



DEPARTMENT OF

**Professional &
Financial Regulation**

STATE OF MAINE

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

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

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

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

Sunrise Review Survey: Regulation of Certain Mechanical Trades

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

Completed by: John Napolitano, Business Manager

On behalf of: United Association Local 716

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Date: ___ July _____, 2009

General Information

1. Group or organization you represent:

United Association Local 716 Plumbers and Pipefitters for the State of Maine

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

The United Association of Plumbers and Pipefitters Local 716 support the state regulation of mechanical trades.

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

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

The Licensing for Certain Mechanical Trades Act will require contractors and trade persons who perform work in refrigeration, heating, ventilation, air conditioning, pipe fitting, fire sprinkler and the sheet metal trades

- (a) The number of individuals or business entities that you believe would be subject to regulation (if possible, please provide a breakdown or information specific to each trade);
- (b) The names and addresses of associations, organizations and other groups representing potential licensees (if possible, please provide information specific to each trade); and
- (c) An estimate of the number of potential licensees in each group.

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

The Licensing for Certain Mechanical Trades Act will require contractors and trade persons who perform work in refrigeration, heating, ventilation, air conditioning, pipe fitting, fire sprinkler and the sheet metal trades to meet minimum industry standards for education, training, experience and skill competency to perform their occupation proficiently and safely.

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

- (a) The nature and extent of potential harm to the public, if any or all of these trades continue to be unregulated by the State (please be as specific as possible); and
In terms of ensuring public safety, one critical line of defense is to require high quality training, testing and certification standards for all persons employed in the mechanical trades. Requiring minimal experience and educational levels will assist in maintaining the quality and skills required of material craft technicians to provide safeguards against faulty or inadequate work.
- (b) The extent to which there is a threat to the public's health, safety or welfare without state regulation (*Please provide evidence of the potential harm, including: a description of any complaints filed with state law enforcement authorities, courts, departmental agencies, other professional or occupational boards and professional and occupational associations that have been lodged against these trades--pipefitters, refrigeration technicians and contractors, fire protection sprinkler fitters and contractors, sheet metal workers and contractors, and mechanical contractors--in this State within the past 5 years*).

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

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

- 6. Service availability under regulation.** Please describe the extent to which regulation of these trades would increase or decrease the availability of services to the public.

- 7. Existing laws and regulations.** Please discuss the extent to which existing legal remedies are inadequate to prevent or redress the kinds of harm potentially resulting from continued non-regulation and whether regulation can be provided through an existing state agency or in conjunction with presently regulated practitioners.

- 8. Method of regulation.** Please describe why registration, certification, license to use the title, license to practice or another type of regulation is being proposed, why that regulatory alternative was chosen and whether the proposed method of regulation is appropriate.

- 9. Other states.** Please provide a list of other states that regulate any or all of these trades, the type of regulation, copies of other states' laws and available evidence from those states of the effect of regulation on these trades in terms of a before-and-after analysis.

- 10. Previous efforts to regulate.** Please provide the details of any previous efforts in this State to implement regulation of these trades.

- 11. Minimal competence.** Please describe whether the proposed requirements for regulation exceed the standards of minimal competence and what those standards are.

12. Financial analysis. Please describe the method proposed to finance the proposed regulation and financial data pertaining to whether the proposed regulation can be reasonably financed by potential licensees through dedicated revenue mechanisms.

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