

CHAPTER 139

MAINE FUEL BOARD

SUBCHAPTER 1

GENERAL PROVISIONS

§18101. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

4. Chimney. "Chimney" means a factory-built, masonry or metal chimney constructed to allow one or more vertical or nearly vertical passageways for conveying flue gases from a building to the outside atmosphere.

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

[PL 2015, c. 169, §1 (AMD).]

7. Natural gas. "Natural gas" means hydrocarbon fuel in a gaseous state with a composition of predominantly CH₄.

[PL 2015, c. 169, §1 (AMD).]

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

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

10. Self-service dispensing station. "Self-service dispensing station" means a licensed facility where propane or natural gas is dispensed into permanently mounted fuel containers on vehicles. [PL 2015, c. 169, §1 (AMD).]

11. Solid fuel. "Solid fuel" means coal, wood, pellets and other similar organic materials or any combination of them. [PL 2013, c. 217, Pt. I, §1 (AMD).]

12. State fuel inspector. "State fuel inspector" means a person employed by the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation to enforce the provisions of this chapter. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF); PL 2011, c. 286, Pt. B, §5 (REV).]

13. Wood pellets. "Wood pellets" means a wood fuel product manufactured from compressed sawdust or other wood by-product that is pressed or extruded into pieces of uniform size and shape that are designed to be fed in bulk to a combustion chamber. "Wood pellets" does not include ground wood chips. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2011, c. 286, Pt. B, §5 (REV). PL 2013, c. 217, Pt. I, §1 (AMD). PL 2015, c. 169, §1 (AMD).

§18102. License required

A person who installs or services solid fuel burning equipment, including pellet-fired central heating appliances, or oil, propane or natural gas burning equipment and a facility where propane or natural gas is dispensed must be licensed under this chapter, except as provided under section 18104. [PL 2015, c. 169, §2 (AMD).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2015, c. 169, §2 (AMD).

§18103. Violations; penalties

1. Unlicensed practice. A person, firm or corporation who makes an oil, solid fuel, propane or natural gas installation without being licensed as provided by subchapter 3 or who employs an unlicensed person to make installations is subject to the provisions of Title 10, section 8003-C. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

2. Strict liability. Except as otherwise specifically provided, violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF).

§18104. Exceptions

The licensing provisions of this chapter do not apply to: [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

1. Electricians. An electrician duly licensed under chapter 17 insofar as the installation of electrical equipment or the performance of any electrical work involved in the installation of oil or solid fuel or propane or natural gas burners is concerned; [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

2. Engineers and operators. A person holding an engineer's license issued under section 15109, or working under the general supervision of one so licensed while performing oil or solid fuel burner repair and maintenance on propane or natural gas burning equipment as is necessary in the steam or heating plant where that person is employed, if that work is performed in compliance with section 18107, or a person employed by companies under the jurisdiction of the Public Utilities Commission; [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

3. Equipment. Solid fuel burning fireplace stoves, room heaters and stoves designed exclusively for heating and cooking and not attached to a central heating system and heating or cooling equipment operated by means of solar energy; [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

4. Highway transport drivers. A highway transport driver who drives a tractor-trailer commercial motor vehicle that has a cargo tank with a water capacity of 9,000 gallons or more and delivers propane to a bulk plant, as defined in NFPA standards, Number 58, or industrial customers; [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

5. Individual user of a self-service propane or natural gas dispensing station. An individual user of a self-service propane or natural gas dispensing station; [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

6. Mechanics. The installation of air-handling equipment, sheet metal and other specialized equipment and services associated with oil or solid fuel or propane or natural gas burning equipment made by qualified mechanics of those trades who do not hold a master oil and solid fuel burning technician's license under section 18132, journeyman oil and solid fuel burning technician's license under section 18133, apprentice oil and solid fuel burning technician's license under section 18134 or propane and natural gas technician's license under section 18135. Such an installation must conform to the standards and rules of the board and must be made under the supervision of a master oil and solid fuel burning technician or propane and natural gas technician having responsibility for the installation; [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

7. Personal abode. A person making an oil, solid fuel, propane or natural gas burning installation in a single family residence occupied or to be occupied by that person as that person's bona fide personal abode, provided that the installation conforms with standards and rules of the board; [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

8. Persons working on internal combustion engines and associated gas trains. A person who works on internal combustion engines and associated gas trains; [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

9. Plumbers. A plumber duly licensed under chapter 49 insofar as the work covered by that chapter is involved; and [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

10. Regular employees of industrial facilities. Regular employees of industrial plants installing and servicing oil, solid fuel, propane or natural gas burning equipment of greater than 10,000,000 BTUs per hour input. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF).

§18105. Municipal licenses not required; municipal permits

A municipality, notwithstanding any provision of a municipal charter, may not require an oil and solid fuel burning technician or a propane and natural gas technician to be municipally licensed. A municipality may not issue a permit for an oil, solid fuel, propane or natural gas burning installation

unless satisfied that the person applying for the permit complies with the requirements of this chapter. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF).

§18106. Major equipment sales information

Upon request by the board or its authorized agent, a wholesaler or retailer of major oil, solid fuel, propane and natural gas heating equipment shall provide sales information to the board regarding that equipment. Sales information regarding the equipment may include the identity of the purchaser, the date of purchase, the make, model and serial number, if applicable, and any other information requested. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF).

§18107. Installations to conform to standards

1. Board standards and rules. Installation of oil, solid fuel, propane and natural gas burning equipment and chimneys may not be made in this State unless the installation complies with all the standards and rules adopted by the board. These standards and rules may not prohibit:

A. The continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;
- (2) The chimney is lined and structurally intact; and
- (3) A carbon monoxide detector is installed in the building near a bedroom; or [PL 2011, c. 225, §2 (NEW).]

B. The connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use on or after February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;
- (2) The chimney is lined and structurally intact;
- (3) A carbon monoxide detector is installed in the building near a bedroom;
- (4) The solid fuel burning appliance has been listed by Underwriters Laboratories or by an independent, nationally recognized testing laboratory or other testing laboratory approved by the board; and
- (5) The solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications. [PL 2011, c. 225, §2 (NEW).]

[PL 2011, c. 225, §2 (NEW).]

2. Technician responsibility for ascertaining total conformance to the standards and rules. Whenever oil, solid fuel, propane and natural gas burning equipment, accessory equipment or its installation are separately contracted, the master oil and solid fuel burning technician or the propane and natural gas technician in charge of the installation is responsible for ascertaining total conformance to the standards and rules adopted by the board.

[PL 2011, c. 225, §2 (NEW).]

3. Proof of license. Whenever a state fuel inspector authorized under section 18110 finds a person installing or assisting in an oil, propane, natural gas or solid fuel burning appliance installation, that

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

[PL 2011, c. 225, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2009, c. 652, Pt. A, §46 (AMD). PL 2011, c. 225, §2 (RPR).

§18108. Disclosures; penalties

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

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF).

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

The board shall inspect and issue permits to aboveground and underground propane and natural gas storage facilities and rooftop installations of ASME containers to a person who applies and submits a fee under section 18143. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF).

§18110. State fuel inspector

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

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

2. Order to correct deficiency; appeal. A person ordered by a state fuel inspector to correct a deficiency or to vacate a building or structure may appeal the order by filing a written notice of appeal with the board within 30 days after receipt of the order. The board shall schedule an appeal hearing as soon as practicable upon receipt of a timely notice of appeal. The appeal hearing must be conducted de novo and is governed by the provisions of the Maine Administrative Procedure Act applicable to

adjudicatory hearings. The state fuel inspector who issued the order on appeal has the burden of proof at the appeal hearing. If the board upholds the order, it shall prescribe the time required for compliance. The person receiving the order under subsection 1 may appeal the board's decision by filing a petition for review in Superior Court in accordance with Title 5, chapter 375, subchapter 7 within 30 days after receipt of the board's written decision.

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF).

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

If the owner, occupant of any building or an installer neglects or refuses, without justification, for more than 10 days to comply with any order of a state fuel inspector, that person commits a civil violation for which a fine of not less than \$100 for each day's neglect may be adjudged. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF).

SUBCHAPTER 2

MAINE FUEL BOARD

§18121. Board established; membership; terms

The Maine Fuel Board, established by Title 5, section 12004-A, subsection 49, consists of 9 members. The Governor shall appoint the members described in subsections 1 to 4. All members must be residents of this State. The 7 members that are required to hold a license must have been licensed for at least the 7 years immediately prior to appointment to the board. The board consists of: [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

2. Propane and natural gas technicians. Three members who each hold a valid license as a propane and natural gas technician, including one who works in the natural gas industry; [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

3. Dual licensed member. One member who is licensed both as a master oil and solid fuel burning technician and a propane and natural gas technician; [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

4. Public member. One public member as defined in Title 5, section 12004-A; and [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

5. Member appointed by Commissioner of Public Safety. One member appointed by the Commissioner of Public Safety as that commissioner's representative. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

Appointments are for 3-year terms. Appointments of members must comply with Title 10, section 8009. A board member may be removed by the Governor for cause. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF).

§18122. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings are held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. [PL 2013, c. 246, Pt. B, §29 (AMD).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2013, c. 246, Pt. B, §29 (AMD).

§18123. Powers and duties

The board has the following powers and duties. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

1. Board to enforce this chapter. The board shall enforce the provisions of this chapter. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

2. Rules. The board may adopt rules commensurate with the authority vested in it by this chapter, including, but not limited to, rules adopting technical standards for the proper installation and servicing of oil, solid fuel, propane and natural gas burning equipment. Rules adopted pursuant to this subsection may not prohibit:

A. The continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;
- (2) The chimney is lined and structurally intact; and
- (3) A carbon monoxide detector is installed in the building near a bedroom; or [PL 2011, c. 225, §3 (NEW).]

B. The connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use on or after February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;

- (2) The chimney is lined and structurally intact;
- (3) A carbon monoxide detector is installed in the building near a bedroom;
- (4) The solid fuel burning appliance has been listed by Underwriters Laboratories or by an independent, nationally recognized testing laboratory or other testing laboratory approved by the board; and
- (5) The solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications. [PL 2011, c. 225, §3 (NEW).]

The board may adopt by rule national or other technical standards, in whole or in part, that it considers necessary to carry out the provisions of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[PL 2011, c. 225, §3 (RPR).]

3. Emerging technologies.

[PL 2015, c. 169, §3 (RP).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2009, c. 652, Pt. A, §47 (AMD). PL 2011, c. 225, §3 (AMD). PL 2015, c. 169, §3 (AMD).

SUBCHAPTER 3

LICENSING

§18131. General qualifications

An applicant for a license under this subchapter must submit a properly completed application on forms furnished by the board, together with the fee established under section 18143. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF).

§18132. Master oil burner technician or solid fuel technician

1. Scope of license. The permitted activities for a person licensed as a master oil burner technician or master solid fuel technician are as follows.

A. A master oil burner technician may install, clean, service, alter or repair oil burning equipment and must hold one or more of the following authorities: number one and number 2 oils up to 15 gallons per hour; number one and number 2 oils over 15 gallons per hour; number 4, number 5 and number 6 oils; number one to number 6 oils; and pellet-fired central heating appliances. [PL 2015, c. 169, §4 (NEW).]

B. A master solid fuel technician may install, clean, service, alter or repair solid fuel burning equipment. [PL 2015, c. 169, §4 (NEW).]

[PL 2015, c. 169, §4 (AMD).]

2. Professional qualifications. Each applicant for a master oil burner or solid fuel license must pass an examination approved by the board and meet the following qualifications:

A. The applicant must demonstrate 4 years of licensed practical experience as an apprentice oil burner technician or solid fuel technician or a journeyman oil burner technician or solid fuel technician and evidence that the licensed practical experience for at least 2 of those 4 years was as a licensed journeyman oil burner technician or solid fuel technician or other requirements the board

may establish. Courses approved by the board that apply to a journeyman license cannot be applied toward the requirements for a master license. [PL 2015, c. 169, §4 (AMD).]

B. [PL 2015, c. 169, §4 (RP).]

An out-of-state applicant must present satisfactory evidence to the board of experience in installing, cleaning, servicing, altering and repairing oil or solid fuel burning equipment.
[PL 2015, c. 169, §4 (AMD).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2015, c. 169, §4 (AMD).

§18133. Journeyman oil burner technician or solid fuel technician

1. Scope of license. The permitted activities for a person licensed as a journeyman oil burner technician or journeyman solid fuel technician are as follows.

A. A journeyman oil burner technician, under the indirect supervision of, or in the employ of, a master oil burner technician may install, clean, service, alter or repair oil burning equipment and must hold one or more of the following authorities: number one and number 2 oils up to 15 gallons per hour; number one and number 2 oils over 15 gallons per hour; number 4, number 5 and number 6 oils; number one to number 6 oils; and pellet-fired central heating appliances. The supervising or employing master oil burner technician must hold at least the same authority as the journeyman oil burner technician. [PL 2015, c. 169, §5 (NEW).]

B. A journeyman solid fuel technician, under the indirect supervision of, or in the employ of, a master solid fuel technician, may install, clean, service, alter or repair solid fuel burning equipment.
[PL 2015, c. 169, §5 (NEW).]

[PL 2015, c. 169, §5 (AMD).]

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

A. One year of licensed practical experience as an apprentice oil burner technician or solid fuel technician; [PL 2015, c. 169, §5 (AMD).]

B. Six months of licensed practical experience as an apprentice oil burner technician or solid fuel technician and completion of a board-approved oil burner or solid fuel technician course at a community college, career and technical education center or career and technical education region or a comparable institute in the State or another state consisting, at a minimum, of 160 hours of study, of which at least 75 hours are made up of laboratory work on oil burning equipment and related systems; or [PL 2017, c. 210, Pt. I, §1 (AMD).]

C. Successful completion of a minimum one-year accredited heating course at a community college in this State consisting at a minimum of 320 hours of study, of which at least 150 hours are made up of laboratory work on oil or solid fuel burning equipment and related systems. [PL 2015, c. 169, §5 (AMD).]

An out-of-state applicant must present satisfactory evidence to the board of experience in installing, cleaning, servicing, altering and repairing oil and solid fuel burning equipment.
[PL 2017, c. 210, Pt. I, §1 (AMD).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2015, c. 169, §5 (AMD). PL 2017, c. 210, Pt. I, §1 (AMD).

§18134. Apprentice oil and solid fuel burning technician

1. Scope of license.

[PL 2015, c. 169, §6 (RP).]

1-A. Scope of license. The permitted activities for a person licensed as an apprentice oil burner technician or apprentice solid fuel technician are as follows.

A. An apprentice oil burner technician may:

- (1) Assist in making oil installations and repairing and servicing of oil burning equipment under the direct supervision of a master or journeyman oil burner technician who holds the same or higher authority. License authorities include: number one and number 2 oils up to 15 gallons per hour; number one and number 2 oils over 15 gallons per hour; number 4, number 5 and number 6 oils; number one to number 6 oils; and pellet-fired central heating appliances;
- (2) Bleed an oil burner without direct supervision. If the oil burner fails to operate after bleeding, the apprentice shall refer the problem to a journeyman oil burner technician or master oil burner technician; and
- (3) Clean oil burning equipment without direct supervision if the apprentice has either successfully completed at least 160 hours of training approved by the board or completed at least one year of supervised oil burner work experience. [PL 2015, c. 169, §7 (NEW).]

B. An apprentice solid fuel technician may:

- (1) Assist in making solid fuel installations and repairing and servicing of solid fuel burning equipment under the direct supervision of a master or journeyman solid fuel technician; and
- (2) Clean solid fuel burning equipment without direct supervision if the apprentice has either successfully completed at least 160 hours of training approved by the board or completed at least one year of supervised solid fuel work experience. [PL 2015, c. 169, §7 (NEW).]

[PL 2015, c. 169, §7 (NEW).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2015, c. 169, §§6, 7 (AMD).

§18134-A. Exception; bleeding of a residential home heating oil burner

Notwithstanding section 18102, a home heating oil delivery driver may bleed a residential home heating oil burner without direct supervision if the delivery driver has documentation of having completed a board-approved training course in bleeding oil burners. If the oil burner fails to operate after bleeding, the delivery driver shall refer the problem to a journeyman oil and solid fuel burning technician or master oil and solid fuel burning technician. [PL 2017, c. 288, Pt. C, §3 (AMD).]

SECTION HISTORY

PL 2015, c. 207, §1 (NEW). PL 2017, c. 288, Pt. C, §3 (AMD).

§18135. Propane and natural gas technician

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

- A. Appliance connection and service, which permits the technician to install and service propane and natural gas appliances up to 500,000 BTUs per appliance; [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]
- B. Delivery, which permits the technician to deliver propane, either by liquid transfer into a stationary container on the property of the consumer or by placing a portable container on the

property of the consumer; [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

C. Large equipment connection and service, which permits the technician to install and service propane and natural gas appliances over 500,000 BTUs per appliance; [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

D. Plant operation, which permits the technician to work at a propane facility as defined in NFPA standards, Number 58; or [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

E. Tank setting and outside piping, which permits the technician to set and maintain propane tanks and outside piping. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]
[PL 2017, c. 210, Pt. I, §2 (AMD).]

2. Professional qualifications. Each applicant for a propane and natural gas technician license must pass an examination approved by the board and meet one of the following qualifications:

A. Successful completion of the certified employee training program of a national propane gas association; or [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

B. Successful completion of a board-approved propane or natural gas course at a Maine community college, career and technical education center or career and technical education region or a comparable institute of this State or another state and passage of an examination approved by the board. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

An out-of-state applicant must present satisfactory evidence to the board of experience in installing, cleaning, servicing, altering and repairing propane and natural gas burning equipment.
[PL 2017, c. 210, Pt. I, §2 (AMD).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2017, c. 210, Pt. I, §2 (AMD).

§18136. Propane and natural gas helper

A propane and natural gas helper may assist in making propane and natural gas installations and repairing and servicing of propane and natural gas equipment under the direct supervision of a propane and natural gas technician who has the same authority as described under section 18135, subsection 1 as the supervising propane and natural gas technician. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF).

§18137. Temporary license; plant operator or delivery technician

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

A. Authority to practice as a plant operator is restricted to work at a propane facility as defined in NFPA standards, Number 58; and [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

B. Authority to practice as a delivery technician is restricted to the delivery of propane, either by liquid transfer into a stationary container on the property of a consumer or by placing a portable container on the property of a consumer. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF).

§18138. Oil energy auditor

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

[PL 2017, c. 210, Pt. I, §3 (AMD).]

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

[PL 2017, c. 210, Pt. I, §3 (AMD).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2017, c. 210, Pt. I, §3 (AMD).

§18139. Propane and natural gas energy auditor

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

[PL 2017, c. 210, Pt. I, §4 (AMD).]

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

[PL 2017, c. 210, Pt. I, §4 (AMD).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2017, c. 210, Pt. I, §4 (AMD).

§18140. Tank installer

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

[PL 2017, c. 210, Pt. I, §5 (AMD).]

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

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

- (1) A licensed manufactured housing mechanic as defined in Title 10, section 9002; or
- (2) The owner of a manufactured housing dealership for the purpose of installing heating oil tanks at manufactured housing that has been sold by the owner. The license is revoked upon the owner ceasing to operate as a manufactured housing dealer. [PL 2017, c. 210, Pt. I, §5 (AMD).]

B. A tank installer's license may be issued jointly to a licensed manufactured housing dealer, as defined in Title 10, section 9002, and an individual employee of the dealer who is named as the corecipient of the joint tank installer's license. The corecipient dealer and employee are restricted to installing heating oil tanks at manufactured housing that was sold by the dealer. The joint tank installer's license is revoked upon termination of the employee named as the corecipient of the joint tank installer's license from the employ of the dealer. [PL 2017, c. 210, Pt. I, §5 (AMD).]

[PL 2017, c. 210, Pt. I, §5 (AMD).]

3. Professional qualifications. A tank installer must provide satisfactory evidence to the board of completion of a board-approved training program of at least 4 hours for proper installation of an outside oil tank.

[PL 2017, c. 210, Pt. I, §5 (AMD).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2017, c. 210, Pt. I, §5 (AMD).

§18141. Wood pellet technician

A wood pellet technician's privileges to practice are restricted to cleaning the ash pan, cleaning the burn pot, scraping and cleaning the distribution tubes, emptying fines from the collection box and cleaning the fan. [PL 2017, c. 210, Pt. I, §6 (AMD).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2017, c. 210, Pt. I, §6 (AMD).

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

The following licensing, maintenance and installation standards apply to dispensing stations operating in the State. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

A. A dispensing station operating in the State must comply with section 18107 and the standards and rules adopted by the board, including, but not limited to, NFPA standards, Numbers 54 and 58, and amendments to and replacements of those standards. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

materials approved by the board. The training documentation must be kept at the dispensing station. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

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

(1) A dispensing station is relocated; or

(2) A dispensing station undergoes major repair or renovation. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

[PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF).

§18143. Fees

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$350 biennially. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF); PL 2011, c. 286, Pt. B, §5 (REV).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2011, c. 286, Pt. B, §5 (REV).

§18144. Renewals

A license expires on the date set by the Commissioner of Professional and Financial Regulation pursuant to Title 10, section 8003, subsection 4 for the licensing period for which the license was issued. A renewal license may be issued for each ensuing licensing period in the absence of any reason or condition that might warrant the refusal to grant a license upon receipt by the board of the written request of the applicant and the fee for the license set under section 18143. An expired license may be reissued up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set under section 18143. An individual who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter and is subject to a renewal fee, late fee and additional late fee as set under section 18143, except that the board may, in its discretion and giving due consideration to the protection of the public, waive examination if that renewal application is made within 2 years from the date of that expiration. [PL 2009, c. 344, Pt. C, §3 (NEW); PL 2009, c. 344, Pt. E, §2 (AFF).]

SECTION HISTORY

PL 2009, c. 344, Pt. C, §3 (NEW). PL 2009, c. 344, Pt. E, §2 (AFF).

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