilled workers are cheaper in the long run.

- 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.

There could be some initial decline in the number of, say, plumbers in the state. But once it is clear what the licensing requirements are, the qualified people will demonstrate those qualifications, and carry on with their work.

- 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.

- 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.

In Massachusetts, we regulate the mechanical trades – plumbing, HVAC, and sheet metal. Regulations on sheet metal are currently being developed. In the HVAC area, regulations depend upon the size and type of the system being installed.

Plumbing and gas fitting in particular are very closely monitored and regulated – because of the very clear potential dangers to public safety.

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.
I would defer to the skilled trades people of the State of Maine.

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.

The state can charge enough for the licenses to cover the expense of licensing and monitoring.

13. Mandated benefits. Please describe whether the profession or occupation plans to apply for mandated benefits.