

STATE OF MAINE
ELECTRICIANS' EXAMINING BOARD
LAWS AND RULES



**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
OFFICE OF LICENSING AND REGISTRATION**

ELECTRICIANS' EXAMINING BOARD

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ELECTRICIANS' EXAMINING BOARD LAWS

MRS Title 32, Chapter 17: ELECTRICIANS
Subchapter 1: GENERAL PROVISIONS

32 §1101. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1999, c. 386, Pt. F, §1 (AMD).]

1. Apprentice electrician. "Apprentice electrician" means an apprentice, as defined in Title 26, section 2006, subsection 5-A, paragraph A, subparagraph (1), who is engaged in a written agreement to work at and learn the trade of an electrician under the direct supervision of a master, journeyman or limited electrician.

[2009, c. 415, Pt. A, §17 (AMD) .]

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.

[1995, c. 325, §1 (NEW) .]

1-B. Board. "Board" means the Electricians' Examining Board.

[2007, c. 402, Pt. I, §1 (NEW) .]

2. Electrical installations. "Electrical installations" means the installation, repair, alteration and maintenance of electrical conductors, fittings, devices and fixtures for heating, lighting, power purposes or heat activated fire alarms, intrusion alarms, energy management, telephone, telegraph, cable and closed circuit television, sound systems, conduit and raceway systems and electrically supervised manual fire alarms and sprinkler systems. "Electrical installations" includes complete installations related to photovoltaic, fuel cell and wind power generation systems. "Electrical installations" does not include the installation or repair of portable appliances and other portable electrical equipment, installation of which involves only the insertion of an attachment plug into a fixed receptacle outlet. It is the meaning and intent of this subsection that the word "portable" does not include or apply to any type of fixed electrically operated or driven equipment.

[2003, c. 603, §1 (AMD) .]

3. Helper electrician. "Helper electrician" means a person 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.

[1999, c. 386, Pt. F, §1 (AMD) .]

3-A. Journeyman-in-training electrician. "Journeyman-in-training electrician" means a person making electrical installations in the employment of a master electrician, limited electrician or electrical company and under the supervision of a journeyman, limited or master electrician.

[1995, c. 325, §3 (AMD) .]

4. Journeyman electrician. "Journeyman electrician" means a person making electrical installations in the employment of a master electrician, limited electrician or electrical company.

[1995, c. 325, §4 (AMD) .]

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 career and technical education center, a Maine career and technical education region, a Maine community college or an apprenticeship program registered by the Department of Labor may have a maximum of 12 helper or apprentice electricians under direct supervision while making electrical installations that are a part of the instructional program of the school or apprenticeship program, as long as the total value of each installation does not exceed \$5,000. An electrical installation may not be commenced pursuant to this subsection without the prior approval of the director or president of the school or apprenticeship program 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; and [2005, c. 347, Pt. B, §1 (AMD).]

B. Nonprofit organizations. [2005, c. 347, Pt. B, §1 (AMD).]

C. [2005, c. 347, Pt. B, §2 (RP).]

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, must be notified of all installation projects entered into pursuant to this subsection prior to the commencement of the project. There 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.

[2007, c. 402, Pt. I, §2 (AMD) .]

5. Limited electrician. "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 only authorized by this license.

[1995, c. 325, §6 (AMD) .]

6. Master electrician. "Master electrician" means an individual qualified under this chapter, engaging in, or about to engage in, the business of installing electrical wires,

conduits, apparatus, fixtures and other electrical equipment. The certificate must specify the name of the individual who is authorized to enter upon or engage in business as set forth in this chapter.

[1995, c. 336, §1 (AMD) .]

7. Public service corporation. "Public service corporation" means a public utility, as defined in Title 35-A, section 102, or a person, firm or corporation subject to the jurisdiction of the Federal Communications Commission.

[1997, c. 119, §1 (NEW) .]

8. Utility corporation. "Utility corporation" means a utility not described in subsection 7.

[1999, c. 386, Pt. F, §1 (NEW) .]

SECTION HISTORY

1965, c. 385, §2 (AMD). 1965, c. 498, §1 (AMD). 1973, c. 363, (RPR). 1975, c. 767, §§31-35 (AMD). 1977, c. 295, §1 (AMD). 1979, c. 302, §§3,4 (AMD). 1981, c. 577, §§5-9 (AMD). 1983, c. 413, §§31,32 (AMD). 1987, c. 395, §§B3,B4 (AMD). 1987, c. 735, §§42-46 (AMD). 1989, c. 443, §82 (AMD). 1989, c. 450, §§10,11 (AMD). 1993, c. 349, §66 (AMD). 1995, c. 325, §§1-6 (AMD). 1995, c. 336, §1 (AMD). 1995, c. 502, §§H24,25 (AMD). 1997, c. 119, §1 (AMD). 1999, c. 386, §F1 (AMD). 1999, c. 606, §1 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2003, c. 545, §5 (REV). 2003, c. 603, §1 (AMD). 2005, c. 347, §§B1,2 (AMD). 2007, c. 402, Pt. I, §§1, 2 (AMD). 2009, c. 415, Pt. A, §17 (AMD).

32 §1102. EXCEPTIONS

The provisions of this chapter shall not apply to the following: [1973, c. 363, (RPR).]

1. Commissions.

[1997, c. 119, §2 (RP) .]

1-A. Public service corporations. A public service corporation or an employee of a public service corporation making electrical installations in the course of the employee's employment, including installations of conductors and equipment that are not under the exclusive control of the public service corporation and are used to connect the public service corporation supply system to the service entrance conductors of the premises served, including such installations of conductors and equipment that are outside a building or terminate immediately inside a building. This exception does not apply to the installation of mobile home service equipment;

[1999, c. 657, §13 (AMD) .]

2. Utility corporations. Regular employees of utility corporations not qualifying under subsection 1-A, performing electrical work in connection with the construction, installation, operation, repair or maintenance of any utility by a utility corporation in rendering its authorized service, or in any way incidental thereto; or

[1999, c. 386, Pt. F, §2 (AMD) .]

3. Mines, ships and carriers. The electrical work and equipment in mines, pipeline systems, ships, railway rolling stock or automotive equipment.

[1999, c. 386, Pt. F, §2 (AMD) .]

4. Certain laboratories.

[1999, c. 386, Pt. F, §3 (RP) .]

5. Oil burner technicians.

[1999, c. 386, Pt. F, §4 (RP) .]

6. Elevator mechanics.

[1999, c. 386, Pt. F, §5 (RP) .]

7. Low-energy installers.

[1991, c. 531, §3 (RP) .]

8. Gas installers.

[1999, c. 386, Pt. F, §6 (RP) .]

9. Plumbers.

[1999, c. 386, Pt. F, §7 (RP) .]

10. Pump installers.

[1999, c. 386, Pt. F, §7 (RP) .]

SECTION HISTORY

1967, c. 69, §1 (AMD). 1967, c. 312, §2 (AMD). 1973, c. 363, (RPR). 1979, c. 127, §177 (AMD). 1987, c. 395, §B5 (AMD). 1987, c. 735, §§47,48 (AMD). 1991, c. 531, §§1-3 (AMD). 1993, c. 659, §A2 (AMD). 1995, c. 114, §§1-4 (AMD). 1995, c. 560, §H12 (AMD). 1995, c. 560, §H17 (AFF). 1997, c. 119, §§2,3 (AMD). 1997, c. 576, §1 (AMD). 1999, c. 386, §§F2-7 (AMD). 1999, c. 657, §13 (AMD).

32 §1102-A. EXCEPTIONS TO LICENSING REQUIREMENTS

All electrical installations must comply with the National Electrical Code that is in effect at the time of the installation. Not all activities that qualify as electrical installations require licensure under this chapter. The licensing provisions of this chapter do not apply to the entities, persons and licensees enumerated in this section: [1999, c. 386, Pt. F, §8 (AMD).]

1. Industrial plants. Industrial plants and regular employees of industrial plants making electrical installations in or about industrial plants;

[1999, c. 386, Pt. F, §8 (AMD) .]

2. Other properties of industrial and manufacturing plants. Other properties of industrial and manufacturing plants and regular employees of other properties of industrial or manufacturing plants making electrical installations in, on or about other properties, equipment or buildings, residential or of any other kind, owned or controlled by the operators of industrial or manufacturing plants, as long as such work is done under the supervision of an electrical engineer in the employ of the operator;

[1999, c. 386, Pt. F, §8 (AMD) .]

3. Manufacturing plants. Manufacturing plants and regular employees of manufacturing plants making electrical installations in the manufacture, testing or repair of electrical equipment in the manufacturing plant;

[1999, c. 386, Pt. F, §8 (AMD) .]

4. Low-energy installers. Individuals or employees installing telephone, telegraph, cable and closed-circuit television, data communication and sound equipment.

[1991, c. 531, §6 (NEW) .]

5. Certain laboratories. Installations in suitable laboratories of exposed electrical wiring for experimental purposes only;

[1999, c. 386, Pt. F, §8 (NEW) .]

6. Elevator mechanics. A person licensed under chapter 133 subject to the restrictions of the license as issued;

[1999, c. 386, Pt. F, §8 (NEW) .]

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

[2009, c. 344, Pt. D, §7 (AMD); 2009, c. 344, Pt. E, §2 (AFF) .]

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

[2009, c. 344, Pt. D, §8 (AMD); 2009, c. 344, Pt. E, §2 (AFF) .]

9. Plumbers. A person licensed under chapter 49, except that this exemption applies only to disconnection and connection of electrical conductors required in the replacement of water pumps and water heaters of the same or smaller size in residential properties;

[2003, c. 551, §1 (AMD) .]

10. Pump installers. A person licensed under chapter 69-C, except that this exception applies only to disconnection and connection of electrical conductors required in the replacement of water pumps of the same or smaller size in residential properties and the installation of new water pumps and associated equipment of 3 horsepower or smaller; or

[2003, c. 551, §1 (AMD) .]

11. Wastewater treatment plants. Wastewater treatment plants, as defined in section 4171, and regular employees of wastewater treatment plants making electrical installations in or about wastewater treatment plants.

[2003, c. 551, §2 (NEW) .]

SECTION HISTORY

1973, c. 363, (NEW). 1981, c. 501, §59 (AMD). 1991, c. 531, §§4-6 (AMD). 1999, c. 386, §F8 (AMD). 2003, c. 551, §§1,2 (AMD). 2009, c. 344, Pt. D, §§7, 8 (AMD). 2009, c. 344, Pt. E, §2 (AFF).

32 §1102-B. PERMITS AND INSPECTIONS

1. Permits required. Except as otherwise provided in this section, no electrical equipment may be installed or altered unless the person making the installation first obtains a permit from the Electrician's Examining Board.

[1981, c. 432, §2 (NEW) .]

2. Application procedure. An application for a permit must be made in a form prescribed by the board together with any plans, specifications or schedules the board may require. If the board determines that the installation or alteration planned is in compliance with all applicable statutes, ordinances and rules, it shall issue a permit, provided that the fee required under subsection 4 has been paid.

[2001, c. 323, §17 (AMD) .]

3. Inspection required. When the installation or alteration is completed, the person making the installation or alteration shall notify the state electrical inspector. The inspector shall inspect the installation within a reasonable time so as not to cause undue delay in the progress of the construction contract or installation. The inspector shall determine whether the installation complies with all applicable statutes, ordinances and rules. If the inspector determines that the installation does not so comply, the procedures set forth in section 1104 apply. Any utility corporation must require proof of permit prior to connecting power to the installation.

[1999, c. 386, Pt. F, §9 (AMD) .]

4. Procedures and fees. Pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, the board may adopt procedures for permit applications and the conduct of inspections. The combined service fee for permit and inspection must be paid with every application for a permit. The Director of the Office of Licensing and Registration

shall adopt by rule a schedule of appropriate service fees, but in no event may any scheduled service fee exceed \$100. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

[2001, c. 323, §17 (AMD) .]

5. Exceptions to permitting requirement. This section does not apply to the following:

- A. Single-family dwellings; [1995, c. 325, §7 (AMD).]
- B. The electrical work and equipment employed in connection with the construction, installation, operation, repair or maintenance of any utility by a utility corporation in rendering its authorized service or in any way incidental thereto; [1981, c. 432, §2 (NEW).]
- C. Minor repair work, including the replacement of lamps, fuses, lighting fixtures, switches and sockets, the installation and repair of outlets, radio and other low voltage equipment and the repair of entrance service equipment; [1981, c. 543, §1 (AMD).]
- D. Installations or alterations for which a permit and inspection are required by municipal resolution or ordinance under Title 30-A, section 4173; [1987, c. 737, Pt. C, §§73, 106 (AMD); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]
- E. Any electrical equipment and work, including construction, installation, operation, maintenance and repair in or about industrial or manufacturing facilities; [1999, c. 386, Pt. F, §9 (AMD).]
- F. Any electrical equipment and work, including construction, installation, operation, maintenance and repair in, on or about other properties, equipment or buildings, residential or of any other kind, owned or operated by a person engaged in industrial or manufacturing operations provided that the work is done under the supervision of an electrical engineer or master electrician in the employ of that person; [1999, c. 386, Pt. F, §9 (AMD).]
- G. Work performed by any person licensed under chapter 139 as an oil burner technician, subject to the restrictions of the license as issued; [2009, c. 344, Pt. D, §9 (AMD); 2009, c. 344, Pt. E, §2 (AFF).]
- H. Work performed by a person licensed under chapter 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; [2009, c. 344, Pt. D, §10 (AMD); 2009, c. 344, Pt. E, §2 (AFF).]
- I. Work performed by a person licensed under chapter 49 as a plumber, except that this exception applies only to disconnection and connection of electrical conductors required in the replacement of water pumps and water heaters of the same or smaller size in residential properties; or [1999, c. 386, Pt. F, §9 (NEW).]
- J. Work performed by a person licensed under chapter 69-C as a pump installer, except that this exception applies only to disconnection and connection of electrical

conductors required in the replacement of water pumps of the same or smaller size in residential properties and the installation of new water pumps and associated equipment of 3 horsepower or smaller. [1999, c. 386, Pt. F, §9 (NEW).]

[2009, c. 344, Pt. D, §§9, 10 (AMD); 2009, c. 344, Pt. E, §2 (AFF) .]

SECTION HISTORY

1981, c. 432, §2 (NEW). 1981, c. 543, §§1,2 (AMD). 1987, c. 735, §49 (AMD). 1987, c. 737, §§C73,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1991, c. 531, §7 (AMD). 1995, c. 325, §7 (AMD). 1999, c. 386, §F9 (AMD). 2001, c. 323, §17 (AMD). 2009, c. 344, Pt. D, §§9, 10 (AMD). 2009, c. 344, Pt. E, §2 (AFF).

32 §1103. MUNICIPAL LICENSES NOT REQUIRED; MUNICIPAL PERMITS

No municipality, provisions in charters to the contrary, shall require electricians to be municipally licensed, nor shall any municipality issue a permit for an electrical installation unless satisfied that the person, firm or corporation applying for the permit complies with this chapter. [1973, c. 363, (RPR).]

SECTION HISTORY

1965, c. 385, §3 (RPR). 1973, c. 363, (RPR).

32 §1104. STATE ELECTRICAL INSPECTORS

1. Inspection. 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 a transmission and distribution utility or local electrical inspector or whenever they 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 finds any electrical installation in any building or structure that does not comply with this chapter, that inspector shall order the same to be removed or remedied and the order must forthwith be complied with by the owner or occupant of the premises or buildings or the electrician that performed the work. Whenever any state electrical inspector finds any electrical installation in any building or structure that creates a danger to other property or to the public, 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.

[2009, c. 112, Pt. A, §4 (NEW) .]

2. Order to correct deficiency; appeal. Any person ordered by a state electrical inspector to correct an electrical deficiency or to vacate a building or structure may appeal the order to the Electricians' Examining Board by filing with that board within 30 days of receipt of the order a written notice of appeal. The board shall review that appeal and issue its written decision thereof within a reasonable time after receipt of the notice of appeal. If the board upholds the inspector's order, it shall prescribe the time period for the requisite correction specified in its written decision or the time within

which that person must vacate the building or structure. The decision must be complied with unless appealed as provided. Any person ordered by the board to correct an electrical deficiency or to vacate a building or structure may appeal the order to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 by filing a petition for review within 48 hours of receipt of the order. The court shall issue its written decision within 20 days after receipt of the petition for review.

[2009, c. 112, Pt. A, §4 (NEW) .]

The decision of the Superior Court on an appeal as provided is final. An order by a state electrical inspector or an order by the Electricians' Examining Board is final and subject to no further appeal upon failure to file a timely, written appeal therefrom as provided. [2009, c. 112, Pt. A, §4 (RPR).]

Upon the failure of any person to carry out a final order as provided, the Electricians' Examining Board may petition the Superior Court for the county in which the building or premises are located for an injunction to enforce that order. If the court determines upon hearing the petition that a lawful final order was issued, it shall order compliance. [2009, c. 112, Pt. A, §4 (RPR).]

SECTION HISTORY

1965, c. 385, §4 (RPR). 1967, c. 69, §2 (AMD). 1971, c. 310, (AMD). 1973, c. 303, §3 (AMD). 1973, c. 363, (RPR). 1981, c. 432, §§3-5 (AMD). 1981, c. 470, §A151 (AMD). 1981, c. 698, §157 (AMD). 1995, c. 325, §8 (AMD). 1999, c. 657, §14 (AMD). 2009, c. 112, Pt. A, §4 (RPR).

32 §1104-A. FAILURE TO COMPLY WITH ORDER OF INSPECTOR

If the owner or occupant of any building neglects or refuses without justification for more than 10 days to comply with any order of a state electrical inspector concerning electrical installations as provided in this chapter, that person commits a civil violation for which a forfeiture of not less than \$100 for each day's neglect may be adjudged. [1991, c. 531, §8 (AMD).]

SECTION HISTORY

1965, c. 498, §2 (NEW). 1973, c. 363, (RPR). 1991, c. 531, §8 (AMD).

32 §1104-B. FAILURE TO COMPLY WITH ORDER OF INSPECTOR (REPEALED)

SECTION HISTORY

1967, c. 69, §3 (NEW). 1973, c. 363, (RP).

32 §1105. VIOLATIONS; PENALTY

1. Unlicensed practice. A person, firm or corporation who violates section 1201 is subject to the provisions of Title 10, section 8003-C.

- A. [2007, c. 402, Pt. I, §3 (RP).]
- B. [2007, c. 402, Pt. I, §3 (RP).]
- C. [2007, c. 402, Pt. I, §3 (RP).]

[2007, c. 402, Pt. I, §3 (AMD) .]

2. Penalty.

[2007, c. 402, Pt. I, §4 (RP) .]

3. 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.

[2003, c. 452, Pt. R, §3 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

4. Exception. Subsection 1 does not apply to a person, firm or corporation or work excepted under section 1102 or 1102-A.

[2003, c. 452, Pt. R, §3 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

5. Installations by resident; certification. Nothing in this chapter prevents a person from making electrical installations in a single-family residence occupied by that person or to be occupied by that person as the person's bona fide personal abode, as long as the installation conforms with the standards of the National Electric Code or other standards approved by the board. An electrical installation made under the authority of this subsection, after July 1, 1987, in a newly constructed residence, requires certification by a state or local inspector, master electrician or limited electrician in house wiring prior to the activation of electricity by the utility company.

[2007, c. 402, Pt. I, §5 (AMD) .]

SECTION HISTORY

1965, c. 385, §5 (RPR). 1973, c. 363, (RPR). 1983, c. 413, §33 (AMD). 1987, c. 395, §A143 (AMD). 1999, c. 386, §F10 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2003, c. 452, §R3 (RPR). 2003, c. 452, §X2 (AFF). 2007, c. 402, Pt. I, §§3-5 (AMD).

Subchapter 2: ELECTRICIANS' EXAMINING BOARD

32 §1151. APPOINTMENT; VACANCIES; REMOVAL; COMPENSATION

The Electricians' Examining Board, as established by Title 5, section 12004-A, subsection 13 consists of 7 members appointed by the Governor. [2007, c. 402, Pt. I, §6 (AMD).]

The 7 members consist of: one master electrician experienced in low-energy electronics; one electrician who is a bona fide member from organized labor classified as an inside electrician; one electrical inspector; one master electrician from the education field; and one person experienced in the electrical field, all of whom must have at least 10 years of experience in the electrical field, except that the latter 3 need not be active electricians at the time of their appointment; and 2 public members as defined in Title 5, section 12004-A. [2007, c. 402, Pt. I, §6 (AMD).]

Appointments are made for a 3-year term. Appointments of members must comply with Title 10, section 8009. [2007, c. 402, Pt. I, §6 (AMD).]

Any member of the board may be removed from office for cause by the Governor.

[2005, c. 235, §3 (AMD).]

SECTION HISTORY

1965, c. 385, §6 (AMD). 1967, c. 69, §4 (AMD). 1969, c. 199, §1 (AMD). 1969, c. 267, §§1,1A (AMD). 1971, c. 592, §26 (AMD). 1973, c. 363, (RPR). 1975, c. 575, §§13,14 (AMD). 1975, c. 579, §14 (AMD). 1975, c. 771, §§339,340 (AMD). 1981, c. 383, §4 (AMD). 1983, c. 413, §34 (RPR). 1983, c. 553, §§26,46 (AMD). 1983, c. 812, §§202,203 (AMD). 1987, c. 735, §§50,51 (AMD). 1989, c. 503, §B125 (AMD). 1991, c. 438, §1 (AMD). 1993, c. 600, §§A101,102 (AMD). 1995, c. 237, §1 (AMD). 1995, c. 397, §28 (AMD). 1999, c. 386, §F11 (AMD). 2005, c. 235, §§1-3 (AMD). 2007, c. 402, Pt. I, §6 (AMD).

32 §1152. EMPLOYEES

Electrical inspectors have powers throughout the several counties of the State, similar to those of sheriffs in their respective counties, relating to enforcement of this chapter and rules adopted under this chapter. These powers are limited to the power to conduct investigations, issue citations, serve summonses and order corrections of violations in accordance with specific statutory authority. [2003, c. 204, Pt. C, §1 (AMD).]

SECTION HISTORY

1969, c. 267, §2 (AMD). 1971, c. 592, §27 (AMD). 1973, c. 363, (RPR). 1975, c. 579, §15 (AMD). 1983, c. 553, §46 (AMD). 1985, c. 785, §B131 (AMD). 1987, c. 395, §B6 (AMD). 1991, c. 531, §9 (AMD). 1993, c. 220, §1 (AMD). 1995, c. 397, §29 (AMD). 2003, c. 204, §C1 (AMD).

32 §1153. MEETINGS; CHAIR; QUORUM; RULES

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be 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. Four members of the board constitute a quorum. The board may adopt, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter 2, rules it determines necessary for the holding of examinations and for carrying out this chapter; and shall provide for reciprocity of licensing as required to implement section 1206. [2007, c. 402, Pt. I, §7 (AMD).]

SECTION HISTORY

1973, c. 363, (RPR). 1977, c. 340, §9 (RPR). 1977, c. 694, §561 (AMD). 1977, c. 696, §237 (AMD). 1979, c. 127, §178 (AMD). 1983, c. 413, §35 (RPR). 1987, c. 735, §52 (AMD). 1993, c. 636, §1 (AMD). 1999, c. 386, §F12 (AMD). 2007, c. 402, Pt. I, §7 (AMD).

32 §1153-A. STANDARDS; INSTALLATION

The board shall establish by rule technical standards for the proper installation of electrical equipment. These standards must conform as nearly as practicable to the National Electrical Code, National Fire Protection Association standard #70. The installation of the electrical equipment must also comply with the applicable statutes of the State and all applicable ordinances, orders, rules and regulations of any city or town where the installation is being performed. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2003, c. 204, Pt. C, §2 (RPR).]

SECTION HISTORY

1967, c. 69, §5 (NEW). 1973, c. 363, (RPR). 2003, c. 204, §C2 (RPR).

32 §1153-B. POWERS

The board has the following duties and powers, in addition to those otherwise set forth in this chapter. [2007, c. 402, Pt. I, §8 (AMD).]

1. Licenses. The board shall evaluate the qualifications and approve the examination to be taken by applicants for licensure under this chapter.

[2007, c. 402, Pt. I, §8 (AMD) .]

2. Hearings.

[2007, c. 402, Pt. I, §8 (RP) .]

3. Contracts.

[2007, c. 402, Pt. I, §8 (RP) .]

4. Certificate as evidence.

[2007, c. 402, Pt. I, §8 (RP) .]

SECTION HISTORY

1983, c. 413, §36 (NEW). 1991, c. 531, §10 (AMD). 1995, c. 502, §H48 (AMD). 2007, c. 402, Pt. I, §8 (AMD).

32 §1154. DISPOSAL OF FEES (REPEALED)

SECTION HISTORY

1973, c. 363, (RPR). 1983, c. 553, §27 (AMD). 1995, c. 397, §30 (RP).

32 §1155. INVESTIGATION OF COMPLAINTS; REVOCATION OF LICENSE (REPEALED)

SECTION HISTORY

1967, c. 69, §6 (AMD). 1973, c. 303, §3 (AMD). 1973, c. 363, (RPR). 1975, c. 575, §15 (AMD). 1977, c. 340, §10 (AMD). 1977, c. 694, §562 (AMD). 1983, c. 413, §37 (RP).

32 §1155-A. INVESTIGATION OF COMPLAINTS; REVOCATION OF LICENSE (REPEALED)

SECTION HISTORY

1983, c. 413, §38 (NEW). 1995, c. 325, §§9,10 (AMD). 1995, c. 502, §H48 (AMD). 1999, c. 386, §F13 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. I, §9 (RP).

32 §1155-B. DENIAL OR REFUSAL TO RENEW LICENSE; DISCIPLINARY ACTION

1. Disciplinary sanctions. In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for:

A. Any gross negligence, incompetency or misconduct in the performance of the work of making electrical installations. Continued failure to conform with applicable regulations of the National Electrical Code, National Electrical Safety Code or of other safety codes that have been approved by the American Standards Association or its successor or other organization approved by the board is prima facie evidence of that gross negligence and incompetency; and [2007, c. 402, Pt. I, §10 (NEW).]

B. While in the business of making electrical installations, employ an unlicensed person, firm or corporation to do that work, unless the unlicensed person, firm or corporation is an apprentice electrician or electrician's helper as set forth in this chapter. [2007, c. 402, Pt. I, §10 (NEW).]

[2007, c. 402, Pt. I, §10 (NEW) .]

2. Reinstatement. The board, for reasons it considers sufficient, may reissue a license to any person whose license has been revoked, if 4 or more members of the board vote in favor of that reissuance.

[2007, c. 402, Pt. I, §10 (NEW) .]

SECTION HISTORY
2007, c. 402, Pt. I, §10 (NEW).

**32 §1156. RECORDS
(REPEALED)**

SECTION HISTORY
1965, c. 385, §7 (AMD). 1973, c. 363, (RPR). 2003, c. 204, §C3 (RP).

**32 §1157. REPORTS
(REPEALED)**

SECTION HISTORY
1975, c. 767, §36 (NEW). 2007, c. 402, Pt. I, §11 (RP).

Subchapter 3: LICENSES

32 §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. [1995, c. 325, §11 (AMD).]

SECTION HISTORY
1973, c. 363, (RPR). 1987, c. 735, §53 (RPR). 1995, c. 325, §11 (AMD).

32 §1202. ISSUANCE OF LICENSES

1. Application; qualifications. The board shall issue a license to any person who files a sworn application, who passes an examination conducted by the board as provided in section 1203 to determine his fitness to receive that license and who meets

the following qualifications.

A. For a journeyman electrician's license, a person must:

(1) Complete at least 8,000 hours of service as an apprentice or helper electrician or at least 8,000 hours of experience in electrical installations, as defined in section 1101, and satisfactorily complete a program of study comprising 576 hours as approved by the Electricians' Examining Board or from an accredited institution. The 576 hours shall consist of 225 hours of required study, including an approved course of not less than 45 hours in the current National Electrical Code; and 351 hours of elective study, comprised of all trade-related electives or 225 hours of trade-related courses and 135 hours of degree-related courses;

(2) Be a graduate of an accredited regional applied technology high school 2-year electrical program, have worked for 8,000 hours in the field of electrical installations under the supervision of a master electrician or the equivalent and have completed a course of not less than 45 hours in the current National Electrical Code, the course to be approved by the board;

(3) Be a graduate of an accredited community college electrical program or a vocational-electrical program of the Department of Corrections, have worked for 4,000 hours in the field of electrical installations under the supervision of a master electrician or the equivalent and have completed a course of not less than 45 hours in the current National Electrical Code, the course to be approved by the board. Persons qualifying under this paragraph may sit for the journeyman's examination upon graduation if application is made within one year of graduation; or

(4) Be an electrical apprentice registered with the State Apprenticeship and Training Council and have completed 576 hours of related instruction, as defined in this paragraph, prescribed in their apprenticeship program, the 8,000-hour approved program and a course of not less than 45 hours in the current National Electrical Code, the course to be approved by the board. Persons qualifying under this paragraph may sit for the journeyman's examination after completion of the 576 hours of instruction if application is made within one year of the completion of the instruction. [2007, c. 695, Pt. A, §36 (RPR).]

B. For a master electrician's license, a person must:

(1) Complete at least 4,000 hours of service as a journeyman electrician or at least 12,000 hours of experience in electrical installations, as defined in section 1101, and complete a program of study comprising 576 hours as approved by the Electricians' Examining Board or from an accredited institution. The 576 hours shall consist of 450 hours of required study, including a course of not less than 45 hours in an approved course in the current National Electrical Code and 126 hours of degree-related courses;

Any person who holds a journeyman electrician's or limited license under this section or under former section 1202, subsection 1, prior to July 1987, shall be eligible to take the examination for a master electrician's license, provided that the applicant has completed the number of hours of service or experience

required by this subsection and has completed 45 hours of current National Electrical Code. [1987, c. 735, §54 (AMD).]

The board may establish by rule standards in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to exercise its discretion to determine if a limited license holder applying for a master electrician's license has adequate experience in all phases of electrical installation to take the examination.

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

(1) A limited electrician in water pumps must have 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 are restricted to electrical work between the branch circuits and power supplies.

(2) A limited electrician in outdoor signs, including sign lighting, must have 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 must have 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 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, must have 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 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 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 is automatically 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 community 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, 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 prior to the effective date of this section qualifies to be licensed as a limited electrician in low energy.

(8) A crane technician must have 135 hours of electrical education as approved by the Electricians' Examining Board or from an accredited institution and 2,000 hours of experience. Any person having work experience in the installation of cranes and hoists, as defined by the National Electrical Code, prior to the effective date of this subparagraph, qualifies to be licensed as a crane technician. This covers the installation of electrical equipment and wiring used in connection with cranes, monorail hoists, hoists and runways. [2009, c. 112, Pt. A, §5 (AMD).]

D. For a journeyman-in-training electrician's license, a person must be a graduate of an accredited community college or Department of Corrections' electrical program, receive a passing grade on the journeyman's examination and complete 2,000 hours of experience. [2007, c. 398, §2 (AMD).]

[2009, c. 112, Pt. A, §5 (AMD) .]

2. Apprentice or helper. The board may issue a license upon payment of the fee as set under section 1203-A to any person who applies for a license, without examination. Any such person employed by an electrician as an apprentice for the purpose of qualifying for any license mentioned in section 1203, or as an electrician's helper, must apply for a license as such immediately after commencing that employment or immediately after starting school in an electrical course.

[2007, c. 402, Pt. I, §13 (AMD) .]

3. License displayed. All persons licensed by the board are entitled to receive a license, which must be publicly displayed at the principal place of business of the electrician or, if no such place of business, must be carried on the person and displayed at any time upon request, as long as that person continues in the business as defined.

[2007, c. 402, Pt. I, §14 (AMD) .]

4. Inactive status licenses. 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 may apply for an inactive status license pursuant to Title 10, section 8003, subsection 5-A, paragraph D, subparagraph 5. The fee for inactive status licensure is set under section 1203-A. During inactive status the licensee must renew the license biennially and pay the renewal fee as set under section 1203-A, but is not required to meet the education provisions under the rules of the board.

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.

[2007, c. 402, Pt. I, §15 (AMD) .]

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.

[1995, c. 325, §15 (NEW) .]

SECTION HISTORY

1967, c. 69, §7 (AMD). 1969, c. 267, §3 (AMD). 1973, c. 363, (RPR). 1975, c. 374, §2 (AMD). 1975, c. 767, §37 (AMD). 1977, c. 295, §2 (AMD). 1979, c. 278, (AMD). 1981, c. 383, §5 (RPR). 1981, c. 470, §A152 (AMD). 1981, c. 577, §10 (AMD). 1981, c. 670, (AMD). 1983, c. 553, §28 (AMD). 1985, c. 695, §18 (AMD). 1985, c. 734, (AMD). 1987, c. 395, §B7 (AMD). 1987, c. 402, §A168 (AMD). 1987, c. 735, §§54,55 (AMD). 1987, c. 769, §A120 (AMD). 1989, c. 125, §§1,2 (AMD). 1989, c. 443, §§83-85 (AMD). 1989, c. 483, §A50 (AMD). 1989, c. 878, §§A91,92 (AMD). RR 1991, c. 2, §117 (COR). 1991, c. 531, §11 (AMD). 1991, c. 714, §9 (AMD). 1993, c. 349, §67 (AMD). 1995, c. 325, §§12-15 (AMD). 1999, c. 386, §§F14,15 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2007, c. 398, §§1, 2 (AMD). 2007, c. 402, Pt. I, §§12-15 (AMD). 2007, c. 695, Pt. A, §36 (AMD). 2009, c. 112, Pt. A, §5 (AMD).

32 §1203. EXAMINATIONS

Applicants for licensure must present to the board a written application for examination and license containing such information as the board may require. [1999, c. 386, Pt. F, §16 (RPR).]

1. [1999, c. 386, Pt. F, §16 (RP) .]
2. [1999, c. 386, Pt. F, §16 (RP) .]
3. [1999, c. 386, Pt. F, §16 (RP) .]

SECTION HISTORY

1965, c. 385, §8 (RPR). 1967, c. 69, §8 (AMD). 1973, c. 363, (RPR). 1973, c. 725, §4 (AMD). 1975, c. 767, §38 (AMD). 1981, c. 577, §11 (AMD). 1983, c. 204, §3 (AMD). 1983, c. 553, §29 (AMD). 1987, c. 395, §B8 (AMD). 1987, c. 735, §56 (AMD). 1993, c. 659, §A3 (AMD). 1995, c. 325, §16 (AMD). 1997, c. 210, §5 (AMD). 1999, c. 386, §F16 (RPR).

32 §1203-A. FEES

The Director of the Office of Licensing and Registration within the Department of Professional and Financial Regulation may establish by rule fees for application, examination, licensure, renewal and other purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose other than permit and inspection fees may not exceed \$150 biennially. Rules adopted pursuant to the section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. [2001, c. 323, §18 (AMD).]

1. **Application fee.** [2001, c. 323, §18 (RP) .]
2. **Examination fee.** [2001, c. 323, §18 (RP) .]
3. **Licensure fee.** [2001, c. 323, §18 (RP) .]

SECTION HISTORY

1999, c. 386, §F17 (NEW). 2001, c. 323, §18 (AMD).

32 §1204. RENEWALS

All licenses may be renewed without further examination, upon the payment of the renewal fee as set under section 1203-A 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. [2007, c. 402, Pt. I, §16 (AMD).]

A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee in addition to the renewal fee as set under section 1203-A. Any person who submits an application for renewal more than 90 days after the license expiration date shall pay an additional late fee as set under section 1203-A and is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination or other requirements. Notwithstanding any other provision of this chapter, the board shall waive examination if a renewal application is received within 90 days after separation from the United States Armed Forces, under conditions other than dishonorable, by a person who has failed to renew that person's license because that person was on active duty in the Armed Forces; except that the waiver of examination may not be granted if the person served more than 4 years in the Armed Forces, except if the person is required by some mandatory provision to serve a longer period and the person submits satisfactory evidence of this mandatory provision to the board. [2007, c. 402, Pt. I, §16 (AMD).]

SECTION HISTORY

1965, c. 385, §9 (RPR). 1967, c. 69, §9 (AMD). 1969, c. 231, §2 (AMD). 1973, c. 363, (RPR). 1975, c. 767, §39 (AMD). 1983, c. 413, §39 (RPR). 1985, c. 551, (AMD). 1987, c. 395, §B9 (AMD). 1987, c. 735, §57 (AMD). 1991, c. 531, §12 (AMD). 1995, c. 325, §17 (AMD). 2007, c. 402, Pt. I, §16 (AMD).

32 §1205. CORPORATIONS AND PARTNERSHIPS (REPEALED)

SECTION HISTORY

1973, c. 363, (RP).

32 §1206. RECIPROCITY

The board shall issue a license to any person who files a sworn application, who is licensed under the laws of another state or territory of the United States and who has been licensed and actively engaged in an electrician's work for a minimum of 6 years, as long as that state or territory has licensing standards and experience requirements at least equivalent to this State's and as long as that state or territory grants similar privileges to persons licensed under this chapter. Reciprocal licenses may not be denied on the basis of current residency. [1993, c. 636, §2 (NEW).]

Notwithstanding other provisions of this section, the board, upon receiving an application for a reciprocal license, may waive the 576 hours of study required for a journeyman or master license pursuant to section 1202. The board may require the applicant to submit such written evidence, verified by oath, as it determines necessary to support the application. [1993, c. 636, §2 (NEW).]

SECTION HISTORY
1993, c. 636, §2 (NEW).

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An Act To Exempt Persons Performing Simple Electrical Repairs from Licensing Requirements

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

Sec. 1. 32 MRSA §1102-A, sub-§10, as amended by PL 2003, c. 551, §1, is further amended to read:

10. Pump installers. A person licensed under chapter 69-C, except that this exception applies only to disconnection and connection of electrical conductors required in the replacement of water pumps of the same or smaller size in residential properties and the installation of new water pumps and associated equipment of 3 horsepower or smaller; ~~or~~

Sec. 2. 32 MRSA §1102-A, sub-§11, as enacted by PL 2003, c. 551, §2, is amended to read:

11. Wastewater treatment plants. Wastewater treatment plants, as defined in section 4171, and regular employees of wastewater treatment plants making electrical installations in or about wastewater treatment plants; or

Sec. 3. 32 MRSA §1102-A, sub-§12 is enacted to read:

12. Incidental work. Regular employees of an owner or a lessee of real property doing incidental electrical work on that property or incidental electrical work by a person whose occupation involves miscellaneous jobs of manual labor. For purposes of this subsection, "incidental electrical work" means minor electrical work, limited to light fixtures and switches, that occurs by chance and that does not require electrical installation calculations.

Effective 90 days following adjournment of the 125th Legislature, First Regular Session, unless otherwise indicated.

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An Act To Clarify the Exemption of Lineworkers from Maine Electrician Licensing Laws

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, in the fall of 2010, the Electricians' Examining Board issued a preliminary determination that would require licensure under the laws governing electrician licensing for lineworkers employed by electricity generators and contractors performing line work on behalf of public utilities and electricity generators; and

Whereas, electrician licensing is intended to cover indoor electrical work governed by the National Electrical Code, whereas outdoor and related line work performed by public utilities, electricity generators and their contractors is governed by the National Electrical Safety Code and is unrelated to electrician licensing; and

Whereas, the actions of the Electricians' Examining Board to require electrician licensure of lineworkers would substantially interfere with the ability of public utilities, electricity generators and their contractors to safely and cost-effectively install electric lines subject to the National Electrical Safety Code, including lines for large transmission and distribution projects currently under construction in this State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA §1101, sub-§7, as enacted by PL 1997, c. 119, §1, is repealed.

Sec. 2. 32 MRSA §1101, sub-§8, as enacted by PL 1999, c. 386, Pt. F, §1, is repealed and the following enacted in its place:

8. Utility corporation. "Utility corporation" means a utility that is not a public utility, as defined in Title 35-A, section 102, or a person, firm or corporation subject to the jurisdiction of the Federal Communications Commission.

Sec. 3. 32 MRSA §1102, sub-§1-A, as amended by PL 1999, c. 657, §13, is repealed and the following enacted in its place:

1-A. Public utility. An entity subject to the jurisdiction of the Public Utilities Commission, the Federal Energy Regulatory Commission or the Federal Communications Commission, including all employees of such an entity, but only to the extent the entity or its employees are making electrical installations in furtherance of providing its authorized service or

activities incidental to that authorized service. This exception does not apply to:

A. Installations, other than installation of a meter, inside a customer's building;

B. Installations of mobile home service equipment; and

C. Installations at any business office of a utility corporation that is not physically located adjacent to the utility's generation or transmission and distribution plant;

Sec. 4. 32 MRSA §1102, sub-§1-B is enacted to read:

1-B. Aboveground electric lines. Electrical work in connection with the construction, installation, operation, repair or maintenance of any aboveground electric line capable of operating at one kilovolt or more.

Sec. 5. 32 MRSA §1102, sub-§1-C is enacted to read:

1-C. Contractor. An entity, including all employees of such an entity, to the extent the entity has contracted with a public utility, as described in this section, to perform services for the public utility, but only to the extent the public utility would be exempt from this chapter if it were performing the services directly through its employees; or

Sec. 6. 32 MRSA §1102, sub-§2, as amended by PL 1999, c. 386, Pt. F, §2, is repealed.

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

B. The electrical work and equipment employed in connection with the construction, installation, operation, repair or maintenance of any utility by a public utility corporation, or by a contractor working on behalf of a public utility as set forth in section 1102, subsection 1-C, in rendering its authorized service or in any way incidental thereto;

Sec. 8. 32 MRSA §1102-B, sub-§5, ¶B-1 is enacted to read:

B-1. The electrical work and equipment employed in connection with an aboveground electric line described in section 1102, subsection 1-B;

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective 90 days following adjournment of the 125th Legislature, First Regular Session, unless otherwise indicated.

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An Act To Repeal the Requirement That Electrical Companies Be Licensed

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

Sec. 1. 32 MRSA §1101, sub-§1-A, as enacted by PL 1995, c. 325, §1, is amended 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 §1202, sub-§5, as enacted by PL 1995, c. 325, §15, is repealed.

Effective 90 days following adjournment of the 125th Legislature, First Regular Session, unless otherwise indicated.

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Update Professional and Occupational Licensing Statutes
Be it enacted by the People of the State of Maine as follows:

PART F

Sec. F-1. 32 MRSA §1101, sub-§1-A, as enacted by PL 1995, c. 325, §1, is amended 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. F-2. 32 MRSA §1101, sub-§3-A, as amended by PL 1995, c. 325, §3, is further amended to read:

3-A. Journeyman-in-training electrician. "Journeyman-in-training electrician" means a person making electrical installations in the employment of a master electrician, limited electrician or electrical company and under the indirect supervision of a ~~journeyman~~, limited or master electrician.

Sec. F-3. 32 MRSA §1101, sub-§4, as amended by PL 1995, c. 325, §4, is further amended to read:

4. Journeyman electrician. "Journeyman electrician" means a person making electrical installations in the employment and under the indirect supervision of a master electrician, limited electrician or electrical company.

Sec. F-4. 32 MRSA §1101, sub-§4-A, as amended by PL 2007, c. 402, Pt. I, §2, is further amended to read:

4-A. Supervision. One apprentice electrician or one helper electrician may work with and under the direct supervision of each master electrician, limited electrician or journeyman electrician. A master electrician who teaches an electrical course at a Maine career and technical education center, a Maine career and technical education region, a Maine community college or an apprenticeship program registered by the Department of Labor may have a maximum of 12 helper or apprentice electricians under direct supervision while making electrical installations that are a part of the instructional program of the school or apprenticeship program, as long as the total value of each installation does not exceed \$5,000. An electrical installation may not be

commenced pursuant to this subsection without the prior approval of the director or president of the school or apprenticeship program 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; and

B. Nonprofit organizations.

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, must be notified of all installation projects entered into pursuant to this subsection prior to the commencement of the project. There 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. F-5. 32 MRSA §1102-A, as amended by PL 2009, c. 344, Pt. D, §§7 and 8 and affected by Pt. E, §2, is repealed.

Sec. F-6. 32 MRSA §1102-B, sub-§1, as enacted by PL 1981, c. 432, §2, is amended to read:

1. Permits required. Except as otherwise provided in this section, no electrical equipment may be installed or altered unless the person making the installation first obtains a permit from the ~~Electrician's Examining Board~~board.

Sec. F-7. 32 MRSA §1102-B, sub-§2, as amended by PL 2001, c. 323, §17, is further amended to read:

2. Application procedure. An application for a permit must be made in a form ~~prescribed~~provided by the board together with any plans, specifications or schedules the board may require. If the board determines that the installation or alteration planned is in compliance with all applicable statutes, ordinances and rules, it shall issue a permit, ~~provided that~~if the fee required under subsection 4 has been paid.

Sec. F-8. 32 MRSA §1102-B, sub-§3, as amended by PL 1999, c. 386, Pt. F, §9, is further amended to read:

3. Inspection required. ~~When the installation or alteration is completed, the person~~An inspection is required before the electrical wiring is enclosed by the building construction. The electrician making the installation or alteration shall notify the state electrical inspector when the installation is ready for inspection. The inspector shall inspect the installation within a reasonable time so as not to cause undue delay in the progress of the construction contract or installation. The inspector shall determine whether the installation complies with all applicable statutes, ordinances and rules. If the inspector determines that the installation does not so comply, the procedures set forth in section 1104 apply. Any utility corporation must require proof of permit prior to connecting power to the installation.

Sec. F-9. 32 MRSA §1104-A, as amended by PL 1991, c. 531, §8, is further amended to read:

§ 1104-A. Failure to comply with order of inspector

If the owner or occupant of any building or the electrician who performed the work neglects or refuses without justification for more than 10 days to comply with any order of a state electrical inspector concerning electrical installations as provided in this chapter, that person commits a civil violation for which a ~~forfeiture~~fine of not less than \$100 for each day's neglect may be adjudged.

Sec. F-10. 32 MRSA §1105, sub-§4, as enacted by PL 2003, c. 452, Pt. R, §3 and affected by Pt. X, §2, is amended to read:

4. Exception. Subsection 1 does not apply to a person, firm or corporation or work excepted under section 1102 or ~~H02-A~~1201-A.

Sec. F-11. 32 MRSA §1201, as amended by PL 1995, c. 325, §11, is further amended to read:

§ 1201. License required

~~No~~An electrical ~~installations~~installation may not be made unless by an electrician or other person licensed by the board except as provided in this chapter. ~~No~~A person may not perform any electrical installations on behalf of an electrical company unless the company is licensed as provided in ~~this chapter~~section 1202, subsection 5.

Sec. F-12. 32 MRSA §1201-A is enacted to read:

§ 1201-A. Exceptions to licensing requirements

All electrical installations must comply with the National Electrical Code that is in effect at the time of the installation. The licensing provisions of this chapter do not apply to the entities, persons and licensees enumerated in this section:

1. Industrial plants. Industrial plants and regular employees of industrial plants making electrical installations in or about the industrial plant;

2. Other properties of industrial and manufacturing plants. Other properties of industrial and manufacturing plants and regular employees of other properties of industrial or manufacturing plants making electrical installations in, on or about other properties, equipment or buildings, residential or of any other kind, owned or controlled by the operators of industrial or manufacturing plants, as long as such work is done under the supervision of an electrical engineer in the employ of the operator;

3. Manufacturing plants. Manufacturing plants and regular employees of manufacturing plants making electrical installations in the manufacture, testing or repair of electrical equipment in the manufacturing plant;

4. Low-energy installers. Individuals or employees installing telephone, telegraph, cable and closed-circuit television, data communication and sound equipment;

5. Certain laboratories. A person making an installation in a suitable laboratory of

exposed electrical wiring for experimental purposes only;

6. Elevator mechanics. A person licensed under chapter 133 subject to the restrictions of the license as issued;

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

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

9. Plumbers. A person licensed under chapter 49, except that this exemption applies only to disconnection and connection of electrical conductors required in the replacement of water pumps and water heaters of the same or smaller size in residential properties;

10. Pump installers. A person licensed under chapter 69-C, except that this exception applies only to disconnection and connection of electrical conductors required in the replacement of water pumps of the same or smaller size in residential properties and the installation of new water pumps and associated equipment of 3 horsepower or smaller; or

11. Wastewater treatment plants. Wastewater treatment plants, as defined in section 4171, and regular employees of wastewater treatment plants making electrical installations in or about wastewater treatment plants.

Sec. F-13. 32 MRSA §1202, sub-§2, as amended by PL 2007, c. 402, Pt. I, §13, is further amended to read:

2. Apprentice or helper. The board may issue a license upon payment of the fee as set under section 1203-A to any person who applies for a license, without examination. Any such person employed by an electrician as an apprentice for the purpose of qualifying for any license mentioned in section 1203, or as an electrician's helper, must apply for a license ~~as such~~ immediately within 10 days after commencing that employment or ~~immediately after~~ starting school in an electrical course.

Sec. F-14. 32 MRSA §1202, sub-§5, as enacted by PL 1995, c. 325, §15, is amended 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 an employee or officer of the company holding a current master or limited electrician license~~electrician licensee~~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.

Effective 90 days following adjournment of the 125th Legislature, First Regular Session, unless otherwise indicated.

MRS Title 10, Chapter 901: DEPARTMENT OF BUSINESS REGULATION

10 §8001. DEPARTMENT; ORGANIZATION

There is created and established the Department of Professional and Financial Regulation, in this chapter referred to as the "department," to regulate financial institutions, insurance companies, grantors of consumer credit and to license and regulate professions and occupations. The mission of the department is to encourage sound, ethical business practices through high-quality, impartial and efficient regulation of insurers, financial institutions, creditors, investment providers and numerous professions and occupations for the purpose of protecting consumers. The department is composed of the following: [1999, c. 687, Pt. C, §1 (AMD).]

1. Bureau of Financial Institutions. Bureau of Financial Institutions;

[2001, c. 44, §14 (AFF); 2001, c. 44, §9 (AMD) .]

2. Bureau of Consumer Credit Protection. Bureau of Consumer Credit Protection;

[1995, c. 309, §26 (AMD); 1995, c. 309, §29 (AFF); 1995, c. 397, §4 (AMD); 2007, c. 273, Pt. B, §5 (REV); 2007, c. 695, Pt. A, §47 (AFF) .]

3. Bureau of Insurance. Bureau of Insurance; [1995, c. 397, §4 (AMD) .]

3-A. Office of Securities. Office of Securities; and [2001, c. 182, §5 (NEW) .]

4. Maine Athletic Commission. [1995, c. 397, §5 (RP) .]

5. Maine State Pilotage Commission. [1995, c. 397, §5 (RP) .]

6. Real Estate Commission. [1995, c. 397, §5 (RP) .]

7. Arborist Examining Board. [1995, c. 397, §5 (RP) .]

8. Board of Licensing of Auctioneers. [1995, c. 397, §5 (RP) .]

9. Board of Barbering and Cosmetology. [1995, c. 397, §5 (RP) .]

10. Board of Commercial Driver Education. [1995, c. 397, §5 (RP) .]

10. Board of Driver Education. [1995, c. 505, §22 (AFF); 1995, c. 505, §4 (RP) .]

11. Board of Licensing of Dietetic Practice. [1995, c. 397, §5 (RP) .]

12. Electricians' Examining Board. [1995, c. 397, §5 (RP) .]

13. State Board of Licensure for Professional Foresters. [1995, c. 397, §5 (RP)

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14. **State Board of Funeral Service.** [1995, c. 397, §5 (RP) .]
15. **State Board of Certification for Geologists and Soil Scientists.** [1995, c. 397, §5 (RP) .]
16. **Board of Hearing Aid Dealers and Fitters.** [1995, c. 397, §5 (RP) .]
17. **Manufactured Housing Board.** [1995, c. 397, §5 (RP) .]
18. **Nursing Home Administrators Licensing Board.** [1995, c. 397, §5 (RP) .]
19. **Board of Occupational Therapy Practice.** [1995, c. 397, §5 (RP) .]
20. **Oil and Solid Fuel Board.** [1995, c. 397, §5 (RP) .]
21. **Board of Examiners in Physical Therapy.** [1995, c. 397, §5 (RP) .]
22. **Plumbers' Examining Board.** [1995, c. 397, §5 (RP) .]
- 22-A. **Board of Licensure of Podiatric Medicine.** [1995, c. 397, §6 (RP) .]
23. **State Board of Examiners of Psychologists.** [1995, c. 397, §7 (RP) .]
24. **Radiologic Technology Board of Examiners.** [1995, c. 397, §7 (RP) .]
25. **Board of Respiratory Care Practitioners.** [1995, c. 397, §7 (RP) .]
26. **State Board of Social Worker Licensure.** [1995, c. 397, §7 (RP) .]
27. **Board of Examiners on Speech Pathology and Audiology.** [1995, c. 397, §7 (RP) .]
28. **State Board of Substance Abuse Counselors.** [1995, c. 397, §7 (RP) .]
29. **State Board of Veterinary Medicine.** [1995, c. 397, §7 (RP) .]
30. **Acupuncture Licensing Board.** [1995, c. 397, §7 (RP) .]
31. **Board of Commissioners of the Profession of Pharmacy.** [1995, c. 397, §7 (RP) .]
32. **Board of Licensure for Professional Land Surveyors.** [1995, c. 397, §7 (RP).]
- 32-A. **Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers.** [1995, c. 397, §8 (RP) .]
33. **Board of Chiropractic Licensure.** [1995, c. 397, §9 (RP) .]

34. Board of Licensure of Railroad Personnel. [1993, c. 428, §2 (RP) .]

35. Board of Counseling Professionals Licensure. [1995, c. 625, Pt. A, §17 (RP).]

36. Board of Real Estate Appraisers. [1995, c. 625, Pt. A, §17 (RP) .]

37. Real Estate Commission. [1995, c. 502, Pt. H, §7 (RP) .]

38. Office of Licensing and Registration. The Office of Licensing and Registration also administers the following regulatory functions: licensure of athletic trainers; licensure of massage therapists; licensure of interpreters for the deaf and hard-of-hearing; licensure of persons pursuant to the Charitable Solicitations Act; licensure of transient sellers, including door-to-door home repair transient sellers; and licensure of persons pursuant to the Barbering and Cosmetology Licensure Act.

Office of Licensing and Registration. The Office of Licensing and Registration is composed of the following:

A. Board of Accountancy; [1995, c. 397, §11 (NEW).]

D. Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers; [1995, c. 397, §11 (NEW).]

E. Maine Athletic Commission; [1995, c. 397, §11 (NEW).]

F. Board of Licensing of Auctioneers; [1995, c. 397, §11 (NEW).]

G. [2009, c. 369, Pt. A, §22 (RP).]

H. Board of Chiropractic Licensure; [1995, c. 397, §11 (NEW).]

H-1. Board of Complementary Health Care Providers; [1995, c. 671, §7 (NEW).]

I. Board of Driver Education; [1995, c. 397, §11 (NEW); 1995, c. 402, Pt. A, §47 (AMD).]

J. Board of Counseling Professionals Licensure; [1995, c. 397, §11 (NEW).]

K. Board of Licensing of Dietetic Practice; [1995, c. 397, §11 (NEW).]

L. Electricians' Examining Board; [1995, c. 397, §11 (NEW).]

M. Board of Licensure of Foresters; [1995, c. 397, §11 (NEW); 2001, c. 261, §5 (AMD).]

N. State Board of Funeral Service; [1995, c. 397, §11 (NEW).]

O. State Board of Certification for Geologists and Soil Scientists; [1995, c. 397, §11 (NEW).]

P. [2007, c. 369, Pt. B, §2 (RP); 2007, c. 369, Pt. C, §5 (AFF).]

Q. Board of Licensure for Professional Land Surveyors; [1995, c. 397, §11 (NEW).]

R. Manufactured Housing Board; [1995, c. 397, §11 (NEW).]

S. Nursing Home Administrators Licensing Board; [1995, c. 397, §11 (NEW).]

T. Board of Occupational Therapy Practice; [1995, c. 397, §11 (NEW).]

- U. [2009, c. 344, Pt. B, §1 (RP); 2009, c. 344, Pt. E, §2 (AFF).]
- V. Maine Board of Pharmacy; [1995, c. 397, §11 (NEW); 1997, c. 245, §19 (AMD).]
- W. Board of Examiners in Physical Therapy; [1995, c. 397, §11 (NEW).]
- Y. Plumbers' Examining Board; [1995, c. 397, §11 (NEW).]
- Z. Board of Licensure of Podiatric Medicine; [1995, c. 397, §11 (NEW).]
- AA. State Board of Examiners of Psychologists; [1995, c. 397, §11 (NEW).]
- BB. Radiologic Technology Board of Examiners; [1995, c. 397, §11 (NEW).]
- CC. Board of Real Estate Appraisers; [1995, c. 397, §11 (NEW).]
- DD. Board of Respiratory Care Practitioners; [1995, c. 397, §11 (NEW).]
- EE. State Board of Social Worker Licensure; [1995, c. 397, §11 (NEW).]
- FF. [2007, c. 369, Pt. B, §3 (RP); 2007, c. 369, Pt. C, §5 (AFF).]
- GG. State Board of Alcohol and Drug Counselors; [1995, c. 502, Pt. H, §8 (AMD).]
- HH. State Board of Veterinary Medicine; [1995, c. 502, Pt. H, §8 (AMD).]
- II. [2009, c. 344, Pt. B, §2 (RP); 2009, c. 344, Pt. E, §2 (AFF).]
- JJ. Real Estate Commission; [1995, c. 560, Pt. H, §17 (AFF); 1995, c. 560, Pt. H, §3 (AMD).]
- KK. Board of Boiler Rules; [2007, c. 369, Pt. B, §4 (AMD); 2007, c. 369, Pt. C, §5 (AFF).]
- LL. Board of Elevator and Tramway Safety; [2009, c. 344, Pt. B, §3 (AMD); 2009, c. 344, Pt. E, §2 (AFF).]
- MM. Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting; and [2009, c. 344, Pt. B, §4 (AMD); 2009, c. 344, Pt. E, §2 (AFF).]
- NN. Maine Fuel Board. [2009, c. 344, Pt. B, §5 (NEW); 2009, c. 344, Pt. E, §2 (AFF).]

[2009, c. 344, Pt. B, §§1-5 (AMD); 2009, c. 344, Pt. E, §2 (AFF); 2009, c. 369, Pt. A, §22 (AMD) .]

SECTION HISTORY

1971, c. 488, §§1,3 (NEW). 1973, c. 537, §15 (RP). 1973, c. 585, §4 (RPR). 1973, c. 788, §43 (RPR). 1975, c. 134, §4 (AMD). 1975, c. 547, §4 (AMD). 1975, c. 579, §1 (AMD). 1975, c. 767, §9 (RPR). 1975, c. 770, §58 (AMD). 1975, c. 771, §122 (AMD). 1977, c. 78, §36 (RPR). 1977, c. 160, §2 (AMD). 1977, c. 466, §1 (AMD). 1977, c. 673, §1 (AMD). 1979, c. 606, §2 (AMD). 1981, c. 501, §37 (AMD). 1981, c. 703, §A2 (AMD). 1983, c. 553, §11 (AMD). 1983, c. 746, §1 (AMD). 1983, c. 758, §1 (AMD). 1985, c. 233, §2 (RPR). 1985, c. 288, §2 (RPR). 1985, c. 389, §6 (RPR). 1985, c. 737, §A21 (RPR). 1985, c. 748, §15 (RPR). 1985, c. 819, §§A15,16 (AMD). 1987, c. 395, §A34 (RPR). 1987, c. 488, §2 (RPR). 1989, c. 450, §4 (RPR). 1989, c. 465, §2 (RPR). 1989, c. 502, §A31 (RPR). 1989, c. 806, §2 (RPR). 1989, c. 878, §D6 (RPR). 1991, c. 396, §1 (AMD). 1991, c. 397, §3 (AMD). 1991, c. 548, §B1 (RPR). 1993, c. 389, §3 (AMD). 1993, c. 428, §2 (AMD). 1993, c. 600, §§A6,7 (AMD). 1995, c. 309, §26 (AMD). 1995, c. 309, §29 (AFF). 1995, c. 389, §§2,3 (AMD). 1995, c. 397, §§3-11 (AMD). 1995, c. 402, §§A3,47 (AMD). 1995, c. 502, §§H6-8 (AMD). 1995, c. 505, §22 (AFF). 1995, c. 505, §4 (AMD). 1995, c. 560, §§H3,4 (AMD). 1995, c. 560, §H17 (AFF). 1995, c. 625, §A17 (AMD). 1995, c. 671, §§6,7 (AMD). 1997, c. 727, §C1 (AMD). 1997, c. 749, §2 (AMD). 1999, c. 386, §B1 (AMD). 1999, c. 399, §2

(AMD). 1999, c. 399, §20 (AFF). 1999, c. 687, §C1 (AMD). 2001, c. 44, §14 (AFF). 2001, c. 44, §9 (AMD). 2001, c. 182, §5 (AMD). 2001, c. 261, §5 (AMD). 2007, c. 273, Pt. B, §5 (REV). 2007, c. 273, Pt. B, §7 (AFF). 2007, c. 369, Pt. B, §§2-6 (AMD). 2007, c. 369, Pt. C, §5 (AFF). 2007, c. 402, Pt. C, §1 (AMD). 2007, c. 695, Pt. A, §47 (AFF). 2009, c. 344, Pt. B, §§1-5 (AMD). 2009, c. 344, Pt. E, §2 (AFF). 2009, c. 369, Pt. A, §22 (AMD).

10 §8001-A. DEPARTMENT; AFFILIATION

The following boards and commissions are affiliated with the Department of Professional and Financial Regulation: [1989, c. 450, §5 (NEW).]

1. State Board of Registration of Architects and Landscape Architects. [1991, c. 396, §2 (RP) .]

2. State Board of Cosmetology. [1991, c. 397, §4 (RP) .]

3. Board of Dental Examiners. Dental Examiners, Board of; [1989, c. 450, §5 (NEW) .]

4. Board of Licensure in Medicine. Medicine, Board of Licensure in; [1993, c. 600, Pt. A, §8 (AMD) .]

5. State Board of Nursing. Nursing, State Board of; [1989, c. 450, §5 (NEW) .]

6. Board of Optometric Examiners. Optometric Examiners, Board of; [1989, c. 450, §5 (NEW) .]

7. Board of Osteopathic Licensure. Osteopathic Licensure, Board of; [1993, c. 600, Pt. A, §9 (AMD) .]

8. Board of Examiners of Podiatrists. [1993, c. 600, Pt. A, §10 (RP) .]

9. Board of Registration for Professional Engineers. Professional Engineers, Board of Registration for. [1989, c. 450, §5 (NEW) .]

SECTION HISTORY

1989, c. 450, §5 (NEW). 1991, c. 396, §2 (AMD). 1991, c. 397, §4 (AMD). 1993, c. 600, §§A8,10 (AMD).

10 §8002. DUTIES AND AUTHORITY OF COMMISSIONER

The Commissioner of Professional and Financial Regulation, referred to in this chapter as the "commissioner," is the chief administrative officer of the department and is responsible for supervising the administration of the department. The commissioner is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, and to confirmation by the Legislature. In making the appointment under this paragraph, the Governor shall appoint one of the following officials as commissioner, who shall also continue to act as a superintendent or director, as the case may be: the Superintendent of Financial Institutions, the Superintendent of Consumer Credit Protection, the Superintendent of Insurance or the Director of the Office of Licensing and Registration. The commissioner

serves at the pleasure of the Governor. Unless otherwise provided in law, the commissioner may not exercise or interfere with the exercise of discretionary regulatory authority granted by statute to the bureaus, offices, boards or commissions within and affiliated with the department. As chief administrative officer of the department, the commissioner has the following duties and authority to: [2007, c. 539, Pt. T, §1 (AMD).]

1. Budget. Prepare the budget for the department;

[1975, c. 767, §9 (RPR) .]

2. Personnel. Except as otherwise specified, appoint and remove, subject to the Civil Service Law, all personnel considered necessary to fulfill the duties and functions of the department; appoint an assistant to the commissioner to serve at the commissioner's pleasure; and transfer personnel within the department to ensure efficient utilization of department personnel;

[1995, c. 502, Pt. H, §9 (AMD) .]

3. Purchases. Coordinate the purchase and use of all equipment and supplies within the department;

[1995, c. 502, Pt. H, §9 (AMD) .]

4. Review. Review the organization, functions and operation of bureaus, offices, boards and commissions within and affiliated with the department to ensure that overlapping functions and operations are eliminated and that each complies fully with its statutory and public service responsibilities;

[1995, c. 502, Pt. H, §9 (AMD) .]

5. Liaison. Act as a liaison among the bureaus, offices, boards and commissions within and affiliated with the department and act as liaison between them and the Governor;

[1995, c. 502, Pt. H, §9 (AMD) .]

6. Recommendations. Recommend to the Governor and Legislature those changes in the laws relating to the organization, functions, services or procedures of the bureaus, offices, boards and commissions of the department as the commissioner determines desirable;

[1995, c. 502, Pt. H, §9 (NEW) .]

7. Delegate authority. Authorize the heads of bureaus, offices, boards and commissions within the department to carry out the commissioner's duties and authority;

[1997, c. 727, Pt. A, §4 (AMD) .]

8. Adequate resources. Ensure that each bureau, office, board and commission has adequate resources to carry out regulatory functions and that the department's

expenditures are equitably apportioned;

[1999, c. 184, §12 (AMD) .]

9. Licensing. Coordinate all administrative processes related to licensing functions of bureaus, offices, boards and commissions within the department, including but not limited to the frequency and form of applications and licenses;

[2007, c. 466, Pt. C, §3 (AMD) .]

10. Confidentiality of shared information. Keep confidential any information provided by or to the commissioner that has been designated confidential by the agency, bureau, board or commission within or affiliated with the department that furnished the information and that is the property of the agency, bureau, board or commission that furnished the information. Any information provided pursuant to this subsection may not be disclosed by the recipient of the information unless disclosure has been authorized by the agency, bureau, board or commission that furnished the information; and

[2007, c. 466, Pt. C, §4 (AMD) .]

11. Report on fees. By December 1st of each even-numbered year, conduct a review of the fees assessed by the department and provide a written report to the State Budget Officer and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs, insurance and financial services matters and business, research and economic development matters identifying any fee changes the commissioner recommends for the next biennium.

[2007, c. 466, Pt. C, §5 (NEW) .]

SECTION HISTORY

1973, c. 585, §4 (RPR). 1975, c. 134, §5 (AMD). 1975, c. 579, §2 (AMD). 1975, c. 767, §9 (RPR). 1975, c. 770, §59 (AMD). 1977, c. 78, §37 (AMD). 1977, c. 564, §49 (AMD). 1983, c. 489, §7 (AMD). 1983, c. 553, §12 (AMD). 1985, c. 748, §§16,17 (AMD). 1993, c. 659, §B1 (AMD). 1995, c. 502, §H9 (AMD). 1997, c. 727, §§A3-5 (AMD). 1999, c. 184, §§12-14 (AMD). 1999, c. 687, §§C2-4 (AMD). 2007, c. 466, Pt. C, §§3-5 (AMD). 2007, c. 539, Pt. T, §1 (AMD).

10 §8003. DEPARTMENTAL ORGANIZATION; DUTIES

1. Division of Administrative Services. There is created a Division of Administrative Services, which is a division within the department under the commissioner's office, to provide assistance to the commissioner and to the agencies within and affiliated with the department in civil service matters, budgeting and financial matters, purchasing, and clerical and support services, and to perform other duties the commissioner designates. The commissioner may employ a Director of Administrative Services and clerical and technical assistants necessary to discharge the duties of the division and shall outline their duties and fix their compensation, subject to the Civil Service Law.

A. Within the Division of Administrative Services, there is a computer services

section. It is the responsibility of the computer services section to provide technical assistance to the Office of Licensing and Registration to process and issue original and renewal licenses for the department and for bureaus, offices, boards and commissions within the department as the commissioner directs. The licenses may be processed and issued only upon authorization of the appropriate bureau, office, board or commission or upon the authorization of the commissioner in the case of licenses granted directly by the department. The computer services section shall maintain a central register containing the name and address of each person or firm licensed by profession, occupation or industry and such other information as the commissioner may direct for administration, information or planning purposes. The commissioner, with the advice of the respective bureaus, offices, boards and commissions, may determine the type and form of licenses issued by all agencies within the department. The computer services section shall perform such other administrative services for the agencies within the department as the commissioner directs. [1995, c. 502, Pt. H, §10 (AMD).]

[1995, c. 502, Pt. H, §10 (AMD) .]

2. Office of Licensing and Registration.

[1999, c. 687, Pt. C, §5 (RP) .]

2-A. Office of Licensing and Registration. There is created an Office of Licensing and Registration, referred to in this subsection as the "office," composed of the boards, commissions and regulatory functions set forth in section 8001, subsection 38. The commissioner may appoint a Director of the Office of Licensing and Registration and those clerical and technical assistants who are necessary to discharge the duties of the office and shall outline their duties and fix their compensation, subject to the Civil Service Law. Notwithstanding any other provision of law granting authority to a board or commission, the Director of the Office of Licensing and Registration has the following superseding powers, duties and functions:

A. To administer the office and maximize and direct the use of personnel and financial resources to regulate professionals in the best interest of the public; [1999, c. 687, Pt. C, §6 (NEW).]

B. To prepare and administer, with the advice of the boards and commissions, budgets necessary to carry out the regulatory purposes of the boards and commissions. The Director of the Office of Licensing and Registration shall maintain one office budget that includes a separate account for each board or commission. The Director of the Office of Licensing and Registration has the authority to disapprove expenditures by boards and commissions that are not necessary to protect the public health and welfare or that would seriously jeopardize a board's or commission's fiscal well-being; [1999, c. 687, Pt. C, §6 (NEW).]

C. To provide all staffing necessary and appropriate to administer the office and carry out the statutory missions of the boards, commissions and regulatory functions. All clerks, technical support staff and supervisors must be assigned to the office and allocated by the director to perform functions on behalf of the various

boards, commissions and regulatory functions according to need; [1999, c. 687, Pt. C, §6 (NEW).]

D. To establish by rule and after reasonable notice to the affected board all fees necessary and appropriate for all boards, commissions and regulatory functions within the office, subject to any fee cap established by statute and applicable to that board, commission or regulatory function. The Director of the Office of Licensing and Registration shall set the criteria for all fees. The criteria must include, but are not limited to, the costs, statutory requirements, enforcement requirements and fees and expenses of each board, commission or regulatory function. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A; [2001, c. 323, §9 (AMD).]

E. To establish by rule, such processes and procedures necessary to administer the various boards, commissions and regulatory functions of the office, including, but not limited to, a uniform complaint procedure, a uniform procedure regarding protested checks, a uniform policy regarding the treatment of late renewals and a uniform procedure for substantiating continuing education requirements. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A; [1999, c. 687, Pt. C, §6 (NEW).]

F. To keep records of public meetings, proceedings and actions and to make those records available to the public at cost upon request, unless otherwise prohibited by state or federal law; [1999, c. 687, Pt. C, §6 (NEW).]

G. To enter into contracts to ensure the provision of goods and services necessary to perform regulatory functions and to fulfill statutory responsibilities. This authority includes the ability to employ and engage experts, professionals or other personnel of other state or federal regulatory agencies as necessary to assist the office in carrying out its regulatory functions and to contract office staff to other state and federal regulatory agencies to assist those agencies in carrying out their regulatory functions; [1999, c. 687, Pt. C, §6 (NEW).]

H. To perform licensing functions for other state agencies on a fee-for-service basis; [1999, c. 687, Pt. C, §6 (NEW).]

I. To enter into cooperative agreements with other state, federal or foreign regulatory agencies to facilitate the regulatory functions of the office, including, but not limited to, information sharing, coordination of examinations or inspections and joint examinations or inspections. Any information furnished pursuant to this paragraph by or to the office that has been designated confidential by the agency furnishing the information remains confidential and the property of the agency furnishing the information and may not be disclosed by the recipient of the information unless disclosure has been authorized by the agency that furnished the information; [1999, c. 687, Pt. C, §6 (NEW).]

J. To direct staff to review and approve applications for licensure or renewal in accordance with criteria established in statute or in rules adopted by a board or commission. Licensing decisions made by staff may be appealed to the full board or commission; [1999, c. 687, Pt. C, §6 (NEW).]

K. To prepare and submit to the commissioner an annual report of the office's

operations, activities and goals; and [1999, c. 687, Pt. C, §6 (NEW).]

L. To study jurisdictional overlap between the department's boards and commissions and other state agencies for purposes of streamlining and consolidating related legal authorities and administrative processes. [1999, c. 687, Pt. C, §6 (NEW).]

[2001, c. 323, §9 (AMD) .]

3. License defined. For purposes of this section, the term "license" means a license, certification, registration, permit, approval or other similar document evidencing admission to or granting authority to engage in a profession, occupation, business or industry but does not mean a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B.

[1991, c. 509, §1 (AMD) .]

4. Licensing periods; renewal dates. The commissioner may establish expiration or renewal dates and establish whether licenses are issued annually or biennially for all licenses authorized to be issued by bureaus, offices, boards and commissions within the department, notwithstanding any other provisions of law. If an expiration or renewal date established by the commissioner has the effect of shortening the term of a license currently in effect, the bureau, office, board or commission, or the department in the case of a license that it issues directly, shall credit the fee paid, on a prorated basis, for the unexpired term of the current license toward the renewal fee of the renewal license. If a license is not renewed on the new expiration or renewal date established by the commissioner, the license remains in effect through its original term, unless suspended or revoked sooner under laws or regulations of the respective bureau, office, board or commission. Should a licensee seek to renew the license at the end of the original term, the law or regulations established by the respective bureau, office, board or commission for late renewals or reregistrations apply. For the purpose of implementing and administering biennial licensing, the commissioner may permit bureaus, offices, boards and commissions within the department to issue licenses and establish renewal fees for less than a 2-year term. This section may not change the term or fee for one-time licenses, except as specifically stated.

[1999, c. 386, Pt. B, §3 (AMD) .]

4-A. Disclosure and recording of social security numbers. An individual who applies for a license shall provide that individual's social security number on the application, which must be recorded.

[1997, c. 537, §3 (NEW); 1997, c. 537, §62 (AFF) .]

5. Authority of bureaus, offices, boards or commissions. In addition to authority otherwise conferred, unless expressly precluded by language of denial in its own governing law, each bureau, office, licensing board and commission within or affiliated with the department may take one or more of the following actions, except that this

subsection does not apply to the Bureau of Financial Institutions or the Office of Licensing and Registration, including the licensing boards and commissions and regulatory functions within the Office of Licensing and Registration.

A. [1989, c. 450, §6 (RP).]

A-1. For each violation of applicable laws, rules or conditions of licensure or registration, the bureau, office, board or commission may take one or more of the following actions:

(1) Issue warnings, censures or reprimands to a licensee or registrant. Each warning, censure and reprimand issued must be based upon violations of different applicable laws, rules or conditions of licensure or must be based upon separate instances of actionable conduct or activity;

(2) Suspend a license or registration for up to 90 days for each violation of applicable laws, rules and conditions of licensure or registration or for instance of actionable conduct or activity. Suspensions may be set to run concurrently or consecutively. Execution of all or any portion of a term of suspension may be stayed pending successful completion of conditions of probation, although the suspension remains part of the licensee's or registrant's record;

(2-A) Revoke a license or registration;

(3) Impose civil penalties of up to \$1,500 for each violation of applicable laws, rules and conditions of licensure or registration or for instances of actionable conduct or activity; and

(4) Impose conditions of probation upon an applicant, licensee or registrant. Probation may run for such time period as the bureau, office, board or commission determines appropriate. Probation may include conditions such as: additional continuing education; medical, psychiatric or mental health consultations or evaluations; mandatory professional or occupational supervision of the applicant, licensee or registrant; and other conditions as the bureau, office, board or commission determines appropriate. Costs incurred in the performance of terms of probation are borne by the applicant, licensee or registrant. Failure to comply with the conditions of probation is a ground for disciplinary action against a licensee or registrant. [2001, c. 167, §1 (AMD).]

B. The bureau, office, board or commission may execute a consent agreement that resolves a complaint or investigation without further proceedings. Consent agreements may be entered into only with the consent of: the applicant, licensee or registrant; the bureau, office, board or commission; and the Department of the Attorney General. Any remedy, penalty or fine that is otherwise available by law, even if only in the jurisdiction of the Superior Court, may be achieved by consent agreement, including long-term suspension and permanent revocation of a professional or occupational license or registration. A consent agreement is not subject to review or appeal, and may be modified only by a writing executed by all parties to the original consent agreement. A consent agreement is enforceable by an action in Superior Court. [2001, c. 167, §1 (AMD).]

C. The bureau, office, board or commission may:

(1) Require all applicants for license or registration renewal to have responded under oath to all inquiries set forth on renewal forms;

(2) Except as provided in Title 37-B, section 390-A, require applicants for license or registration renewal to present proof of satisfactory completion of continuing professional or occupational education in accordance with each bureau's, office's, board's or commission's rules. Failure to comply with the continuing education rules may, in the bureau's, office's, board's or commission's discretion, result in a decision to deny license or registration renewal or may result in a decision to enter into a consent agreement and probation setting forth terms and conditions to correct the licensee's or registrant's failure to complete continuing education. Terms and conditions of a consent agreement may include requiring completion of increased hours of continuing education, civil penalties, suspension and other terms as the bureau, office, board, commission, the licensee or registrant and the Department of the Attorney General determine appropriate. Notwithstanding any contrary provision set forth in a bureau's, office's, board's or commission's governing law, continuing education requirements may coincide with the license or registration renewal period;

(3) Refuse to renew a license or registration or deny a license when the bureau, office, board or commission finds a licensee or registrant to be in noncompliance with a bureau, office, board or commission order or consent agreement;

(4) Allow licensees or registrants to hold inactive status licenses or registrations in accordance with each bureau's, office's, board's or commission's rules. The fee for an inactive license or registration may not exceed the statutory fee cap established for the bureau's, office's, board's or commission's license or registration renewal set forth in its governing law; or

(5) Delegate to staff the authority to review and approve applications for licensure pursuant to procedures and criteria established by rule. Rules developed pursuant to this subparagraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A. [2005, c. 111, §1 (AMD).]

D. The bureau, office, board or commission may require surrender of licenses and registrations. In order for a licensee's or registrant's surrender of a license or registration to be effective, a surrender must first be accepted by vote of the bureau, office, board or commission. Bureaus, offices, boards and commissions may refuse to accept surrender of licenses and registrations if the licensee or registrant is under investigation or is the subject of a pending complaint or proceeding, unless a consent agreement is first entered into pursuant to this chapter. [1995, c. 502, Pt. H, §10 (AMD).]

E. The bureau, office, board or commission may issue letters of guidance or concern to a licensee or registrant. Letters of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations and express concern over action or inaction by the licensee or registrant that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any other provision of law,

letters of guidance or concern are not confidential. The bureau, office, board or commission may place letters of guidance or concern, together with any underlying complaint, report and investigation materials, in a licensee's or registrant's file for a specified amount of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the bureau, office, board or commission in any subsequent action commenced against the licensee or registrant within the specified time frame. Complaints, reports and investigation materials placed on file are only confidential to the extent that confidentiality is required pursuant to Title 24, chapter 21, the Maine Health Security Act. [1999, c. 386, Pt. B, §5 (AMD).]

F. A bureau, office, board or commission may establish, by rule, procedures for licensees in another state to be licensed in this State by written agreement with another state, by entering into written licensing compacts with other states or by any other method of license recognition considered appropriate that ensures the health, safety and welfare of the public. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2007, c. 402, Pt. C, §2 (AMD).]

G. Notwithstanding any other provision of law, any bureau, office, board or commission within or affiliated with the department may issue a temporary license for a period of 6 months and waive all licensing requirements, except for fees, to any applicant upon a showing of current, valid licensure in that profession in another state. [2005, c. 474, §1 (NEW).]

The jurisdiction to suspend and revoke occupational and professional licenses conferred by this subsection is concurrent with that of the District Court. Civil penalties must be paid to the Treasurer of State.

Any nonconsensual disciplinary action taken under authority of this subsection may be imposed only after a hearing conforming to the requirements of Title 5, chapter 375, subchapter 4, and, except for revocation actions, is subject to judicial review exclusively in the Superior Court in accordance with Title 5, chapter 375, subchapter 7.

Any nonconsensual revocation of an occupational or professional license taken under authority of this subsection is subject to, upon appeal within the time frames provided in Title 5, section 11002, subsection 3, de novo judicial review exclusively in District Court. Rules adopted to govern judicial appeals from agency action apply to cases brought under this section.

[2007, c. 402, Pt. C, §2 (AMD) .]

5-A. Authority of Office of Licensing and Registration. In addition to authority otherwise conferred, unless expressly precluded by language of denial in its own governing law, the Office of Licensing and Registration, referred to in this subsection as "the office," including the licensing boards and commissions and regulatory functions within the office, have the following authority.

A. The office, board or commission may deny or refuse to renew a license, may suspend or revoke a license and may impose other discipline as authorized in this subsection for any of the following reasons:

- (1) The practice of fraud, deceit or misrepresentation in obtaining a license from a bureau, office, board or commission, or in connection with services rendered while engaged in the occupation or profession for which the person is licensed;
- (2) Any gross negligence, incompetence, misconduct or violation of an applicable code of ethics or standard of practice while engaged in the occupation or profession for which the person is licensed;
- (3) Conviction of a crime to the extent permitted by Title 5, chapter 341;
- (4) Any violation of the governing law of an office, board or commission;
- (5) Any violation of the rules of an office, board or commission;
- (6) Engaging in any activity requiring a license under the governing law of an office, board or commission that is beyond the scope of acts authorized by the license held;
- (7) Continuing to act in a capacity requiring a license under the governing law of an office, board or commission after expiration, suspension or revocation of that license;
- (8) Aiding or abetting unlicensed practice by a person who is not licensed as required by the governing law of an office, board or commission;
- (9) Noncompliance with an order or consent agreement of an office, board or commission;
- (10) Failure to produce any requested documents in the licensee's possession or under the licensee's control concerning a pending complaint or proceeding or any matter under investigation; or
- (11) Any violation of a requirement imposed pursuant to section 8003-G. [2009, c. 112, Pt. B, §4 (AMD).]

B. The office, board or commission may impose the following forms of discipline upon a licensee or applicant for licensure:

- (1) Denial or refusal to renew a license, or issuance of a license in conjunction with the imposition of other discipline;
- (2) Issuance of warning, censure or reprimand. Each warning, censure or reprimand issued must be based upon violation of a single applicable law, rules or condition of licensure or must be based upon a single instance of actionable conduct or activity;
- (3) Suspension of a license for up to 90 days for each violation of applicable laws, rules or conditions of licensure or for each instance of actionable conduct or activity. Suspensions may be set to run concurrently or consecutively. Execution of all or any portion of a term of suspension may be stayed pending successful completion of conditions of probation, although the suspension remains part of the licensee's record;
- (4) Revocation of a license;
- (5) Imposition of civil penalties of up to \$1,500, or such greater amount as may be authorized by statute, for each violation of applicable laws, rules or conditions

of licensure or for each instance of actionable conduct or activity; or

(6) Imposition of conditions of probation upon an applicant or licensee. Probation may run for such time period as the office, board or commission determines appropriate. Probation may include conditions such as: additional continuing education; medical, psychiatric or mental health consultations or evaluations; mandatory professional or occupational supervision of the applicant or licensee; practice restrictions; and other conditions as the office, board or commission determines appropriate. Costs incurred in the performance of terms of probation are borne by the applicant or licensee. Failure to comply with the conditions of probation is a ground for disciplinary action against a licensee. [2009, c. 112, Pt. B, §4 (AMD).]

C. The office, board or commission may execute a consent agreement that resolves a complaint or investigation without further proceedings. Consent agreements may be entered into only with the consent of the applicant or licensee; the office, board or commission; and the Department of the Attorney General. Any remedy, penalty or fine that is otherwise available by law, even if only in the jurisdiction of the Superior Court, may be achieved by consent agreement, including long-term suspension and permanent revocation of a professional or occupational license. A consent agreement is not subject to review or appeal and may be modified only by a writing executed by all parties to the original consent agreement. A consent agreement is enforceable by an action in Superior Court. [2007, c. 402, Pt. C, §3 (NEW).]

D. The office, board or commission may:

(3) Except as provided in Title 37-B, section 390-A, adopt rules requiring continuing professional or occupational education and require applicants for license renewal to present proof of satisfactory completion of continuing professional or occupational education in accordance with such rules. Failure to comply with the continuing education rules is punishable by nonrenewal of the license and other discipline authorized by this subsection. Notwithstanding any contrary provision set forth in the governing law of an office, board or commission, continuing education requirements may coincide with the license renewal period. Rules adopted pursuant to this subparagraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A;

(4) Issue continuing education deferments in cases of undue hardship;

(5) Grant inactive status licenses to licensees in accordance with rules that may be adopted by each office, board or commission. The fee for an inactive status license may not exceed the statutory fee cap for license renewal set forth in the governing law of the office, board or commission. Licensees in inactive status are required to pay license renewal fees for renewal of an inactive status license and may be required to pay a reinstatement fee as set by the Director of the Office of Licensing and Registration if the license is reactivated on a date other than the ordinary renewal date of the license. Any rules of an office, board or commission regulating inactive status licensure must describe the obligations of an inactive status licensee with respect to any ongoing continuing education requirement in effect for licensees of the office, board or commission and must

set forth any requirements for reinstatement to active status, which requirements may include continuing education. Rules adopted pursuant to this subparagraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A; and

(6) Delegate to staff the authority to review and approve applications for licensure pursuant to procedures and criteria established by rule. Rules adopted pursuant to this subparagraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A. [2007, c. 621, §3 (AMD).]

E. The office, board or commission may require surrender of licenses. In order for a licensee's surrender of a license to be effective, a surrender must first be accepted by vote of the office, board or commission. The office, board or commission may refuse to accept surrender of a license if the licensee is under investigation or is the subject of a pending complaint or proceeding, unless a consent agreement is first entered into pursuant to this subsection. The consent agreement may include terms and conditions for reinstatement. [2007, c. 402, Pt. C, §3 (NEW).]

F. The office, board or commission may issue a letter of guidance or concern to a licensee. A letter of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations or express concern over action or inaction by the licensee that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any other provision of law, letters of guidance or concern are not confidential. The office, board or commission may place letters of guidance or concern, together with any underlying complaint, report and investigation materials, in a licensee's file for a specified period of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the office, board or commission in any subsequent action commenced against the licensee within the specified time frame. Complaints, reports and investigation materials placed on file are confidential only to the extent that confidentiality is required pursuant to Title 24, chapter 21. [2007, c. 402, Pt. C, §3 (NEW).]

G. The office, board or commission may establish, by rule, procedures for licensees in another state to be licensed in this State by written agreement with another state, by entering into written licensing compacts with other states or by any other method of license recognition considered appropriate that ensures the health, safety and welfare of the public. Rules adopted pursuant to this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2007, c. 402, Pt. C, §3 (NEW).]

The jurisdiction to impose discipline against occupational and professional licenses conferred by this subsection is concurrent with that of the District Court. Civil penalties must be paid to the Treasurer of State.

Any nonconsensual disciplinary action taken under authority of this subsection other than denial or nonrenewal of a license may be imposed only after a hearing conforming to the requirements of Title 5, chapter 375, subchapter 4 and is subject to judicial review

exclusively in the Superior Court in accordance with Title 5, chapter 375, subchapter 7.

The office, board or commission shall hold a hearing conforming to the requirements of Title 5, chapter 375, subchapter 4 at the written request of any person who is denied an initial or renewal license without a hearing for any reason other than failure to pay a fee, provided that the request for hearing is received by the office, board or commission within 30 days of the applicant's receipt of written notice of the denial of the application, the reasons for the denial and the applicant's right to request a hearing.

The office, board or commission may subpoena witnesses, records and documents in any adjudicatory hearing it conducts.

Rules adopted to govern judicial appeals from agency action apply to cases brought under this subsection.

[2009, c. 112, Pt. B, §4 (AMD) .]

6. Funding. The commissioner may assess each internal bureau, office, board or commission served by the commissioner's office, the Division of Administrative Services or the Office of Licensing and Registration its reasonable share of an amount sufficient to cover the cost of operating those service agencies. The commissioner may assess any board affiliated with the department for the services the board receives from the department. The commissioner may assess other state agencies for licensing functions performed on behalf of those agencies by the Office of Licensing and Registration.

[1999, c. 687, Pt. C, §8 (AMD) .]

7. Evidentiary effect of certificate. Notwithstanding any provision of law or rule of evidence, the certificate of the commissioner under the seal of the State must be received by any court in this State as prima facie evidence of the issuance, suspension or revocation of any license issued by the department.

[1991, c. 509, §3 (NEW) .]

8. Display of license.

[2009, c. 112, Pt. A, §2 (RP) .]

9. Construction.

[1999, c. 687, Pt. C, §9 (RP) .]

10. National disciplinary record system. Within the limits of available revenues, all bureaus, offices, boards or commissions internal or affiliated with the department shall join or subscribe to a national disciplinary record system used to track interstate movement of regulated professionals who have been the subject of discipline by state boards, commissions or agencies and report disciplinary actions taken within this State to that system.

[1995, c. 502, Pt. H, §10 (AMD) .]

SECTION HISTORY

1975, c. 556, §1 (NEW). 1975, c. 705, §3 (AMD). 1975, c. 767, §9 (RPR). 1977, c. 113, (AMD). 1977, c. 273, §§1,2 (AMD). 1983, c. 553, §13 (RPR). 1985, c. 748, §18 (AMD). 1985, c. 785, §B55 (AMD). 1987, c. 595, §2 (AMD). 1987, c. 609, §§1,2 (AMD). 1989, c. 450, §6 (AMD). 1991, c. 509, §§1-3 (AMD). 1993, c. 600, §A11 (AMD). 1993, c. 659, §§B2,3 (AMD). 1995, c. 397, §12 (AMD). 1995, c. 502, §H10 (AMD). 1997, c. 210, §§1-3 (AMD). 1997, c. 537, §3 (AMD). 1997, c. 537, §62 (AFF). 1997, c. 680, §A1 (AMD). 1999, c. 184, §§15-17 (AMD). 1999, c. 386, §§B2-5 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 1999, c. 687, §§C5-9 (AMD). 2001, c. 44, §10 (AMD). 2001, c. 44, §14 (AFF). 2001, c. 167, §1 (AMD). 2001, c. 323, §9 (AMD). 2003, c. 204, §B1 (AMD). 2005, c. 111, §1 (AMD). 2005, c. 474, §1 (AMD). 2007, c. 402, Pt. C, §§2, 3 (AMD). 2007, c. 621, §§2, 3 (AMD). 2009, c. 112, Pt. A, §2 (AMD). 2009, c. 112, Pt. B, §4 (AMD).

10 §8003-A. COMPLAINT INVESTIGATION

1. Affiliated boards. In aid of their investigative authority, the licensing boards and commissions affiliated with the department pursuant to section 8001-A may issue subpoenas in the name of the relevant licensing board or commission, in accordance with the terms of Title 5, section 9060, except that the authority applies to any stage of an investigation and is not limited to an adjudicatory proceeding.

[2007, c. 402, Pt. C, §4 (NEW) .]

2. Office of Licensing and Registration. The Office of Licensing and Registration, including the licensing boards and commissions and regulatory functions within the office, may receive, initiate and investigate complaints alleging any ground for disciplinary action set forth in section 8003, subsection 5-A. To assist with complaint or other investigations, or as otherwise considered necessary for the fulfillment of their responsibilities, the office, boards and commissions may hold hearings and may issue subpoenas for witnesses, records and documents in the name of the office, board or commission, as the case may be, in accordance with the terms of Title 5, section 9060, except that the subpoena authority applies to any stage or type of an investigation and is not limited to an adjudicatory hearing held pursuant to section 8003, subsection 5-A.

Investigative personnel of the Office of Licensing and Registration, during the normal conduct of their work for boards, commissions and regulatory functions within the office, may conduct investigations, issue citations, serve summonses and order corrections of violations in accordance with specific statutory authority. When specific authority does not exist to appeal an order to correct, that process must be established by rule by the respective board.

[2007, c. 402, Pt. C, §4 (NEW) .]

3. Dispositions available to the public. Upon disposition of each complaint and investigation, the office and all boards and commissions shall make such disposition available to the public.

[2007, c. 402, Pt. C, §4 (NEW) .]

SECTION HISTORY

1985, c. 748, §19 (NEW). 1991, c. 509, §4 (AMD). 1995, c. 502, §H11 (AMD). 2007, c. 402, Pt. C, §4 (RPR).

10 §8003-B. CONFIDENTIALITY OF INVESTIGATIVE RECORDS

1. During investigation. Unless otherwise provided by Title 24, chapter 21, all complaints and investigative records of the licensing boards, commissions and regulatory functions within or affiliated with the Department of Professional and Financial Regulation are confidential during the pendency of an investigation. Those records become public records upon the conclusion of an investigation unless confidentiality is required by some other provision of law. For purposes of this section, an investigation is concluded when:

- A. A notice of an adjudicatory hearing under Title 5, chapter 375, subchapter 4 has been issued; [2009, c. 465, §1 (AMD).]
- B. [1999, c. 687, Pt. C, §10 (RP).]
- C. A consent agreement has been executed; or [1989, c. 173, (NEW).]
- D. A letter of dismissal has been issued or the investigation has otherwise been closed. [1989, c. 173, (NEW).]

[2009, c. 465, §1 (AMD) .]

2. Exceptions. Notwithstanding subsection 1, during the pendency of an investigation, a complaint or investigative record may be disclosed:

- A. To department employees designated by the commissioner; [1989, c. 173, (NEW).]
- B. To designated complaint officers of the appropriate board or commission; [1989, c. 173, (NEW).]
- C. By a department employee or complaint officer designated by the commissioner when, and to the extent, deemed necessary to facilitate the investigation; [1989, c. 173, (NEW).]
- D. To other state or federal agencies when the files contain evidence of possible violations of laws enforced by those agencies; [1989, c. 173, (NEW).]
- E. When, and to the extent, deemed necessary by the commissioner to avoid imminent and serious harm. The authority of the commissioner to make such a disclosure shall not be delegated; [1989, c. 173, (NEW).]
- F. Pursuant to rules which shall be promulgated by the department, when it is determined that confidentiality is no longer warranted due to general public knowledge of the circumstances surrounding the complaint or investigation and when the investigation would not be prejudiced by the disclosure; and [1989, c. 173, (NEW).]
- G. To the person investigated on request. The commissioner may refuse to disclose part or all of any investigative information, including the fact of an investigation, when the commissioner determines that disclosure would prejudice the investigation. The authority of the commissioner to make such a determination shall not be delegated. [1989, c. 173, (NEW).]

[1989, c. 173, (NEW) .]

2-A. Certain client records confidential. Notwithstanding subsections 1 and 2, a treatment record provided to a licensing board or commission or in connection with a regulatory function within or affiliated with the department during investigation of a person licensed by the department in a medical, mental health, substance abuse, psychological or health field that contains information personally identifying a licensee's client or patient is confidential during the pendency of the investigation and remains confidential upon the conclusion of the investigation. A treatment record may be disclosed only if:

A. The client or patient executes a written release that states that:

(1) Unless the release provides for more limited disclosure, execution of the release may result in the record becoming a public record; or

(2) If the client or patient wishes, execution of the release allows disclosure to only the person or persons clearly identified in the release. The release must require the person or persons identified in the release not to make a disclosure to another person; [1993, c. 552, §1 (NEW).]

B. The disclosure is necessary under Title 22, chapter 857 concerning personnel and licensure actions; [1993, c. 552, §1 (NEW).]

C. The disclosure is necessary under Title 22, section 3474 concerning reports of suspected adult abuse or exploitation; [1993, c. 552, §1 (NEW).]

D. The disclosure is necessary under Title 22, section 4011-A concerning reports of suspected child abuse or neglect; or [2001, c. 345, §1 (AMD).]

E. The disclosure is necessary under Title 22, section 7703 concerning reports of suspected child or adult abuse or neglect. [1993, c. 552, §1 (NEW).]

A release executed by a client or patient does not operate to disclose a record otherwise made confidential by law.

This subsection does not prevent disclosure of records pursuant to an order of a court of competent jurisdiction upon good cause shown.

[2009, c. 465, §2 (AMD) .]

3. Attorney General records. The provision or disclosure of investigative records of the Department of the Attorney General to a departmental employee designated by the commissioner or to a complaint officer of a board or commission does not constitute a waiver of the confidentiality of those records for any other purposes. Further disclosure of those investigative records is subject to Title 16, section 614 and the discretion of the Attorney General.

[1993, c. 719, §12 (AFF); 1993, c. 719, §4 (AMD) .]

4. Violation. A person who knowingly or intentionally makes a disclosure in violation of this section or who knowingly violates a condition of a release pursuant to subsection 2-A commits a civil violation for which a forfeiture not to exceed \$1,000 may

be adjudged.

[1993, c. 552, §2 (AMD) .]

SECTION HISTORY

1989, c. 173, (NEW). 1993, c. 552, §§1,2 (AMD). 1993, c. 719, §12 (AFF). 1993, c. 719, §4 (AMD). 1999, c. 386, §B6 (AMD). 1999, c. 687, §§C10,11 (AMD). 2001, c. 345, §1 (AMD). 2009, c. 465, §§1, 2 (AMD).

10 §8003-C. UNLICENSED PRACTICE

1. Complaints of unlicensed practice. A board or commission identified in section 8001, subsection 38 or section 8001-A or a regulatory function administered by the Office of Licensing and Registration identified in section 8001, subsection 38 may receive or initiate complaints of unlicensed practice.

[2009, c. 465, §3 (AMD) .]

2. Investigation of unlicensed practice. Complaints or allegations of unlicensed practice may be investigated by the Office of Licensing and Registration, the Attorney General's office or a board's or commission's complaint officer or inspector. If sufficient evidence of unlicensed practice is uncovered, the evidence must be compiled and presented to the Department of the Attorney General or the local district attorney's office for prosecution.

[1999, c. 687, Pt. C, §12 (NEW) .]

3. Unlicensed practice; criminal penalties. Notwithstanding any other provision of law:

A. A person who practices or represents to the public that the person is authorized to practice a profession or trade and intentionally, knowingly or recklessly fails to obtain a license as required by the laws relating to a board, commission or regulatory function identified in section 8001, subsection 38 or section 8001-A or intentionally, knowingly or recklessly practices or represents to the public that the person is authorized to practice after the license required by the laws relating to a board, commission or regulatory function identified in section 8001, subsection 38 or section 8001-A has expired or been suspended or revoked commits a Class E crime; and [2009, c. 465, §4 (AMD).]

B. A person who practices or represents to the public that the person is authorized to practice a profession or trade and intentionally, knowingly or recklessly fails to obtain a license as required by the laws relating to a board, commission or regulatory function identified in section 8001, subsection 38 or section 8001-A or intentionally, knowingly or recklessly practices or represents to the public that the person is authorized to practice after the license required by the laws relating to a board, commission or regulatory function identified in section 8001, subsection 38 or section 8001-A has expired or been suspended or revoked when the person has a prior conviction under this subsection commits a Class D crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence, except that,

for purposes of this paragraph, the date of the prior conviction must precede the commission of the offense being enhanced by no more than 3 years. [2009, c. 465, §4 (AMD).]

[2009, c. 465, §4 (AMD) .]

4. Unlicensed practice; civil penalties. Any person who practices or represents to the public that the person is authorized to practice a profession or trade without first obtaining a license as required by the laws relating to a board, commission or regulatory function identified in section 8001, subsection 38 or section 8001-A or after the license has expired or has been suspended or revoked commits a civil violation punishable by a fine of not less than \$1,000 but not more than \$5,000 for each violation. An action under this subsection may be brought in District Court or, in combination with an action under subsection 5, in Superior Court.

[2009, c. 465, §5 (AMD) .]

5. Unlicensed practice; injunctions. The Attorney General may bring an action in Superior Court to enjoin any person from violating subsection 4, whether or not proceedings have been or may be instituted in District Court or whether criminal proceedings have been or may be instituted, and to restore to any person who has suffered any ascertainable loss by reason of that violation any money or personal or real property that may have been acquired by means of that violation and to compel the return of compensation received for engaging in that unlawful conduct.

A person who violates the terms of an injunction issued under this subsection shall pay to the State a fine of not more than \$10,000 for each violation. In any action under this subsection, when a permanent injunction has been issued, the court may order the person against whom the permanent injunction is issued to pay to the General Fund the costs of the investigation of that person by the Attorney General and the costs of suit, including attorney's fees. In any action by the Attorney General brought against a person for violating the terms of an injunction issued under this subsection, the court may make the necessary orders or judgments to restore to any person who has suffered any ascertainable loss of money or personal or real property or to compel the return of compensation received by reason of such conduct found to be in violation of an injunction.

[2007, c. 402, Pt. C, §5 (AMD) .]

6. Unlicensed practice; private cause of action; repeal.

[2005, c. 378, §1 (NEW); 2005, c. 378, §29 (AFF); T. 10, §8003-C, sub-§6 (RP) .]

SECTION HISTORY

1999, c. 687, §C12 (NEW). 2003, c. 452, §E10 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 378, §1 (AMD). 2005, c. 378, §29 (AFF). 2007, c. 402, Pt. C, §5 (AMD). 2009, c. 44, §1 (AMD). 2009, c. 465, §§3-5 (AMD).

10 §8003-D. INVESTIGATIONS; ENFORCEMENT DUTIES; ASSESSMENTS

When there is a finding of a violation, a board or commission identified in section 8001, subsection 38 or section 8001-A or the Office of Licensing and Registration with regard to a regulatory function identified in section 8001, subsection 38 administered by the office may assess the licensed person or entity for all or part of the actual expenses incurred by the board, commission, Office of Licensing and Registration or their agents for investigations and enforcement duties performed. [2009, c. 465, §6 (AMD).]

"Actual expenses" include, but are not limited to, travel expenses and the proportionate part of the salaries and other expenses of investigators or inspectors, hourly costs of hearing officers, costs associated with record retrieval and the costs of transcribing or reproducing the administrative record. [1999, c. 687, Pt. C, §12 (NEW).]

The board , commission or Office of Licensing and Registration, as soon as feasible after finding a violation, shall give the licensee notice of the assessment. The licensee shall pay the assessment in the time specified by the board , commission or Office of Licensing and Registration, which may not be less than 30 days. [2009, c. 465, §6 (AMD).]

SECTION HISTORY

1999, c. 687, §C12 (NEW). 2009, c. 465, §6 (AMD).

10 §8003-E. CITATIONS AND FINES

Any board or commission identified in section 8001, subsection 38 or section 8001-A or a regulatory function administered by the Office of Licensing and Registration identified in section 8001, subsection 38 may adopt by rule a list of violations for which citations may be issued by professional technical support staff. A violation may carry a fine not to exceed \$200. Citations issued by employees of the Office of Licensing and Registration or an affiliated board must expressly inform the licensee that the licensee may pay the fine or request a hearing before the board or commission or the Office of Licensing and Registration with regard to a regulatory function identified in section 8001, subsection 38 administered by the office regarding the violation. [2009, c. 465, §7 (AMD).]

SECTION HISTORY

1999, c. 687, §C12 (NEW). 2009, c. 465, §7 (AMD).

10 §8003-F. DISPOSITION OF FEES

All money received by the Office of Licensing and Registration on behalf of a board or commission listed in section 8001, subsection 38 or by the Office of Licensing and Registration to perform the regulatory functions listed in section 8001, subsection 38 must be paid to the Treasurer of State and credited to the account for that board, commission or regulatory function within the budget of the Office of Licensing and Registration. [1999, c. 687, Pt. C, §12 (NEW).]

Money received by the Office of Licensing and Registration on behalf of a board or commission listed in section 8001, subsection 38 or by the Office of Licensing and Registration to perform the regulatory functions listed in section 8001, subsection 38 must be used for the expenses of administering its statutory responsibilities, including,

but not limited to, the costs of conducting investigations, taking testimony, procuring the attendance of witnesses, all legal proceedings initiated for enforcement and administering the office. [1999, c. 687, Pt. C, §12 (NEW).]

Any balance of these fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years. [1999, c. 687, Pt. C, §12 (NEW).]

SECTION HISTORY
1999, c. 687, §C12 (NEW).

10 §8003-G. DUTY TO REQUIRE CERTAIN INFORMATION FROM APPLICANTS AND LICENSEES

The Office of Licensing and Registration, referred to in this subsection as "the office," including the licensing boards and commissions and regulatory functions within the office, shall require: [2007, c. 621, §4 (NEW).]

1. Respond to inquiries. All applicants for license renewal to respond to all inquiries set forth on renewal forms; and

[2007, c. 621, §4 (NEW) .]

2. Report in writing. All licensees and applicants for licensure to report in writing to the office no later than 10 days after the change or event, as the case may be:

A. Change of name or address; [2007, c. 621, §4 (NEW).]

B. Criminal conviction; [2007, c. 621, §4 (NEW).]

C. Revocation, suspension or other disciplinary action taken in this or any other jurisdiction against any occupational or professional license held by the applicant or licensee; or [2007, c. 621, §4 (NEW).]

D. Any material change in the conditions or qualifications set forth in the original application for licensure submitted to the office. [2007, c. 621, §4 (NEW).]

[2007, c. 621, §4 (NEW) .]

SECTION HISTORY
2007, c. 621, §4 (NEW).

10 §8004. ANNUAL REPORTS

Notwithstanding any other provision of law, all annual reports or statements required of bureaus and offices within the department must be submitted to the commissioner not later than August 1st of each year and must summarize the operations and financial position of the bureau or office for the preceding fiscal year ending June 30th. After reviewing such reports and statements, the commissioner shall compile them into a report for submission to the Governor, together with such analysis as the Governor may direct. [1999, c. 687, Pt. C, §13 (AMD).]

SECTION HISTORY
1975, c. 767, §9 (NEW). 1999, c. 687, §C13 (AMD).

10 §8004-A. LEGISLATIVE REPORTS

The Director of the Office of Licensing and Registration shall report annually to the joint standing committee of the Legislature having jurisdiction over professional licensing and registration on the status of licensing fees and fee caps. [2001, c. 323, §10 (NEW).]

SECTION HISTORY
2001, c. 323, §10 (NEW).

10 §8005. COMPLIANCE WITH SUPPORT ORDERS; LICENSE QUALIFICATIONS AND CONDITIONS

In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as prescribed by the various acts of bureaus, boards or commissions that compose or are affiliated with the department, applicants for licensure or registration, licensees renewing their licenses and existing licensees must also comply with the requirements of Title 19-A, section 2201. [1995, c. 694, Pt. D, §7 (AMD); 1995, c. 694, Pt. E, §2 (AFF).]

SECTION HISTORY
1993, c. 410, §V1 (NEW). 1995, c. 694, §D7 (AMD). 1995, c. 694, §E2 (AFF).

10 §8005-A. LICENSEES NOT IN COMPLIANCE WITH COURT-ORDERED FINE, FEE OR RESTITUTION; LICENSE QUALIFICATIONS AND CONDITIONS

In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as required by bureaus, boards and commissions within or affiliated with the department, applicants for licensure or registration, licensees renewing their licenses and existing licensees may not hold any such license when there has been a court-ordered suspension of that license as provided by Title 14, sections 3141 and 3142. [2003, c. 193, §1 (NEW).]

SECTION HISTORY
2003, c. 193, §1 (NEW).

10 §8006. LICENSEES NOT IN COMPLIANCE WITH COURT ORDER OF SUPPORT AND OTHER COURT ORDERS; ENFORCEMENT OF PARENTAL SUPPORT OBLIGATIONS AND SUSPENSIONS

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

A. "Board" means any bureau, board or commission listed in section 8001 or 8001-A, other licensors that are affiliated with or are a part of the department and the Board of Overseers of the Bar. [1993, c. 410, Pt. V, §1 (NEW).]

B. "Compliance with a support order" means that the support obligor has obtained or maintained health insurance coverage if required by a support order and is:

(1) No more than 60 days in arrears in making any of the following payments:

(a) Payments in full for current support;

(b) Periodic payments on a support arrearage pursuant to a written agreement with the Department of Health and Human Services; and

(c) Periodic payments as set forth in a support order; and

(2) No more than 30 days in arrears in making payments as described in subparagraph (1) if the obligor has been in arrears for more than 30 days in making payments as described in subparagraph (1) at least 2 times within the past 24 months. [2003, c. 396, §1 (RPR); 2003, c. 689, Pt. B, §6 (REV).]

C. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief. [2003, c. 396, §1 (RPR).]

D. "Court-ordered suspension" means a suspension by a court of the right of a licensee to hold a professional license based on the contempt procedures pursuant to Title 14, sections 3141 and 3142. [2003, c. 193, §2 (NEW).]

[2003, c. 193, §2 (AMD); 2003, c. 396, §1 (AMD); 2003, c. 689, Pt. B, §6 (REV) .]

2. Noncompliance with a support order. An applicant for the issuance or renewal of a license or an existing licensee regulated by a board who is not in compliance with a support order is subject to the requirements of Title 19-A, section 2201.

[2003, c. 396, §2 (AMD) .]

3. Court-ordered suspension. An applicant for the issuance or renewal of a license or an existing licensee regulated by a board who has not paid a court-ordered fine, court-appointed attorney's fees or court-ordered restitution is subject to court suspension of all licenses as provided in Title 14, sections 3141 and 3142.

[2003, c. 193, §2 (NEW) .]

SECTION HISTORY

1993, c. 410, §V1 (NEW). 1995, c. 694, §D8 (AMD). 1995, c. 694, §E2 (AFF). 2003, c. 193, §2 (AMD). 2003, c. 396, §§1,2 (AMD). 2003, c. 689, §B6 (REV).

10 §8007. BOARD MEMBER CANDIDATE INFORMATION

The Commissioner of Professional and Financial Regulation or the chief staff administrator for an occupational and professional regulatory board shall work with the Executive Department to prepare general information regarding the purpose of an occupational and professional regulatory board and the role, responsibility and perspective of a member of an occupational and professional regulatory board, including a public member. The material must also include information specific to the board for which the individual is a prospective member, including but not limited to the

time commitment, remuneration and any other pertinent details. [1993, c. 600, Pt. A, §12 (NEW).]

This information must be provided to all new candidates for membership on an occupational and professional regulatory board and to members seeking reappointment in order to fully inform the candidate or member about the nature of the position. Prior to gubernatorial appointment or reappointment, the candidate or member shall sign a statement indicating that the candidate or member has read the material and is prepared to properly discharge the duties of a member of an occupational and professional regulatory board. Failure to sign this statement disqualifies the candidate or member for appointment or reappointment on a board. [1993, c. 600, Pt. A, §12 (NEW).]

SECTION HISTORY

1993, c. 600, §A12 (NEW).

10 §8008. PURPOSE OF OCCUPATIONAL AND PROFESSIONAL REGULATORY BOARDS

The sole purpose of an occupational and professional regulatory board is to protect the public health and welfare. A board carries out this purpose by ensuring that the public is served by competent and honest practitioners and by establishing minimum standards of proficiency in the regulated professions by examining, licensing, regulating and disciplining practitioners of those regulated professions. Other goals or objectives may not supersede this purpose. [1993, c. 600, Pt. A, §12 (NEW).]

SECTION HISTORY

1993, c. 600, §A12 (NEW).

10 §8009. STANDARDIZED TERMS

Notwithstanding any other provision of law, upon expiration of a professional or occupational licensing board member's term, that member serves until a successor is appointed. The successor's term commences at the expiration of the preceding term, regardless of the date of appointment. A vacancy occurring prior to the expiration of a specified term must be filled by appointment of a similarly qualified individual as a replacement. The replacement member serves for the remainder of the unexpired term, regardless of the date of appointment. [2007, c. 402, Pt. C, §6 (NEW).]

SECTION HISTORY

2007, c. 402, Pt. C, §6 (NEW).

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ELECTRICIANS' EXAMINING BOARD RULES

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

318 ELECTRICIANS' EXAMINING BOARD

CHAPTER 100 - ADVISORY RULINGS

SUMMARY: This rule establishes guidelines relating to advisory rulings.

1. ADVISORY RULINGS

A. Authority and Scope

The Board may issue an advisory ruling in accordance with 5 M.R.S.A. § 9001 concerning the applicability of a statute or rule to existing facts. The Board shall review each request for an advisory ruling to determine whether the requested ruling is appropriate. The Board may, at its discretion, decline to issue an advisory ruling if the question is hypothetical, if there is insufficient information upon which to base a ruling or for any other reason the Board deems proper.

B. Submission

A request for an advisory ruling shall be submitted to the Board in writing and shall set forth in detail all facts pertinent to the question. The Board may require submission of additional information it deems necessary to provide a complete a factual background.

C. Ruling

The Board shall issue advisory rulings in writing. The advisory ruling shall include a statement of facts or assumptions, or both, upon which the ruling is based. The statement, without reference to other documents, shall be sufficiently detailed to apprise the reader of the basis of the opinion. The assent of four members of the Board is required for the issuance of an advisory ruling. The ruling must be signed by the Board's Chair, shall be identified specifically as an advisory ruling and shall be numbered serially.

D. Publication

The Department shall mail the advisory ruling to the requesting party and the Board Administrator shall retain a copy. An advisory ruling is a public document and is available for public inspection during the normal working hours of the Board. In addition, the Board may otherwise publish or circulate an advisory ruling as it deems appropriate.

AUTHORITY: 5 M.R.S.A. §§8051, 9001(4)
EFFECTIVE DATE: August 13, 2008

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

318 ELECTRICIANS' EXAMINING BOARD

CHAPTER 110 – CONFLICT OF INTEREST

SUMMARY: This Chapter outlines the Board members responsible conduct in dealing with Board official duties.

All duly appointed and sworn members of the Maine Electricians' Examining Board are charged with responsible conduct commensurate with the trust placed in them by the Governor. Such Board members are entrusted with the security, safety, health, prosperity and general well-being of the people of the State of Maine. With such a trust, high moral and ethical standards producing the public's confidence, with the reduction to a minimum of any conflict between private interests and official duties, should be observed. No Board member will accept any employment which can possibly impair their independence and integrity of judgement nor will they exercise their position of trust to secure unwarranted privileges for themselves or for others. The Maine Electricians' Examining Board member will endeavor conscientiously to pursue the highest standards of Board conduct.

AUTHORITY: 32 M.R.S.A. §1153

EFFECTIVE DATE: June 10, 1996

Chapter 120: ELECTRICAL INSTALLATION STANDARDS

SUMMARY: This chapter establishes the effective dates of the current edition of the National Electrical Code to which all installations must conform.

1. All installations of electrical equipment commencing on or after July 1, 2011 must comply with the 2011 edition of the National Electrical Code, National Fire Protection standard #70, as well as with all applicable statutes or rules of the State and all applicable ordinances, orders, rules and regulations of local municipalities.
2. The Board hereby adopts and incorporates into this chapter by reference The National Electrical Code, National Fire Protection Association standard #70, (2011 edition) with the following exceptions:

A-1. The Board adopts Article 200.6(D) with the following amendment:

200.6 Means of Identifying Grounded Conductors.

(D) Grounded Conductors of Different Systems. Where grounded conductors of different systems are installed in the same raceway, cable, box, auxiliary gutter, or other type of enclosure, each grounded conductor shall be identified by system. Identification that distinguishes each system grounded conductor shall be permitted by one of the following means:

- (1) One system grounded conductor shall have an outer covering conforming to 200.6(A) or (B).
- (2) The grounded conductor(s) of other systems shall have a different outer covering conforming to 200.6(A) or 200.6(B) or by an outer covering of white or gray with a readily distinguishable colored strip other than green running along the insulation.
- (3) Other and different means of identification as allowed by 200.6(A) or (B) that will distinguish each system grounded conductor.

The means of identification ~~shall be documented in a manner that is readily available~~ or shall be permanently posted where the conductors of different systems originate.

- A. The Board adopts Article 210.5(C)(3) with the following amendment:

210.5 Identification for Branch Circuits.

- (C) **Identification of Ungrounded Conductors.** Ungrounded conductors shall be identified in accordance with 210.5(C)(1), (2) and (3).

(3) **Posting of Identification Means.** The method utilized for conductors originating within each branch-circuit panelboard or similar branch-circuit distribution equipment ~~shall be documented in a manner that is readily available~~ or shall be permanently posted at each branch-circuit panelboard or similar branch-circuit distribution equipment.

- B. [exception deleted]

- C. The Board adopts Article 215.12(C) with the following amendment:

215.12 Identification of Feeders.

- (C) **Ungrounded Conductors.** Where the premises wiring system has feeders supplied from more than one nominal voltage system, each ungrounded conductor of a feeder shall be identified by phase or line and system at all termination, connection, and splice points. The means of identification shall be permitted to be by separate color coding, marking tape, tagging, or other approved means. The method utilized for conductors originating within each feeder panelboard or similar feeder distribution equipment ~~shall be documented in a manner that is readily available~~ or shall be permanently posted at each feeder panelboard or similar feeder distribution equipment.

- D. The Board adopts Article 334.10(3) with the following amendment:

334.10 Uses Permitted.

- (3) Other structures permitted to be of Types III, IV, and V construction except as prohibited in 334.12. ~~Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a~~

~~15-minute finish rating as identified in listings of fire-rated assemblies.~~

- E. The Board does not adopt Article 334.12(A)(2), **Uses Not Permitted.**
- F. [exception deleted]
- G. The Board adopts Article 338.12(B) (1) and (2) with the following amendment:

338.12 Uses Not Permitted.

(B) Underground Service-Entrance Cable.

- (1) For interior wiring of branch circuits and feeders originating and terminating within the same building.
- (2) For aboveground installations except where USE cable emerges from the ground and is terminated in an enclosure at ~~an outdoor~~ a location acceptable to the Authority Having Jurisdiction and the cable is protected in accordance with 300.5(D).

- H. [exception deleted]
- I. [exception deleted]
- J. [exception deleted]
- K. [exception deleted]
- L. [exception deleted]
- M. [exception deleted]
- N. [exception deleted]
- O. [exception deleted]
- P. [exception deleted]
- Q. [exception deleted]

R. The Board adopts Article 702.4(B)(2) with the following amendment:

702.4 Capacity and Rating

(B) System Capacity.

(2) **Automatic Transfer Equipment.** For other than single-family dwellings, where automatic transfer equipment is used, an optional standby system shall comply with (2)(a) or (2)(b).

3. Copies of the National Electrical Code, National Fire Protection Association standard #70 may be purchased from:

National Fire Protection Association
1 Batterymarch Park, P.O. Box 9101
Quincy, MA 02269-9101
Telephone: 1-800-344-3555

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1153 and 1153-A
EFFECTIVE DATE: July 19, 2011

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

318 ELECTRICIANS' EXAMINING BOARD

CHAPTER 125 – SCOPE OF PRACTICE

SUMMARY: This chapter sets forth the scope of practice for the various licenses issued by the Board.

1. DIRECT SUPERVISION

For the purposes of this Chapter, direct supervision means that the master, journeyman or limited electrician shall be on site at all times.

2. APPRENTICE ELECTRICIAN

An Apprentice Electrician shall register with the Apprenticeship Council of Maine, Department of Labor in order to work and to learn the trade of an electrician. An apprentice electrician must work under the direct supervision of a master, journeyman or limited electrician at all times while assisting in electrical installations.

3. HELPER ELECTRICIAN

A Helper Electrician shall be in the employment of a master electrician, limited electrician, or electrical company and must work under the direct supervision of a master, journeyman or limited electrician at all times while assisting in electrical installations.

4. JOURNEYMAN-IN-TRAINING ELECTRICIAN

A Journeyman-In-Training Electrician shall be in the employment of a master electrician, limited electrician or electrical company and work under the supervision of a master, journeyman or limited electrician at all times while making electrical installations.

5. JOURNEYMAN ELECTRICIAN

A Journeyman Electrician shall be in the employment of a master electrician, limited electrician or electrical company while making electrical installations.

6. LIMITED ELECTRICIAN

A. Limited to Water Pumps

A Limited Electrician in Water Pumps is restricted to electrical work on water pumps between the branch circuits and power supplies.

B. Limited to Outdoor Signs, Including Sign Lighting

A Limited Electrician in Outdoor Signs, including Sign Lighting, is restricted to electrical work on outdoor signs, including sign lighting, which does not include branch circuit wiring.

C. Limited to Gasoline Dispensing

A Limited Electrician in Gasoline Dispensing is restricted to electrical work on gasoline dispensers between the branch circuit and the power supply.

D. Limited to Traffic Signals, Including Outdoor Lighting of Traffic Signals

A Limited Electrician in Traffic Signals, including Outdoor Lighting of Traffic Signals, is restricted to electrical work on traffic signals, including outdoor lighting of traffic signals.

E. Limited to House Wiring

A Limited Electrician in House Wiring is restricted to electrical work on one-family and two-family dwellings, including modular and mobile homes.

F. Limited to Refrigeration

A Limited Electrician in Refrigeration is restricted to electrical work on refrigeration to all associated wire from the loadside of distribution.

G. Limited to Low Energy

A Limited Electrician in Low Energy is restricted to electrical work on:

1. low energy electronics as supplied by Class I, II and III limited energy systems and the dedicated branch circuit wiring; and
2. all fire alarm systems and the dedicated branch circuit wiring.

H. Limited Crane Technician

A Limited Crane Technician is restricted to electrical work on cranes and hoists, including the installation of electrical equipment and wiring used in connection with cranes, monorail hoists, hoists and runways.

7. MASTER ELECTRICIAN

A Master Electrician may install electrical wires, conduits, apparatus, fixtures and other electrical equipment without limitation.

8. ELECTRICAL COMPANY

An Electrical Company license is required when more than one licensed electrician is employed by the company.

AUTHORITY: 32 M.R.S.A. §§1153 and 1153-A

EFFECTIVE DATE: August 13, 2008

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

318 ELECTRICIANS' EXAMINING BOARD

CHAPTER 130 – EXAMINATION AND LICENSING REQUIREMENTS

SUMMARY: This chapter sets forth the examination and licensure requirements for the various licenses issued by the Board.

1. ELIGIBILITY FOR EXAMINATION

A. JOURNEYMAN ELECTRICIAN

To sit for the journeyman electrician's examination, an applicant must meet the education and work experience requirements set forth in 32 M.R.S.A. §1202(1)(A)(1) through (4).

An applicant who is not a graduate of an accredited regional applied technology high school 2-year electrical program or accredited community college electrical program and who is not an electrical apprentice registered with the Maine State Apprenticeship and Training Council must show proof of class hours in courses as follows:

1. 225 Hours consisting of 45 hour courses each in Electricity I, Electricity II, Math I, Controls I, and a current National Electrical Code course; and
2. 351 Hours of Electives all trade-related courses or a minimum of 225 hours of trade-related courses and 135 hours of degree-related courses in mathematics, science, business, human relations, and communication.

B. MASTER ELECTRICIAN

To sit for the master electrician's examination, an applicant must meet the education and work experience requirements set forth in 32 M.R.S.A. §1202(1)(B) and must show proof of class hours in courses as follows:

1. 450 Hours consisting of 45 hour courses each in Electricity I, Electricity II, Electronics I, Math I, Controls I, Controls II, Motors, Blue Print Reading/Drafting, Transformers, and a current National Electrical Code course; and
2. 126 Hours of degree-related courses in mathematics, science, business, human relations, and communication.

C. LIMITED ELECTRICIAN

1. To sit for the limited electrician's examination in **water pumps**, the applicant must meet the following education and work experience requirements:
 - a. 135 hours of electrical education consisting of 45 hour courses each in Electricity I, Motors/Controls I, and a current National Electrical Code course; and
 - b. 2,000 hours of work experience, at least 1,000 hours of which is in water pump installations.

2. To sit for the limited electrician's examination in **outdoor signs** (including sign lighting), the applicant must meet the following education and work experience requirements:
 - a. 135 hours of electrical education consisting of 45 hour courses each in Electricity I, Controls I, and a current National Electrical Code course; and
 - b. 2,000 hours of work experience, at least 1,000 hours of which is in outdoor signs and sign lighting installations.

3. To sit for the limited electrician's examination in **gasoline dispensing**, the applicant must meet the following education and work experience requirements:
 - a. 135 hours of electrical education consisting of 45 hour courses each in Electricity I, Controls I, and a current National Electrical Code course; and
 - b. 2,000 hours of work experience, at least 1,000 hours of which is in gasoline dispensing equipment installations.

4. To sit for the limited electrician's examination in **traffic signals** (including outdoor lighting and traffic signals), an applicant must meet the following education and work experience requirements:
 - a. 135 hours of electrical education consisting of 45 hour courses each in Electricity I, Electronics I/Controls I, and a current National Electrical Code course; and
 - b. 2,000 hours of work experience, at least 1,000 hours of which is in traffic signal installations.

5. To sit for the limited electrician's examination in **house wiring**, the applicant must meet the following education and work experience requirements:
 - a. 225 hours of electrical education consisting of 45 hour courses each in Electricity I, Electricity II, Controls I, Blueprint Reading, and a current National Electrical Code course; and
 - b. 4,000 hours of work experience, at 2,000 hours of which is in house wiring installations.

6. To sit for the limited electrician's examination in **refrigeration**, the applicant must meet the following education and work experience requirements:
 - a. 270 hours of electrical education consisting of 45 hour courses each in Electricity I, Electricity II, Controls I, Controls II, Motors/Transformers, and a current National Electrical Code course; and
 - b. 6,000 hours of work experience, at least 3,000 hours of which is in refrigeration installations.

NOTE: A graduate of a community college electrical program in refrigeration or from an accredited institution is credited with 4,000 hours of experience upon graduation.

7. To sit for the limited electrician's examination in **low energy** (including fire alarms), the applicant must meet the following education and work experience requirements:
 - a. 270 hours of electrical education consisting of 45 hour courses each in Electricity I, Electricity II, Electronics I, Blueprint Reading, Controls I, and a current National Electrical Code course; and
 - b. 4,000 hours of work experience, at least 2,000 hours of which is in low energy installations.

NOTE: An applicant for a limited license in low energy, whose experience was obtained prior to June 24, 1987, is not required to sit for the examination. The applicant must document 4,000 hours of experience in the installation of low energy electronics, as defined by NFPA 70, the 1990 edition of the National Electrical Code.

8. To sit for the limited electrician's examination as a **crane technician**, the applicant must meet the following education and work experience requirements:
 - a. 135 hours of electrical education consisting of 45 hour courses each in Electricity I, Controls I, and a current National Electrical Code course; and
 - b. 2,000 hours of work experience in crane and hoist installations.

NOTE: An applicant for a limited license as a crane technician, whose experience was obtained prior to September 18, 1999, is not required to sit for the examination.

D. APPLICATION FOR EXAMINATION

1. An applicant for an examination shall submit all of the following:
 - a. Completed application;
 - b. The nonrefundable application fee required by Chapter 10, Section 5(15) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees;"
 - c. Documentation of the education and experience required by Section 1(A), (B) or (C) of this Chapter; and
2. Incomplete or illegible applications will be returned to the applicant together with any attachments.
3. An applicant for examination must receive Board approval prior to sitting for an examination. Examination scores of applicants who take an examination prior to receiving Board approval will not be recognized.
4. Denied or abandoned applications requiring no further Board action will be destroyed after 6 months, and an applicant must file a new application in order to reapply.

2. EXAMINATIONS

The following provisions apply to examinations for journeyman, master and limited licenses.

- A. The passing score for all examinations is 70%.
- B. An application for examination remains valid for a period of 2 years from the date of receipt. An applicant who fails to pass the examination within 2 years of Board approval shall reapply as a new applicant.

In the case of a member of the United States Armed Forces, an extension may be granted if the applicant serves no more than 4 years. If required by some provision to serve a period longer than 4 years, the applicant shall submit satisfactory evidence of this provision and a further extension may be granted. The applicant shall notify the Electricians' Examining Board of separation from the United States Armed Forces within 90 days after separation from service and sit for examination within 2 years from the date of separation.

NOTE: Refer to the Candidate Informational Bulletin for more examination information.

3. LICENSURE

A. JOURNEYMAN ELECTRICIAN

Upon passing the journeyman examination, an applicant for a journeyman license shall submit the application provided by the Board the fees required by Chapter 10, Section 5(15) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees."

B. MASTER ELECTRICIAN

Upon passing the master examination, an applicant for a master license shall submit the application provided by the Board and the fees required by Chapter 10, Section 5(15) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees."

C. LIMITED ELECTRICIAN

Upon passing the limited examination, an applicant for a limited license shall submit the application provided by the Board and the fees required by Chapter 10, Section 5(15) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees."

D. HELPER ELECTRICIAN

1. An applicant for a helper license as set forth in 32 M.R.S.A. §1202(2) shall submit the application provided by the Board and the fees required by Chapter 10, Section 5(15) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees."
2. The minimum age for a helper is 16 years, unless the applicant is enrolled in an accredited regional applied technology high school 2-year electrical program.

E. APPRENTICE ELECTRICIAN

1. An applicant for an apprentice license as set forth in 32 M.R.S.A. §1202(2) shall submit the application provided by the Board and the fees required by Chapter 10, Section 5(15) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees."
2. An applicant for an apprentice license must be enrolled in the State Apprenticeship and Training Council and must show proof of enrollment.
3. The minimum age for an apprentice is 16 years.

F. JOURNEYMAN-IN-TRAINING

An applicant for a journeyman-in-training license as set forth in 32 M.R.S.A. §1202(1)(D) shall submit the application provided by the Board and the fees required by Chapter 10, Section 5(15) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees."

G. WORK EXPERIENCE

To be recognized for licensing purposes, work experience must meet the following requirements:

1. Unless an applicant was enrolled in an accredited regional applied technology high school 2-year electrical program at the time, only hours of work experience after the applicant's sixteenth birthday are valid;
2. Unless overtime is verified to the Board's satisfaction, no credit for work experience shall be given for more than 40 hours per week; and
3. Experience applicable toward licensure after January 1, 2002 must be obtained with a valid license unless otherwise exempted.

H. IDENTIFICATION OF LICENSEE

A person validly licensed as an electrician pursuant to 32 M.R.S.A. Chapter 17 shall be issued a pocket card, which shall include the name of the person, the number and type of license and the time period for which the license is valid. The pocket card must be carried by the licensee at all times when acting in the course of the trade and must be displayed upon request.

4. RENEWAL; CONTINUING EDUCATION; LATE RENEWALS

- A. **Renewal.** All licenses expire 2 years from date of issuance. To renew a license, the licensee shall follow the online renewal procedure prescribed by the Board and shall remit the license fee required by Chapter 10, Section 5(15) of the rules of the Office of Licensing and Registration.
- B. **Continuing Education.** A master electrician, journeyman electrician, limited electrician, or journeyman-in-training shall also certify at time of renewal to completion of an approved 15 hour current National Electrical Code update course according to the schedule below. This certification is subject to audit pursuant to Chapter 13 of the rules of the Office of Licensing and Registration, entitled "Uniform Rule for the Substantiation of Continuing Education Requirements."

National Electrical Code Update Schedule

<u>Renewal Year</u>	<u>15-hour NEC Code Update</u>
2007	No Code Update Required
2008	2008 Code Update
2009	2008 Code Update
2010	No Code Update Required
2011	2011 Code Update
2012	2011 Code Update
2013	No Code Update Required
2014	2014 Code Update
2015	2014 Code Update
2016	No Code Update Required
2017	2017 Code Update
2018	2017 Code Update
2019	No Code Update Required
2020	2020 Code Update
2021	2020 Code Update

NOTE: The National Electrical Code Update Schedule is based on an assumed 3-year code cycle and subject to actual publication dates by the National Electrical Code.

- C. A license may be renewed up to 90 days after expiration upon payment of the late fee required by Chapter 11, Section 2(1) of the rules of the Office of Licensing and Registration, entitled "Late Renewals," in addition to the license fee.

5. LICENSE REINSTATEMENT

A master, limited or journeyman electrician who submits an application for renewal more than 90 days after the license expiration date shall be subject to one of the following conditions:

- A. More than 90 Days but less than 2 Years. The licensee who fails to renew a license for more than 90 days but not more than 2 years after the date of

expiration may reinstate the license without taking the examination by filing a new application for renewal and paying the license and late renewal fees required by Chapter 10, Section 5(15) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees" and Chapter 11, Section 3 of the rules of the Office of Licensing and Registration, entitled "Late Renewals;"

- B. More than 2 Years but less than 10 Years. The licensee who fails to renew a license for more than 2 years but less than 10 years after the date of expiration may request a hearing at a scheduled meeting of the Board to determine eligibility. The Board, in its discretion, may reinstate the license upon payment of the applicable licensee and late renewal fees and upon such conditions as may be necessary to ensure that the licensee is qualified to resume practice; or
- C. More than 10 Years. An individual who fails to renew a license for more than 10 years from the date of expiration may obtain a new license by satisfying all of the requirements of 32 M.R.S.A. Chapter 17 and these rules.

6. REJECTED APPLICATIONS

Denied or abandoned applications requiring no further Board action will be destroyed after 6 months, and an applicant must file a new application in order to reapply.

AUTHORITY: 32 M.R.S.A. §§1153, 1202, and 1204
EFFECTIVE DATE: August 13, 2008

Chapter 135 ELECTRICAL PERMITS

Summary: This chapter identifies the types of licensee who may apply for an electrical permit, requires that the licensee applying for a permit must personally sign the application, prohibits a licensee from signing a permit application on behalf of or in the name of another licensee, requires that the permit fee be paid at time of application, and states that a person who applies for a permit is legally and professionally responsible for compliance with the electrical laws and rules relating to the installation for which the permit was requested.

1. Application for Electrical Permit

Application for an electrical permit pursuant to 32 MRSA §1102-B may be made only by:

1. An individual master electrician; or
2. An individual limited electrician, for an installation within the scope of the licensee's limited practice.

The application must be personally signed by the master electrician or limited electrician applying for the permit. A licensee may not sign an application on behalf of or in the name of another licensee, even if authorized to do so by the other licensee.

2. Fees

An application for an electrical permit must be accompanied by the fees required by Chapter 10, Section 5(15) of the rules of the Department of Professional and Financial Regulation, Office of Licensing and Registration entitled "Establishment of License Fees."

3. Responsibility

A master electrician or limited electrician who applies for an electrical permit is legally and professionally responsible for compliance with all laws and rules enforceable by the board with respect to the installation for which the permit was requested.

STATUTORY AUTHORITY: 32 MRSA §1102-B(2) and (4), §1153, §1153-A
EFFECTIVE DATE: July 19, 2011

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

318 ELECTRICIANS' EXAMINING BOARD

CHAPTER 150 - RECIPROCITY

SUMMARY: This Chapter defines the procedures for qualifying for licensure by reciprocity.

1. RECIPROCAL AGREEMENTS

- A. At the request of the electricians' licensing authority in another state (the "reciprocal state"), or upon its own initiative, the Board shall determine whether the reciprocal state's standards for licensure are sufficient to establish that an electrician licensed in the reciprocal state is qualified to make electrical installations in Maine without taking the examination, which is otherwise required under 32 M.R.S.A. §1203. In making this determination, the factors the Board shall consider include, but need not be limited to, the type of examination administered, the passing score and provisions (if any) for waiver of examination, and the length of time those standards have been in effect.
- B. If the reciprocal state uses different terminology for its licensing grades than Maine uses, or uses the same terms with different meanings, a reciprocity agreement shall specify which degrees of licensure are subject to reciprocity.
- C. Any individual licensed by reciprocity shall comply with the Maine statutes and rules governing electricians while engaged in electrical installations in the State of Maine, including continuing education requirements.
- D. If a reciprocity agreement is terminated by either Maine or the reciprocal state, no new licenses may be granted on the basis of that agreement, but the termination of the agreement shall not impair the validity or renewability of licenses previously issued under the agreement.

2. APPLICATION

- A. If a reciprocity agreement has been ratified by both the Board and the licensing authority in the reciprocal state, any electrician licensed in the reciprocal state shall be issued a Maine license of the equivalent degree. Applicants for reciprocity shall submit all of the following:
 - 1. Completed application;

2. The nonrefundable application fee required by Chapter 10, Section 5(15) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees;"
3. The license fee required by Chapter 10, Section 5(15) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees;"
4. Documentation of six years of licensed working experience; and
5. License verification from the reciprocal state.

AUTHORITY: 32 M.R.S.A. §§1153 and 1206, 10 M.R.S.A. §8003(5-A)(G)
EFFECTIVE DATE: August 13, 2008

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

318 ELECTRICIANS' EXAMINING BOARD

CHAPTER 170 - DENIAL APPEALS

Summary: This Chapter sets forth an applicant or licensee's right to appeal certain board actions.

APPEAL OF LICENSE DENIAL

An applicant or licensee may appeal a license denial to the Board by filing a request for hearing with the Board in writing within 30 days of the applicant's or licensee's receipt of notice of the denial. An adjudicatory hearing will be scheduled upon receipt of a timely appeal. Non-timely appeals will be denied without hearing.

AUTHORITY: 10 M.R.S.A. §8003(5-A)

EFFECTIVE DATE: August 13, 2008

Chapter 10: ESTABLISHMENT OF LICENSE FEES

Summary: This chapter establishes fees for professional and occupational licenses and registrations issued by the Office of Licensing and Registration.

1. DEFINITIONS

Unless the context otherwise indicates, the following words have the following meanings:

- 1. **3d party.** “3d party” refers to a fee for a standardized license examination that is paid directly by the applicant to the organization administering the examination or its designee.
- 2. **OLR.** “OLR” means the Office of Licensing and Registration.

2. ESTABLISHMENT OF FEES; EFFECTIVE DATES

OLR shall charge the license and other fees indicated in §§ 3 and 5 below. For initial licenses, and for applications and examinations, the fees set out below shall become effective upon the effective date of this chapter. For renewal licenses, the fees set out below shall become effective with the first renewal cycle occurring on or after the effective date of this chapter.

The license and other fees of OLR boards and regulatory functions not listed below are set by the statute and implementing rules governing the particular board or regulatory function.

3. FEES APPLICABLE TO ALL BOARDS AND REGULATORY FUNCTIONS LISTED IN §4

Except as otherwise indicated, the fees listed in this section apply to all boards and regulatory functions listed in §5 below:

- 1. Replacement license \$10
- 2. Verification of licensure \$25

- 3. Photocopies No charge for first 7 pages, 25¢ for each page thereafter
- 4. Licensee register list on diskette or CD-ROM \$25

4. REFUNDS

If an applicant applies for a license listed in §5 for which a separate application fee is charged, the license fee will be refunded if the license is denied. All other fees listed in §§ 3 and 5 are nonrefundable.

5. FEES TO BE CHARGED FOR PARTICULAR OCCUPATIONAL AND PROFESSIONAL LICENSES AND REGISTRATIONS AND RELATED FEES

The following fees shall be charged for the licenses, registrations, permits and other services listed in subsections 1–40 below. For any given license or registration, the designated fee shall apply to both initial issuance and renewal unless otherwise indicated. The term of a license or registration ends on the uniform expiration or renewal date established for that license or registration by law.

15. Electricians’ Examining Board

Master	2 yr	\$150
Master (inactive)	2 yr	\$75
Journeyman	2 yr	\$150
Journeyman (inactive)	2 yr	\$75
Limited	2 yr	\$150
Limited (inactive)	2 yr	\$75
Journeyman-in-training	2 yr	\$150
Helper	2 yr	\$50
Apprentice	2 yr	\$50
Individual licensees 70 years of age or older (all categories)	2 yr	\$20
Application	NA	\$25
Examination	NA	3d party
Late Renewal More than 90 days	NA	\$50

STATE ELECTRICAL PERMITS

(The minimum fee for a permit is \$75.00)

1. Services
 - Temporary
 - 1 phase and 3 phase through 800 amperes \$75.00
 - 1 phase and 3 phase 801 and larger \$75.00
 - Permanent
 - 1 phase and 3 phase through 800 amperes \$75.00
 - 1 phase and 3 phase 801 and larger \$75.00
2. Panels remote from the main service \$7.50
Recreational vehicle park sites \$7.50
3. Receptacles, switches, luminaries, electrical heating units,
permanently connected appliances and outside
lighting and signs \$.50
4. Transformers - not utility owned \$20.00
5. Motors and generators:
 - Motors - fractional \$2.00
 - Motors - 1 horsepower and larger \$4.00
 - Generators (emergency, required standby, optional)\$30.00
6. Electrical alarm systems \$75.00
7. Energy management systems \$75.00
8. Alternative energy systems (photovoltaic, wind,
Micro-hydro, fuel cell) \$75.00
9. Systems control wiring (HVAC) \$75.00

CERTIFICATIONS OF DWELLINGS BY STATE ELECTRICAL INSPECTORS

1. All single family dwellings \$75.00

STATUTORY AUTHORITY: OLR director uniform fee authority: 10 MRSA §8003(2-A)(D) and (E). OLR director fee authority in board statutes: 32 MRSA §§67, 287-A, 558, 1203-A, 1504, 1527, 2402-B, 3116-A, 3501-B, 3652, 3833-A, 4863-A, 4912, 5507, 6215, 9859-A, 12514-A, 13724, 13910-A, 14012-A, 14306-G, 14358, 15109(9) and 15225-A. Additional late fee authority in board statutes: 32 MRSA §§224, 224-A, 553-A, 1204, 2404, 3504, 3652, 4863, 5515(8), 9859, 9909(1), 13734(1), 13908(1), 14025, 14235, 14238, 14814, 15109(3), 15216-C.

EFFECTIVE DATE: November 20, 2010

Chapter 11: LATE RENEWALS

SUMMARY: This chapter establishes a uniform policy regarding the treatment of late renewals of licenses issued by the licensing boards and regulatory functions within the Office of Licensing and Registration (“OLR”).

1. Applicability

This chapter applies to the OLR licensing boards and regulatory functions enumerated in 10 MRSA §8001(38). For those programs, this chapter supersedes existing statutory and rule provisions dealing with the consequences of late renewal.

2. Late Renewal Within 90 Days of Expiration

1. A licensee who applies for renewal after expiration of the license but within 90 days of expiration shall pay a late renewal fee of \$50. The license will be issued as of the date of late renewal and will not be retroactive to the expiration of the prior license.
2. The licensee is considered to have been unlicensed from the date of expiration to the date of late renewal.
3. A licensee who applies for renewal within 90 days after expiration and pays the \$50 late renewal fee will not be subject to disciplinary action by the licensing authority for unlicensed practice during the period of nonlicensure. The licensee will remain subject to disciplinary action for all other violations.

3. Late Renewal Beyond 90 Days of Expiration

A licensee who fails to renew within 90 days after expiration shall be subject to:

1. Applicable administrative and judicial penalties for all unlicensed practice that occurred subsequent to expiration; and
2. Applicable statutory provisions relating to late renewal.

4. Notice

Licensees who fail to timely renew shall be notified of the consequences of late renewal as soon as practicable after expiration.

STATUTORY AUTHORITY: 32 MRSA §8003(2-A)(E)

EFFECTIVE DATE:

September 9, 2001

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

041 OFFICE OF LICENSING AND REGISTRATION

Chapter 13: UNIFORM RULE FOR THE SUBSTANTIATION OF CONTINUING EDUCATION REQUIREMENTS

Summary: This chapter establishes the substantiation of continuing education requirements for professional and occupational licenses and registrations issued by the Office of Licensing and Registration.

Section 1. Applicability

This chapter applies to all boards and regulatory functions within the Office of Licensing and Registration that require licensees to complete continuing education as a prerequisite to license renewal. This Chapter does not affect a board's authority to require or approve continuing education activities or to establish the number and nature of continuing education hours required for renewal.

Section 2. Certification of continuing education for renewal

At the time of application for renewal, each licensee must certify, on a form provided by the Office of Licensing and Registration, the number of continuing education hours completed during the preceding license term or during the continuing education period established in statute or by board rule. No additional information or continuing education documentation is required to be submitted at the time of renewal. However, the licensee must retain documentation of all continuing education activities as described in section 4 of this chapter.

Section 3. Verification of compliance by audit

Applicants for license renewal will be selected by the licensing board on a random basis for audit of continuing education compliance. In addition, an individual licensee may be selected for an audit as part of an investigation or if there is reasonable cause to believe the licensee has provided a false certification concerning the completion of continuing education requirements. An audit may review the last two continuing education certifications submitted by the licensee.

Licensees selected for audit will be notified to submit documentation of the continuing education activities that were certified by the licensee at the time of renewal. Continuing education hours that cannot be documented in accordance with the documentation requirements determined by the licensing board or that do not satisfy the criteria for continuing education contained in statute or board rule will be disallowed.

Section 4. Retention of Documentation

The licensee shall retain documentation of continuing education activities included in the most recent two continuing education certifications submitted by the licensee, including the current renewal period.

STATUTORY AUTHORITY: 10 MRSA § 8003(2-A)(E)

EFFECTIVE DATE:

August 19, 2003

**MEMORANDUM OF UNDERSTANDING BETWEEN THE MAINE FUEL BOARD AND
THE ELECTRICIANS' EXAMINING BOARD
FOR THE INSTALLATION, SERVICE AND REPAIR
OF HOT WATER, STEAM, WARM AIR HEATING SYSTEMS AND
WATER HEATERS**

A person holding a valid State of Maine Master or Journeyman Oil and/or Solid Fuel Technician's license or a Propane and Natural Gas Appliance Connection and Service Technician license may install electrical conductors, including the branch circuit, fittings, devices and raceways for the power and control of oil, solid-fuel, propane or natural gas fired hot water, steam, warm air heating systems and water heaters. The technician may also install, replace or adjust any motor or control on the heating branch circuit as required by the National Electrical Code. This also applies to the branch circuit supplying the oil, solid-fuel, propane or natural gas fired water heater.

The technician may install the branch circuit overcurrent device, provided a space in the electrical panel is available. The technician may also install the associated low voltage wiring provided its power supply is fed from the heating branch circuit.

This does not include the wiring of unit and kick space heaters not associated with the heating branch circuit. This does not allow the technician to install receptacles and lighting for servicing the equipment or to wire air conditioning units, evaporators and condensers.

All electrical installations performed must meet the requirements of the National Electrical Code (NFPA 70).

Date: June 17, 2011
Brian McDougal, Chairperson
Electricians' Examining Board

Date: June 9, 2011
Barry Austin, Chairperson
Maine Fuel Board

Department of Professional and Financial Regulation
Office of Licensing and Registration
Electricians' Examining Board
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