

Notice of Agency Rule-making Proposal

AGENCY: Department of Professional and Financial Regulation, Office of Licensing and Registration, Plumbers' Examining Board

CHAPTER NUMBER AND TITLE:

- Chapter 1 Advisory Rulings (renamed and amended)
- Chapter 2 Complaints, Investigations and Adjudicatory Proceedings (repealed)
- Chapter 3 Licensing Requirements(amended)
- Chapter 4 Installation Standards (amended)
- Chapter 5 Examination Requirements (repealed)
- Chapter 7 Fees (repealed)
- Chapter 8 Conflict of Interest (repealed)

PROPOSED RULE NUMBER (*leave blank; assigned by Secretary of State*):

CONTACT PERSON FOR THIS FILING: Cheryl Hersom, Board Administrator, 35 State House Station, Augusta, ME 04333, (207) 624-8605, cheryl.c.hersom@maine.gov

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different):

PUBLIC HEARING (if any): December 9, 2009, 9:00 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: December 21, 2009

BRIEF *SUMMARY: The proposed rules update the state plumbing code and make other changes to the rules regulating the practice of plumbing.

IMPACT ON MUNICIPALITIES OR COUNTIES (if any)

STATUTORY AUTHORITY FOR THIS RULE: 5 MRSA §§8051 and 9001(4); 32 MRSA §§3403-A(1) and 3403-B(1)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: jeffrey.m.frankel@maine.gov

* Check one of the following two boxes.

The above summary is for use in both the newspaper and website notices.

The above summary is for the newspaper notice only. A more detailed summary / basis statement is attached.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____
 (authorized signature)

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
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Notice of Agency Rule-making Proposal

DETAILED BASIS STATEMENT / SUMMARY: The proposed rules: (1) repeal obsolete chapters and text, (2) consolidate into one chapter (Ch. 3) all the rule provisions dealing with examination and licensure, (3) provide that only a master plumber may sign a trainee plumber's license application, (4) eliminate the requirement that a master plumber must sign the license application of a journeyman plumber or journeyman-in-training, (5) provide that only a master plumber may provide the affidavit of work experience and work hours completed by a trainee plumber, journeyman-in-training or journeyman plumber, (6) require master plumbers and journeyman plumbers to ensure that all plumbers under their supervision practice within the scope of the license held, (7) designate the International Association of Plumbing and Mechanical Officials Uniform Plumbing Code, 2009 edition as a replacement for the International Association of Plumbing and Mechanical Officials Uniform Plumbing Code, 2000 edition, *Maine State Internal Plumbing Code*, and (8) set forth exclusions and amendments to the 2009 code for use in Maine.

02 DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION

395 PLUMBERS' EXAMINING BOARD

Chapter 1: GENERAL PROVISIONS ADVISORY RULINGS

Summary: This rule establishes guidelines relating to ~~meetings~~, advisory rulings, and ~~maintenance of records~~.

~~1. MEETING NOTICES~~

~~The Department shall be responsible for distributing meeting notices to the board members and to others as required by statute or rule. Upon request, notices may also be provided to others deemed to have an interest in the business before the Board.~~

~~2. MEETING AGENDAS~~

~~A. An agenda for meetings shall be prepared by the Department and shall include business requiring consideration or action by the board members. The agenda shall also include all business items requested by the board members provided such request is received by the Board at least ten days in advance of the meeting.~~

~~B. Business not included on the agenda may be considered following an affirmative vote of a majority of the board members present.~~

~~3. RECORDS~~

~~The Department shall maintain a record of all business conducted by the Board and shall preserve, subject to the provisions of 5 M.R.S.A. Chapter 6, all books, documents and papers entrusted to their care. Records shall be opened to public inspection subject to 1 M.R.S.A. Chapter 13. Delays in making records available for inspection may be occasioned by action necessary to preserve the security of records, to obtain legal advice, or to avoid disrupting regular business activities and for these reasons, it is recommended that requests be submitted three business days in advance of anticipated inspection.~~

~~Access to written communication with the Department of the Attorney General, criminal history records, materials relating to license examinations, pending complaints, and other records may be restricted subject to 1 M.R.S.A. Chapter 13 and other applicable laws.~~

4. ADVISORY RULINGS

A. Authority and Scope

The ~~Board~~ board may issue an advisory ruling ~~pursuant to~~ in accordance with 5 M.R.S.A. §9001 concerning the applicability ~~to an existing factual situation of any statute or rule it administers~~ of a statute or rule to existing facts. ~~Each request shall be reviewed individually by the Board~~ The board shall review each request for an advisory ruling to determine whether ~~an advisory~~ the requested ruling is appropriate. The ~~Board~~ board may, at its discretion, decline ~~the request for to issue~~ an advisory ruling if the request is hypothetical, if there is insufficient information upon which to base a ruling or for any other reason the board deems proper. ~~An advisory ruling is not legally binding upon the Board pursuant to Title 5 M.R.S.A. §9001 of the Administrative Procedure Act.~~

B. Submission

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

C. Ruling

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

D. Publication

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

EFFECTIVE DATE: February 3, 1980 - Chapter 1 (as Chapter 110)
March 31, 1985 - Ch. 110 - 150

AMENDED: March 6, 1990 Ch. 110 - 190

REPEALED AND REPLACED: April 28, 1997 (as Chapter 1)

EFFECTIVE DATE (ELECTRONIC CONVERSION): December 20, 1997

~~02 DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION~~~~395 PLUMBERS' EXAMINING BOARD~~~~Chapter 2: COMPLAINTS, INVESTIGATIONS AND ADJUDICATORY HEARINGS~~

~~Summary: This Chapter describes the procedure by which complaints and adjudicatory hearings will be handled by the Board.~~

~~1. WRITTEN COMPLAINTS:~~

~~Complaints are filed in accordance with the procedures established by the Department of Professional & Financial Regulation, Office of Licensing and Registration. Members of the public may receive materials for initiating a complaint from:~~

~~Office of Licensing & Registration
Complaints & Investigations Unit
35 State House Station
Augusta, ME 04333-0035
Tel: 207/624-8603~~

~~2. GROUNDS FOR DISCIPLINE:~~

~~In addition to the grounds for discipline set forth in 32 M.R.S.A. Section 3404, the Board may refuse to issue or renew a license or may take disciplinary action against a licensee for any of the following reasons:~~

~~A. Fraud or Deceit~~

~~The practice of fraud or deceit in connection with service rendered as a plumber.~~

~~B. Addiction~~

~~Addiction, as confirmed by medical findings, to the use of alcohol or other drugs, which has resulted in the licensee being unable to perform his or her duties in a manner that does not endanger the health or safety of consumers or the public.~~

~~C. Mental Incompetency~~

~~A medical findings of mental incompetency.~~

~~D. Aiding or abetting~~

~~Aiding or abetting a person not duly licensed as a plumber in representing him or herself to be a licensed plumber.~~

~~E. Violation of plumbing code~~

~~Violation of any provision of the International Association of Plumbing and Mechanical Officials Uniform Plumbing Code, 2000 edition, State of Maine Internal Plumbing Code, as adopted by the Board in Chapter 4 of these rules.~~

~~3. OTHER INVESTIGATIONS~~

~~An investigation may be conducted based upon information other than a written complaint if such information provides prima facie evidence of a violation of 32 M.R.S.A. Chapter 130, or if the information raises a substantial question regarding the qualifications of any applicant or licensee.~~

~~4. BOARD MEMBER REQUEST FOR INVESTIGATION~~

~~A member of the Board may file a complaint or request an investigation, but such complaint or request shall serve to disqualify that member from participating in the Board's disposition of that complaint. The complaining board member shall be prohibited from discussing the issue with other members, except as a witness or party to the proceeding, until after final agency action and the time for appeal has lapsed or appeal rights have been exhausted.~~

~~5. PROHIBITED COMMUNICATIONS~~

~~The board members shall avoid discussing, except with adequate notice and opportunity for all parties to participate, any specific case under investigation, or any case which may reasonably be expected to be the subject of investigations, until after final agency action and the time for filing an appeal has lapsed or appeal remedies have been exhausted, except in accordance with the Standard Complaint Procedure of the Department of Professional and Financial Regulation, Office of Licensing and Registration. This rule shall not be construed to limit the board members at a Board meeting from discussion among themselves or with the attorney for the Board. This rule shall not be construed to limit communications regarding matters which have reached final disposition, investigatory procedures in general, inquiries regarding the procedural status of a specific case, or other matters not relating to issues of fact or law concerning a specific case.~~

~~6. ADJUDICATORY HEARINGS~~

~~Board hearings shall conform to the requirements of the Maine Administrative Procedure Act, 5 M.R.S.A. Chapter 375.~~

~~STATUTORY AUTHORITY: 32 M.R.S.A. §§ 3403-A, 3403-B, and 3404~~

~~EFFECTIVE DATE:~~

~~February 3, 1980 in Chapter 1~~

~~March 31, 1985 part of Chapters 110-150~~

~~AMENDED:~~

~~March 6, 1990 part of Chapters 110-150~~

~~_____~~

~~REPEALED AND REPLACED:~~

~~April 28, 1997 replacing Chapter 120~~

~~EFFECTIVE DATE (ELECTRONIC CONVERSION):~~

~~December 20, 1997~~

~~REPEALED AND REPLACED:~~

~~January 20, 2002~~

02 DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION

395 PLUMBERS' EXAMINING BOARD

Chapter 3: LICENSING REQUIREMENTS

Summary: This chapter sets forth the requirements for ~~licensure to be a plumber for the following categories: Trainee, Journeyman-in-Training, Journeyman, and Master~~initial licensure, examination and license renewal. This chapter also describes the manner in which a lapsed license may be reinstated.

[Note: ~~See 32 M.R.S.A. §3501 for additional requirements for licensure.~~The statutory requirements for licensure as a trainee plumber, journeyman-in-training, journeyman plumber and master plumber are set forth in 32 MRSA §§3501 and 3501-A.]

1. TRAINEE PLUMBER.

- ~~A. Each applicant for a trainee license shall make application on forms supplied by the Board together with payment of the application and license fee.~~
- B. ~~A person may be issued a trainee license without examination, upon submission of the appropriate fee and application signed by a licensed master or journeyman plumber. By the signature, the signing master or journeyman plumber acknowledges supervisory responsibility for the work ethics, performance, and training required of the trainee.~~A person may apply for licensure as a trainee plumber on forms provided by the board. The application must be accompanied by the license fee set forth in Chapter 10, Section 5(29) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees." The minimum age for licensure is 16.
- C. Whenever a licensed trainee plumber is no longer employed or supervised by a licensed master or journeyman plumber, the trainee plumber may not ~~actively~~ perform any plumbing work for which a license is required. ~~To continue would be a violation of 32 M.R.S.A. §3304 and Board rules.~~
- D. Hours of work accumulated by a trainee plumber shall commence from the date of licensure. Hours completed before a trainee plumber's 16th birthday will not be recognized.

~~E. — The minimum age for a trainee plumber license is 16. Hours of work applicable toward licensure as work experience are only valid after the applicant's 16th birthday.~~

2. JOURNEYMAN-IN-TRAINING.

A. ~~Upon successful completion of the journeyman examination, an applicant for a journeyman-in-training license shall make application on forms supplied by the Board, with payment of the license fee. The applicant must apply for a journeyman-in-training license to gain the required licensed practical experience to be eligible for licensure as a journeyman plumber. A person who meets the educational qualifications of 32 MRSA §3501(2-B) may apply to sit for the journeyman plumber examination. Upon passing the journeyman plumber examination, a person may apply for licensure as a journeyman-in-training in order to obtain the licensed work experience required for licensure as a journeyman plumber. Application for licensure must be made on forms provided by the board and must be accompanied by the license fee set forth in Chapter 10, Section 5(29) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees."~~

B. ~~Whenever a licensed journeyman-in-training is no longer supervised by a licensed master or journeyman plumber, the journeyman-in-training may not actively perform any plumbing work for which a license is required. To continue would be a violation of 32 M.R.S.A. §3304 and Board rules.~~

3. JOURNEYMAN PLUMBER.

A. ~~Upon successful completion of the journeyman examination, an applicant for a journeyman license shall make application on forms supplied by the Board, with payment of the license fee. Upon passing the journeyman plumber examination, a person may apply for licensure as a journeyman plumber. Application for licensure must be made on forms provided by the board and must be accompanied by the license fee set forth in Chapter 10, Section 5(29) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees."~~

B. ~~Whenever a licensed journeyman plumber is no longer employed by a licensed master plumber, or not being a master plumber, does plumbing repair work as a regular part-time occupation, the journeyman may no longer perform the work of installing plumbing and drainage. The journeyman plumber may not perform any plumbing work for which a license is required. To continue would be a violation of 32 M.R.S.A. §3304 and Board rules.~~

4. MASTER PLUMBER.

~~Upon successful completion of the master examination, an applicant for a master license shall make application on forms supplied by the Board, with payment of the license fee. Upon passing the master plumber examination, a person may apply for licensure as a master plumber. Application for licensure must be made on forms provided by the board and must be accompanied by the license fee set forth in Chapter 10, Section 5(29) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees."~~

5. RESPONSIBILITY OF THE MASTER OR JOURNEYMAN PLUMBER REGARDING SUPERVISION.

A. By the supervising ~~master's or journeyman's~~ master plumber's signature on a ~~journeyman-in-training and trainee~~ an application for licensure as a trainee plumber, ~~that the~~ master or journeyman plumber acknowledges supervisory responsibility for the work ethics, performance, and training ~~required~~ of the trainee ~~being supervised~~ plumber.

~~B. By the supervising master's signature on a journeyman application, that master acknowledges employment and supervisory responsibility for the work ethics, performance, and training required of the journeyman being supervised.~~

C. ~~The~~ A ~~master or journeyman plumber, as the case may be, shall be~~ is responsible for ~~making sure~~ ensuring that all ~~journeyman~~ journeyman plumbers, ~~journeyman~~ journeymen-in-training ~~or~~ and ~~trainees~~ trainee plumbers in his/~~her~~ the employ ~~of~~ or under his/~~her~~ the supervision ~~of the master plumber~~ are licensed and that they practice within the scope of the license held. A journeyman plumber is responsible for ensuring that all journeymen-in-training and trainee plumbers under the supervision of the journeyman plumber are licensed and that they practice within the scope of the license held.

D. ~~Upon request, the signing supervisory master or journeyman, as the case may be, must provide to the journeyman, journeyman-in-training or trainee, a signed affidavit for all practical experience performed under the master's or journeyman's supervision. A master plumber must provide upon request an affidavit attesting to the work experience and work hours completed by a trainee plumber, journeyman-in-training or journeyman plumber while under the employment or supervision of the master plumber.~~

E. Whenever ~~the signing supervisory~~ a supervising ~~master or journeyman plumber, as the case may be,~~ ceases to provide supervision to the ~~journeyman, journeyman-in-training, or a~~ trainee plumber, the ~~master or journeyman~~ plumber shall promptly notify the ~~Board~~ board in writing.

6. EXAMINATION.

- A. An applicant for examination must submit all of the following items to the board:
- (1) Completed application;
 - (2) The nonrefundable application fee set forth in Chapter 10, Section 5(29) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees;"
 - (3) Academic transcript or certificate, if applicable; and
 - (4) Affidavits of work experience and work hours furnished pursuant to Section 5(D) of this chapter.
- B. Incomplete or illegible applications will be returned to the applicant along with any attachments received.
- C. An applicant must receive board approval before sitting for an examination. Examination scores of applicants who take an examination before receipt of board approval will not be recognized.
- D. Board approval will remain valid for a period of 2 years following the date of the approval. If an applicant fails to pass an examination within this time, or fails to apply for licensure within 2 years from the date of notification of a passing score on the qualifying examination, the applicant must reapply as a new applicant and retake the examination.

~~7. LICENSE EXPIRATION.~~

~~All Master, Journeyman and Trainee licenses expire two years from the date of issuance. Journeyman in Training licenses expire four years from the date of issuance and cannot be renewed.~~

~~8. RENEWALS.~~

- ~~A. The Board shall notify licensees of the date of expiration of their licenses and the renewal fee amounts. The notice shall be mailed to the licensee's last known address at least thirty (30) days prior to the expiration of the license.~~
- ~~B. A person may renew a license for up to 90 days after the date of expiration upon payment of the license renewal fee and a late fee of \$10.00. **The 90-day period is for the purpose of expediting license renewals only and does not postpone the license expiration date.**~~

8. LICENSE RENEWAL.

The licenses of master plumbers, journeyman plumbers and trainee plumbers expire 2 years after the date of issuance. To renew a license, the licensee shall follow the on line renewal procedure prescribed by the board and shall remit the license fee set forth in Chapter 10, Section 5(29) of the rules of the Office of Licensing and Registration, entitled "Establishment of License Fees."

9. LICENSE-LATE RENEWAL; REINSTATEMENT.

~~A. An individual whose license has lapsed for more than 90 days but less than two (2) years from the date of expiration may again obtain a license by choosing one of the following options:~~

~~1. Reinstatement without examination by filing and paying the application fee, license fee, and late fee; or~~

~~2. By filing a new application, taking and passing the examination, and paying the application, examination, and license fees.~~

~~B. Individuals wishing to reinstate a license two (2) years or more after the date of expiration will be treated as new applicants and must fulfill all requirements of 32 M.R.S.A. Chapter 49 and these rules.~~

A. Late Renewal.

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

B. Reinstatement.

A master plumber or journeyman plumber who fails to renew a license more than 90 days but less than 2 years after expiration may reinstate the license without taking the examination by filing a new application for renewal and paying the license fee, the late fee set forth in Chapter 11, Section 2(1) of the rules of the Office of Licensing and Registration, entitled "Late Renewals," and the additional late fee set forth in Chapter 10, Section 5(29) of the rules of the Office of Licensing and Registration entitled "Establishment of License Fees."

An applicant who fails to renew a license 2 years or longer after expiration must apply for initial licensure pursuant to Section 6 of this chapter, meet the qualifications for initial licensure in effect at the time of the application and pass the appropriate examination.

[NOTE: Reinstatement of an expired license held by a plumber separating from the United States Armed Forces may be governed by 32 MRSA §3504.]

STATUTORY AUTHORITY: 32 MRSA §3403-A(1)

EFFECTIVE DATE:

February 3, 1980 - Chapter 1

March 31, 1985 - Ch. 110 - 150

AMENDED:

March 6, 1990 - Ch. 110 - 190

REPEALED AND REPLACED:

April 28, 1997 - replacing Chapter 130.

EFFECTIVE DATE (ELECTRONIC CONVERSION):

December 20, 1997

REPEALED AND REPLACED:

January 20, 2002

02 DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION

395 PLUMBERS' EXAMINING BOARD

Chapter 4: INSTALLATION STANDARDS

Summary: This Chapter adopts standards for plumbing installations in the State of Maine.

1. PLUMBING INSTALLATIONS

- A. The Plumbers' Examining Board adopts and incorporates herein by reference the International Association of Plumbing and Mechanical Officials Uniform Plumbing Code, 2000-2009 edition, Maine State Internal Plumbing Code as the standard for plumbing installations in the State of Maine, effective September 17, 2005 subject to the exclusions and amendments set forth in this chapter.

The above Code, hereinafter referred to as "the UPC," may be purchased from:

International Association of Plumbing and Mechanical Officials
5001 E. Philadelphia Street
Ontario, CA 91761-2816
Telephone: (909) 472-4100 or 1-800-85-IAPMO
Webpage: www.iapmo.org

- B. All plumbing installations must comply with the UPC (except as excluded or amended in this chapter); Title 32, Chapter 49 of the Maine Revised Statutes; and the rules of the board. Plumbing installations must also comply with all applicable statutes or rules of the State and all applicable ordinances, orders, rules and regulations of local municipalities.

C. Exclusions and Amendments.

(1) Chapter 1, Administration

a. The board does not adopt chapter 102.3.2, Penalties.

b. The board amends chapter 103.1.2, Exempt Work, by adding 103.1.2.3 as follows:

103.1.2.3 Installation of domestic heating appliances by master oil burner technicians licensed pursuant to Title 32, Chapter 33 of the Maine Revised Statutes and propane and natural gas installers pursuant to Title 32, Chapter 130 of the Maine Revised Statutes.

c. The board repeals and replaces chapter 103.4.1, Permit Fees, as follows:

103.4.1 Permit Fees.

103.4.1.1 Any person who begins any work for which a permit is required by the Code without first having obtained a permit shall, if subsequently eligible to obtain a permit for that work, pay double the permit fee for such work. However, this provision shall not apply to any emergency work when it can be proved to the satisfaction of the LPI that such work was necessary and that it was not practical to obtain a permit before the commencement of the work. In all emergency cases, a permit must be obtained within four (4) working day or a double permit fee shall be charged.

103.4.1.2 For the purpose of this section a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconnection and retest of existing plumbing systems in relocated buildings shall be based on the number of plumbing fixtures that requires a permit to be issued.

103.4.1.3 Permit fees shall be charged for the following permits.

(1) Fixture fee, per fixture.

(2) When only new water distribution and/or drainage pipes are installed or relocated in a building, but no fixtures installed.

(3) A hookup fee shall be charged for the connection of a mobile home, which bears the Housing and Urban Development (HUD) seal or a modular home, which bears the Manufactured Housing Board seal to a building sewer.

(4) A hookup fee shall be charged for connection to a public sewer when piping is installed outside the jurisdiction of the sanitary district. A hookup is considered a fixture when calculating the fee.

(5) Relocated mobile homes, modular homes or any other similar structures shall be considered as new conventional stick built structures. A plumbing fixture fee shall be charged based on this section.

d. The board does not adopt chapter 103.4.2, Plan Review Fees.

e. The board adopts Chapter 103.5.1, Inspections, General, with the following amendment:

(i) Plumbing systems for which a permit is required by this code shall be inspected by the Authority Having Jurisdiction.

No portion of any plumbing system shall be concealed until inspected and approved. Neither the Authority Having Jurisdiction nor the jurisdiction shall be liable for expenses entailed in the removal or replacement of material required to permit inspection. When the installation of a plumbing system is complete, an additional and final inspection shall be made. ~~Plumbing systems regulated by this code shall not be connected to the water, the energy fuel supply, or the sewer system until authorized by the Authority Having Jurisdiction.~~

f. The board does not adopt Chapter 103.5.6, paragraphs 4 and 5, Reinspections.

g. The board does not adopt Chapter 103.7, Unconstitutional.

h. The board does not adopt Table 1-1, Plumbing Permit Fees.

(2) Chapter 2, Definitions

a. The board does not adopt Chapter 205.0, Confined Space.

b. The board does not adopt Chapter 207.0 Excess Flow Valve (EFV).

c. The board does not adopt Chapter 208.0, Flammable Vapor or Fumes.

d. The board amends Chapter 220.0, Roughing-In, as follows:

(i) The installation of all parts of the plumbing system that can be completed prior to the installation of fixtures. This includes

drainage, water supply, gas piping, vent piping, and the necessary fixture supports.

e. The board does not adopt Chapter 223.0, Unconfined Space.

(3) Chapter 3, General Regulations

a. The board does not adopt Chapter 313.12.3, Ratproofing.

b. The board does not adopt Chapter 314.7, Hangers and Supports.

c. The board adopts Chapter 316.2.2, Unions, with the following exception:

(i) Approved unions shall be permitted to be used in drainage piping when accessibly located in the trap seal or between a fixture and its trap in the vent system, except underground or in wet vents, and at any point in the water supply system, and in gas piping as permitted by Section 1211.3.2(4).

d. The board does not adopt Chapter 320.0, Medical Gas and Vacuum Systems.

(4) Chapter 5, Water Heaters

a. The board only adopts the following two sections of Chapter 5. All other sections of Chapter 5 the board does not adopt.

(i) Chapter 506.4, Indirect-Fired Water Heaters, which includes 506.4.1 and 506.4.2.

(ii) Chapter 508.0, Other Water Heater Installation Requirements, which includes 508.1, 508.2, 508.3, 508.4 and 508.5.

(5) Chapter 9, Vents

a. The board adopts Chapter 906.0, Vent Terminations, with the following amendments:

(i) 906.1. Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than ~~six (6) inches (152 mm)~~ two (2) feet above the roof nor less than one (1) foot (305 mm) from any vertical surface.

(ii) 906.3. Vent pipes shall be extended separately or combined, of full required size, not less than six (6) inches (152mm) two (2) feet above the roof or fire wall. Flagpoling of vents shall be prohibited except where the roof is used for purposes other than weather protection. Vents within ten (10) feet (3,048 mm) of any part of the roof that is used for such other purposes shall extend not less than seven (7) feet (2,134 mm) above such roof and shall be securely stayed.

(iii) 906.7. Frost or Snow Closure. Where frost or snow closure is likely to occur in locations having minimum design temperature below 0°F (-17.8°C), vent terminals shall be not less than two (2) inches (50 mm) in diameters, but in no event small than the required vent pipe. The change in diameter shall be made inside the building not less than one (1) foot (305 mm) below the roof in an insulated space and terminate not less than ~~ten (10) inches (254 mm)~~ two (2) feet above the roof, or as required by the Authority Having Jurisdiction.

(6) Chapter 11, Storm Drainage

a. The board does not adopt Chapter 1101.5, Subsoil Drains.

b. The board does not adopt Chapter 1101.6, Building Subdrains.

c. The board does not adopt Chapter 1101.7, Areaway Drains.

d. The board does not adopt Chapter 1101.8, Window Areaway Drains.

e. The board does not adopt Chapter 1101.9, Filling Stations and Motor Vehicle Washing Establishments.

f. The board does not adopt Chapter 1101.10, Paved Areas.

g. The board does not adopt Chapter 1102.5, Subsoil Drains.

h. The board does not adopt Chapter 1106.3, Size of Roof Gutters.

i. The board does not adopt Table 11-3, Size of Gutters.

(7) Chapter 12, Fuel Piping. The board does not adopt Chapter 12, Fuel Piping.

(8) Chapter 13, Health Care Facilities and Medical Gas and Vacuum Systems. The board does not adopt Chapter 13, Health Care Facilities and Medical Gas and Vacuum Systems.

(9) Chapter 16, Nonpotable Water Reuse Systems.

a. The board does not adopt Part I, Gray Water Systems, in its entirety.

STATUTORY AUTHORITY: 32 MRSA §3403-B(1)

EFFECTIVE DATE:
April 28, 1997

EFFECTIVE DATE (ELECTRONIC CONVERSION):
December 20, 1997

PROVISIONAL ADOPTION (MAJOR SUBSTANTIVE):
January 15, 2002 – filing LR-2002-2

FINAL ADOPTION:
September 17, 2005 – by action of the Legislature, Resolve 2005 c.81 approved (signed by the Governor) June 3, 2005, effective September 17, 2005

~~02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION~~

~~395 PLUMBERS' EXAMINING BOARD~~

~~Chapter 5: EXAMINATION REQUIREMENTS~~

~~SUMMARY: This chapter sets forth specific information pertaining to the examination.~~

~~1. TRAINEE PLUMBER.~~

~~An examination is not required to become licensed as a trainee plumber.~~

~~2. JOURNEYMAN IN TRAINING.~~

~~Applicants are eligible to sit for the journeyman examination once they have completed a plumbing course consisting of one year or two semesters at a technical college; however, they must apply for a journeyman in training license to gain the required licensed practical experience.~~

~~3. JOURNEYMAN PLUMBER.~~

~~Applicants for a Journeyman Plumber's examination must meet the requirements of 32 M.R.S.A. §3501(2)(A) or (B).~~

~~4. MASTER PLUMBER.~~

~~Applicants for a Master Plumber's examination must meet the requirements of 32 M.R.S.A. §3501(2-A)(A).~~

~~5. APPLICATION FOR EXAMINATION.~~

~~A. Applicants for an examination(s) must submit all of the following:~~

- ~~1. Completed Application;~~
- ~~2. Application Fee (nonrefundable);~~
- ~~3. Examination Fee(s);~~
- ~~4. Completed Examination Registration Form;~~
- ~~5. School Certificate(s) (if applicable);~~

~~6. Out of state license certification (if applicable); and~~

~~7. Affidavit(s).~~

~~B. Incomplete or illegible applications will be returned to the applicant together with any attachments and the examination fee. Resubmission of the application may result in a change in the scheduled examination date.~~

~~6. EXAMINATION.~~

~~A. The Board may contract out its testing services to a nationally recognized testing agency to conduct exams for the Board as needed.~~

~~B. The examination will cover the theory of installing plumbing.~~

~~C. Applicants who fail to pass an examination will be required to reapply on a form provided by the outside testing agency. Failure to retake the examination within two years from approval will necessitate a new application.~~

~~D. Any candidate who fails to appear for a scheduled examination without appropriate notification to the testing agency may forfeit the examination fee.~~

~~7. REJECTED APPLICATIONS~~

~~Rejected applications requiring no further Board action will be destroyed after six months. An applicant must file a new application in order to reapply.~~

~~STATUTORY AUTHORITY: 32 M.R.S.A. §§ 3403-A, 3501 and 3501-A~~

~~EFFECTIVE DATE:~~

~~February 3, 1980 Chapter 1~~

~~March 31, 1985 Ch. 110-150~~

~~AMENDED:~~

~~March 6, 1990 Ch. 110-190~~

~~REPEALED AND REPLACED:~~

~~April 28, 1997 replacing Chapter 140~~

~~EFFECTIVE DATE (ELECTRONIC CONVERSION):~~

~~December 20, 1997~~

~~REPEALED AND REPLACED:~~

~~January 20, 2002~~

~~02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION~~

~~395 PLUMBERS' EXAMINING BOARD~~

~~Chapter 7: FEES~~

~~Summary: This Chapter defines the application, examination and licensee fee structure for all categories of licensure.~~

~~1. APPLICATION, EXAMINATION, AND LICENSE FEES~~

~~Every applicant for licensure shall present to the Board a written application. The fees are as follows:~~

~~A. Application~~

~~All categories \$ 25.00~~

~~B. Examinations:~~

~~All candidates should check the B.O.I. for current fees.~~

~~C. Original and Renewal Licensure. Licenses will be issued for a two-year period.~~

~~Master \$150.00~~

~~Journeyman \$ 75.00~~

~~Journeyman in training \$ 8.00~~

~~Trainee \$ 20.00~~

~~Corporation \$150.00~~

~~STATUTORY AUTHORITY: 32 M.R.S.A. Chapter 49 § 3403-A~~

~~EFFECTIVE DATE: March 6, 1990 Ch. 110-190~~

~~AMENDED: March 26, 1991 Ch. 160~~

~~REPEALED AND REPLACED: April 28, 1997—replaced by Chapter 7~~

~~EFFECTIVE DATE (ELECTRONIC CONVERSION) December 20, 1997~~

~~02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION~~

~~395 PLUMBERS' EXAMINING BOARD~~

~~Chapter 8: CONFLICT OF INTEREST~~

~~Summary: This chapter contains the Conflict of Interest Policy which sets the professional standards for Plumbers' Examining Board members.~~

~~Any duly appointed and sworn member of the Maine Plumbers Examining Board is charged with responsible conduct commensurate with the trust placed in him/her by the Governor. Such Board member is 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 his/her independence and integrity of judgment nor will he/she exercise his/her position of trust to secure unwarranted privileges for himself/herself or for others. The Maine Plumbers Examining Board member will endeavor conscientiously to pursue the highest standards of Board conduct.~~

~~STATUTORY AUTHORITY: 32 M.R.S.A. Chapter 49 § 3403-A.~~

~~EFFECTIVE DATE: March 6, 1990 Ch. 110-190~~

~~REPEALED AND REPLACED: April 28, 1997 replacing Chapter 170~~

~~EFFECTIVE DATE (ELECTRONIC CONVERSION): December 20, 1997~~