

**STATE OF MAINE**

**OIL AND SOLID FUEL BOARD**

**LAWS AND RULES**



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

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Published under appropriation Number 4320  
February, 2008 Edition



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# **OIL AND SOLID FUEL BOARD LAWS**

## MRS Title 32, Chapter 33: OIL AND SOLID FUEL BOARD

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### Subchapter 1: GENERAL PROVISIONS Sections 2301 to 2306 Repealed

#### Subchapter 1-A: GENERAL PROVISIONS

#### **32 §2311. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings. [1979, c. 569, §4 (NEW).]

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

[ 1999, c. 386, Pt. J, §1 (AMD) .]

**2. Apprentice oil burner technician.** "Apprentice oil burner technician" means a person who is licensed under this chapter and under the supervision of a master oil burner technician licensed under this chapter. A licensed apprentice oil burner technician may assist in making oil burner installations, repairs and servicing of oil burning equipment under the direct supervision of a master or journeyman oil burner technician.

[ 1999, c. 386, Pt. J, §1 (AMD) .]

**3. Apprentice solid fuel burner technician.** "Apprentice solid fuel burner technician" shall mean a person who is licensed under this chapter to assist in making solid fuel burner installations, repairs and service of solid fuel burning equipment under the direct supervision of a master solid fuel burner technician.

[ 1979, c. 569, §4 (NEW) .]

**3-A. Board.** "Board" means the Oil and Solid Fuel Board.

[ 2007, c. 402, Pt. M, §1 (NEW) .]

**4. Approved.**

[ 1991, c. 198, §5 (RP) .]

**4-A. 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.

[ 1991, c. 198, §6 (NEW) .]

**4-B. Chimney or fireplace installer.** "Chimney or fireplace installer" means any person, firm or company who installs chimneys or fireplaces for compensation.

[ 1991, c. 198, §6 (NEW) .]

**4-C. Disclosure.** "Disclosure" means a written statement of information provided to a consumer by an installer of chimneys or fireplaces prior to the actual installation.

[ 1991, c. 198, §6 (NEW) .]

**5. Equipment for burning oil and solid fuel.** "Equipment for burning oil and solid fuel" shall mean the device or arrangement designed to deliver and prepare the oil, coal or wood fuel for burning in a combustion chamber. Wood burning fireplace stoves, room heaters and stoves designed exclusively for heating and cooking and not attached to a central heating system are excluded from this chapter.

Any heating or cooling equipment operated by means of solar energy is excluded from this chapter.

[ 1979, c. 569, §4 (NEW) .]

**6. Equipment installations.** "Equipment installations" means the installation, alteration or repair of oil and solid fuel burning equipment, chimneys and fireplaces, as defined in this chapter, 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.

[ 1991, c. 198, §7 (AMD) .]

**6-A. Fireplace.** "Fireplace" means a factory-built or masonry hearth, fire chamber or similarly prepared place.

[ 1991, c. 198, §8 (NEW) .]

**7. Journeyman oil burner technician.** "Journeyman oil burner technician" means any person licensed under this chapter to install, clean, service, alter or repair oil burning equipment. A journeyman oil burner technician may install oil burning equipment only under the supervision of a master oil burner technician licensed under this chapter and must at all times be under the supervision of, or in the employ of, a master oil burner technician licensed under this chapter.

[ 1999, c. 386, Pt. J, §2 (AMD) .]

**8. Master oil burner technician.** "Master oil burner technician" means a person who is licensed under this chapter to engage in the business of installing or servicing oil burning equipment.

[ 1999, c. 386, Pt. J, §3 (AMD) .]

**9. Master solid fuel burner technician.** "Master solid fuel burner technician" means a person who is licensed under this chapter to engage in the business of installing and servicing solid fuel burning equipment.

[ 1999, c. 386, Pt. J, §4 (AMD) .]

**9-A. Registered.**

[ 1999, c. 386, Pt. J, §5 (RP) .]

**10. Solid fuel.** "Solid fuel" means coal, wood and other similar organic materials or any combination of them.

[ 1993, c. 404, Pt. A, §2 (RPR) .]

**SECTION HISTORY**

1979, c. 569, §4 (NEW). 1979, c. 606, §§7,8 (AMD). 1985, c. 389, §13 (AMD). 1989, c. 320, §1 (AMD). 1989, c. 443, §88 (AMD). 1991, c. 198, §§5-8 (AMD). 1991, c. 509, §§19-21 (AMD). 1991, c. 714, §10 (AMD). 1991, c. 716, §6 (AMD). 1993, c. 404, §A2 (AMD). 1997, c. 82, §§1,2 (AMD). 1999, c. 386, §§J1-5 (AMD). 2007, c. 402, Pt. M, §1 (AMD).

**32 §2312. Registration process  
(REPEALED)**

**SECTION HISTORY**

1979, c. 569, §4 (NEW). 1979, c. 606, §9 (AMD). 1991, c. 198, §9 (RPR). 1999, c. 386, §J6 (RP).

**32 §2312-A. Issuance of certificate of registration and appeal procedures  
(REPEALED)**

**SECTION HISTORY**

1991, c. 198, §10 (NEW). 1999, c. 386, §J7 (RP).

**32 §2312-B. Major equipment sales information**

Upon request by the board or its authorized agent, wholesalers and retailers of major oil and solid fuel heating equipment shall provide sales information to the board regarding such equipment. "Major oil and solid fuel heating equipment" includes, but is not limited to, furnaces, boilers, oil burners, fuel oil supply tanks of any size and side wall direct venting space heaters. Sales information may include the identity of the purchaser, the date of purchase, the make, model and serial number, if applicable, and any other information requested. [1995, c. 353, §22 (NEW).]

**SECTION HISTORY**

1995, c. 353, §22 (NEW).

**32 §2313. Installations to conform to standards**

No installation of oil or solid fuel burning equipment or chimneys and fireplaces as defined in this chapter may be made in the State unless the installation complies with all standards and regulations adopted by the board. Whenever oil or solid fuel burning

equipment, accessory equipment or installation thereof are separately contracted, the master burner technician in charge of installation is responsible for ascertaining total conformance to the standards. Whenever any state oil and solid fuel compliance officer finds a person installing or assisting in an oil or solid fuel burner installation, the person shall, on request of the compliance officer, provide evidence of being properly licensed when required by this chapter and, if unable to provide the evidence, shall furnish the compliance officer with that person's full name and address and, if applicable, the full name and address of the master in charge. [1991, c. 198, §11 (AMD).]

#### SECTION HISTORY

1979, c. 569, §4 (NEW). 1989, c. 320, §2 (AMD). 1991, c. 198, §11 (AMD).

### **32 §2313-A. Disclosures; penalties**

A chimney or fireplace installer must issue a disclosure to any consumer prior to the installation taking place. Disclosures must be in a format determined by the board and contain the information the board considers necessary. [2007, c. 402, Pt. M, §2 (AMD).]

Any chimney or fireplace installer who fails to provide a disclosure to a consumer prior to the installation of a chimney or fireplace commits a civil violation for which a forfeiture of not less than \$500 may be adjudged. [1991, c. 1, §46 (COR).]

#### SECTION HISTORY

1991, c. 198, §12 (NEW). RR 1991, c. 1, §46 (COR). 2007, c. 402, Pt. M, §2 (AMD).

### **32 §2314. Municipal licenses not required; municipal permits**

No municipality, provisions in charters to the contrary, shall require oil or solid fuel burner technicians to be municipally licensed, but no municipality shall issue a permit for an oil or solid fuel burner installation unless satisfied that the person applying for the permit complies with the requirements of this chapter. [1979, c. 569, §4 (NEW).]

#### SECTION HISTORY

1979, c. 569, §4 (NEW).

### **32 §2315. State oil and solid fuel compliance officers**

**1. Inspection.** State oil and solid fuel compliance officers, 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 consider it necessary, for purposes of examination of the burner, chimney or fireplace installation, may at all reasonable hours enter into and upon all buildings or premises within their jurisdiction and inspect the buildings or premises. The inspectors may enter any building only with the permission of the person having control of the building or, after hearing, upon order of the court. Whenever any such compliance officer finds any burner, chimney or fireplace installation in any building or structure that does not comply with the requirements of this chapter, that officer shall order the burner, chimney or fireplace to be removed or remedied, and the order must forthwith be complied with by the owner or occupant of that building or structure or the installer of the equipment. If the compliance officer finds an installation, which falls under the compliance officer's jurisdiction in any building or structure that creates a danger to other property or to the public, the compliance officer may forbid the 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.

[ 1999, c. 657, §15 (AMD) .]

**2. Order to correct deficiency; appeal.** Any person ordered by a state oil and solid fuel compliance officer to correct a deficiency or to vacate a building or structure may appeal the order by filing with the board within 7 days of receipt of the order a written notice of appeal. The board shall review that appeal and issue its written decision within a reasonable time after receipt of the notice of appeal. If the board upholds the compliance officer's order, it shall prescribe a 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 a deficiency or to vacate a building or structure may appeal the order to the Superior Court in accordance with Title 5, chapter 375, subchapter II-A 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.

[ 1999, c. 386, Pt. J, §8 (NEW) .]

### **3. Final orders.**

[ 2007, c. 402, Pt. M, §3 (RP) .]

### **4. Injunction to enforce order.**

[ 2007, c. 402, Pt. M, §4 (RP) .]

**5. Powers of oil and solid fuel compliance officers.** Oil and solid fuel compliance officers 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 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. State oil and solid fuel compliance officers may review the burner, chimney or fireplace installation records of any person licensed under this chapter or any person performing installations as authorized under this chapter.

[ 1999, c. 386, Pt. J, §8 (NEW) .]

## **SECTION HISTORY**

1979, c. 569, §4 (NEW). 1979, c. 606, §10 (AMD). 1987, c. 395, §A168 (AMD). 1989, c. 320, §3 (AMD). 1991, c. 198, §13 (AMD). 1999, c. 657, §15 (AMD). 1999, c. 386, §J8 (RPR). 2007, c. 402, Pt. M, §§3, 4 (AMD).

## **32 §2316. Failure to comply with order of compliance officer**

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 an oil or solid fuel burner compliance officer concerning oil or solid fuel burner, chimney or fireplace installations as provided by 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. 198, §14 (AMD).]

## SECTION HISTORY

1979, c. 569, §4 (NEW). 1989, c. 320, §4 (AMD). 1991, c. 198, §14 (AMD).

### **32 §2317. Violations; penalties**

**1. Unlicensed practice.** A person, firm or corporation who violates section 2401 is subject to the provisions of Title 10, section 8003-C.

[ 2007, c. 402, Pt. M, §5 (RPR) .]

**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.

[ 2003, c. 452, Pt. R, §5 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

### **3. Injunctive relief.**

[ 2007, c. 402, Pt. M, §6 (RP) .]

## SECTION HISTORY

1979, c. 569, §4 (NEW). 1983, c. 413, §116 (AMD). 1997, c. 82, §3 (AMD). 1999, c. 386, §J9 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2003, c. 452, §X2 (AFF). 2003, c. 452, §R5 (RPR). 2007, c. 402, Pt. M, §§5, 6 (AMD).

## Subchapter 2: LICENSING BOARD

### **32 §2351. Appointment; vacancies; removal; compensation**

The Oil and Solid Fuel Board, as established by Title 5, section 12004-A, subsection 27, consists of the Commissioner of Public Safety or a representative and 6 other members, called in this chapter the "appointive members," who are appointed by the Governor. [2007, c. 402, Pt. M, §7 (AMD).]

Four of the appointive members must be oil burner technicians who are active in the trade. One of the members must have at least 5 years' experience and the other 3 members must have at least 10 years' experience as oil burner technicians. Of those members, 2 members may be recommended by the Maine Oil Dealers Association; one member may be recommended by a national association of oil heat service managers with a chapter in the northern part of the State; and one member may be recommended by a national association of oil heat service managers with a chapter in the southern part of the State. One of the appointive members must be a representative of the solid fuel burning industry and one must be a public member as defined in Title 5, section 12004-A. [2007, c. 402, Pt. M, §7 (AMD).]

The appointive members are appointed for terms of 4 years. Appointments of members must comply with Title 10, section 8009. [2007, c. 402, Pt. M, §7 (AMD).]

Any appointive member of the board may be removed from office by the Governor for cause. [1983, c. 413, §117 (AMD).]

## SECTION HISTORY

1967, c. 249, §8 (AMD). 1969, c. 199, §§2-4 (AMD). 1971, c. 592, §30 (AMD). 1973, c. 384, (RPR). 1975, c. 575, §§30,31 (AMD). 1975, c. 579, §16 (AMD). 1975, c. 770, §183 (AMD). 1975, c. 771, §§352,353 (AMD). 1979, c. 569, §§5-7 (AMD). 1979, c. 606, §11 (AMD). 1983, c. 413, §117 (AMD). 1983, c. 553, §§36,37 (AMD). 1983, c.

812, §§218,219 (AMD). 1985, c. 506, §A68 (AMD). 1987, c. 395, §A169 (AMD). 1989, c. 503, §B135 (AMD). 1993, c. 600, §§A140,141 (AMD). 1993, c. 659, §§A5,6 (AMD). 1995, c. 397, §47 (AMD). 1999, c. 386, §J10 (AMD). 2001, c. 260, §§E1,2 (AMD). 2001, c. 633, §1 (AMD). 2007, c. 402, Pt. M, §7 (AMD).

### **32 §2352. Employees (REPEALED)**

#### SECTION HISTORY

1969, c. 199, §5 (AMD). 1971, c. 592, §31 (AMD). 1973, c. 384, (RPR). 1975, c. 579, §17 (AMD). 1979, c. 569, §8 (AMD). 1983, c. 413, §118 (AMD). 1985, c. 785, §B135 (AMD). 1987, c. 395, §A170 (AMD). 1991, c. 198, §15 (AMD). 1991, c. 509, §22 (AMD). 1999, c. 386, §J11 (AMD). 2007, c. 402, Pt. M, §8 (RP).

### **32 §2353. 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 standards and rules as necessary, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, for the holding of examinations and for carrying out this chapter, and provide for reciprocity of licensing with similar boards of other states that maintain standards equivalent to those provided under this chapter. [2007, c. 402, Pt. M, §9 (AMD).]

#### SECTION HISTORY

1973, c. 384, (RPR). 1977, c. 356, §5 (AMD). 1977, c. 694, §591 (AMD). 1979, c. 569, §9 (AMD). 1983, c. 413, §119 (RPR). 1991, c. 198, §16 (AMD). 1999, c. 386, §J12 (AMD). 2007, c. 402, Pt. M, §9 (AMD).

### **32 §2354. Disposal of fees (REPEALED)**

#### SECTION HISTORY

1973, c. 384, (RPR). 1991, c. 198, §17 (AMD). 1995, c. 397, §48 (RP).

### **32 §2355. Denial or refusal to renew license; disciplinary action**

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 any of the reasons enumerated in Title 10, section 8003, subsection 5-A, paragraph A. [2007, c. 402, Pt. M, §10 (RPR).]

Any license that is suspended or revoked must be immediately surrendered to the board and held during any period of suspension, or if revoked, until reinstated as provided in this chapter. [2007, c. 402, Pt. M, §10 (RPR).]

There is no appeal from the failure of the board to issue a license as a result of an applicant failing to pass an examination when the results of the examination have been unanimously certified by the board to be correct. [2007, c. 402, Pt. M, §10 (RPR).]

Any person whose license is suspended or revoked for more than 90 days must establish that the person meets all requirements governing new applicants under this chapter as a condition of reinstatement or return of the person's license, except that the

board may in its discretion, giving due consideration to the protection of the public, waive examination if the period of suspension is less than 2 years or, in the case of revocation of license, the applicant is both eligible and has made application for reinstatement of license within 2 years of the effective date of revocation. [2007, c. 402, Pt. M, §10 (RPR).]

#### SECTION HISTORY

1967, c. 249, §9 (AMD). 1973, c. 303, §3 (AMD). 1973, c. 384, (RPR). 1977, c. 694, §592 (AMD). 1979, c. 569, §§10,11 (AMD). 1983, c. 413, §120 (RPR). 1985, c. 389, §14 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. M, §10 (RPR).

### **32 §2355-A. Employing unlicensed person**

A person, firm or corporation in the oil or solid fuel burner installation business that employs an unlicensed person, unless the work is exempted under this chapter, commits a Class E crime. [2007, c. 402, Pt. M, §11 (NEW).]

#### SECTION HISTORY

2007, c. 402, Pt. M, §11 (NEW).

### **32 §2356. Records (REPEALED)**

#### SECTION HISTORY

1973, c. 384, (RPR). 1983, c. 413, §121 (RPR). 2007, c. 402, Pt. M, §12 (RP).

### **32 §2357. Reports (REPEALED)**

#### SECTION HISTORY

1975, c. 767, §40 (NEW). 1987, c. 395, §A171 (AMD). 2007, c. 402, Pt. M, §13 (RP).

### **32 §2358. Hearings (REPEALED)**

#### SECTION HISTORY

1983, c. 413, §122 (NEW). 2007, c. 402, Pt. M, §14 (RP).

## Subchapter 3: LICENSES

### **32 §2401. License required**

An installation or servicing of oil and solid fuel burner equipment may not be made, except as provided in this chapter, unless made by a person licensed by the board. [2001, c. 633, §2 (AMD).]

The board may issue a limited license to a manufactured housing mechanic as defined and licensed in Title 10, chapter 951 for the limited purpose of allowing the mechanic to install outside residential heating oil tanks at manufactured housing defined by Title 10, section 9002, subsection 7, paragraph A. Requirements for attaining the limited license must include training for proper installation of an outside oil tank of at least 4 hours at an education course approved by the board. [2001, c. 633, §2 (NEW).]

The board may issue a joint limited license to a manufactured housing dealer, as defined and licensed in Title 10, chapter 951, and an individual employee of the dealer who is named as the corecipient of the joint limited license for the limited purpose of allowing the employee to install outside residential heating oil tanks at manufactured housing, as defined in Title 10, section 9002, subsection 7, paragraph A, that has been sold by the dealer. Requirements for attaining the joint limited license must include training, of at least 4 hours at an education course approved by the board, completed by the employee named as the corecipient of the joint limited license, for proper installation of an outside oil tank. The joint limited license is revoked upon termination of the employee named as the corecipient of the joint limited license from the employ of the dealer. [2003, c. 89, §1 (NEW).]

The board may issue a joint limited license to the owner of a manufactured housing dealership for the limited purpose of allowing the owner to install outside residential heating oil tanks at manufactured housing, as defined in Title 10, section 9002, subsection 7, paragraph A, that has been sold by the owner. For the purposes of the joint limited license, the board shall consider the owner as both the dealer and the employee named as the corecipient. Requirements for attaining the joint limited license must include training of at least 4 hours at an education course approved by the board, completed by the owner, for proper installation of an outside oil tank. The joint limited license is revoked upon the owner ceasing to operate as a manufactured housing dealer. [2003, c. 89, §1 (NEW).]

#### SECTION HISTORY

1967, c. 249, §10 (RPR). 1973, c. 384, (RPR). 1979, c. 569, §12 (AMD). 2001, c. 633, §2 (AMD). 2003, c. 89, §1 (AMD).

### **32 §2401-A. Exceptions**

The licensing provisions of this chapter shall not apply to the following: [1979, c. 569, §13 (NEW).]

**1. Electricians.** Any 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 burners is concerned;

[ 1979, c. 569, §13 (NEW) .]

**2. Plumbers.** Any plumber duly licensed under chapter 49 insofar as the work covered by that chapter is involved;

[ 1979, c. 569, §13 (NEW) .]

**3. Mechanics.** The installation of air-handling equipment, sheet metal and other specialized equipment and services associated with the oil or solid fuel burning equipment may be made by qualified mechanics of those trades who do not hold an oil or solid fuel burner technician's license. The installations must conform to the standards and rules of the board and must be made under the supervision of a master oil or solid fuel burner technician having responsibility for the installations;

[ 1991, c. 198, §18 (AMD) .]

**4. 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 as is necessary in the steam or heating plant where that person is employed, if that work is performed in compliance with section 2313, or a person employed by companies under the jurisdiction of the Public Utilities Commission or the United States Nuclear Regulatory Commission whose facilities are subject to inspection under Title 26, chapter 5, subchapter II, Article 4;

[ 1995, c. 560, Pt. H, §13 (AMD); 1995, c. 560, Pt. H, §17 (AFF) .]

#### **4-A. Employees displaced by utility divestiture.**

[ T. 32, §2401-A, sub-§4-A (RP) .]

**5. Plants.** A person operating oil or solid fuel burning equipment of greater than 10,000,000 BTU's per hour input;

[ 1979, c. 569, §13 (NEW) .]

**6. Personal abode.** Nothing in this chapter prevents a person from making an oil or solid fuel burner 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 board laws and rules.

[ 1999, c. 386, Pt. J, §13 (AMD) .]

#### SECTION HISTORY

1979, c. 569, §13 (NEW). 1991, c. 198, §18 (AMD). 1995, c. 560, §H13 (AMD). 1995, c. 560, §H17 (AFF). 1997, c. 691, §1 (AMD). 1999, c. 386, §J13 (AMD). 1999, c. 127, §D5 (AFF). MRSA T.32 ., §2401A/4A (AMD).

### **32 §2401-B. Issuance of licenses**

**1. Application; qualifications.** The board shall issue a license to any person who files a sworn application, who passes an examination approved by the board and who meets the following applicable qualifications.

A. For a journeyman oil burner technician license, a person must present satisfactory evidence to the board of at least:

(1) One year's licensed practical experience as an apprentice oil burner technician;

(2) Six months of licensed practical experience and completion of an oil burner technician course at a Maine community college, career and technical education center or career and technical education region or a comparable institute from Maine 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 burner equipment and related systems; or

(3) Successful completion of a minimum one-year accredited heating course at a Maine community college consisting, at a minimum, of 320 hours of study, of which at least 150 hours are made up of laboratory work on oil burner equipment and related systems.

An out-of-state applicant must present satisfactory evidence to the board of

experience in installing, cleaning, servicing, altering and repairing oil burning equipment. [2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF); 2003, c. 11, §1 (RPR); 2003, c. 545, §5 (REV).]

B. For a master oil burner technician license, a person must present to the board satisfactory evidence of a total of 4 years' licensed practical experience as an apprentice oil burner technician and a journeyman oil burner 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 other such requirements as the board may establish. Courses approved to become licensed as a journeyman can not be applied toward the licensing requirements for a master. An out-of-state applicant must present satisfactory evidence to the board of experience in installing, cleaning, servicing, altering and repairing oil burning equipment. [1999, c. 386, Pt. J, §14 (NEW).]

C. For a master solid fuel burner technician license, a person must present to the board satisfactory evidence of at least 2 years' licensed practical experience and related knowledge; a master oil burner technician's license issued under this chapter; or a bachelor's degree in engineering from an accredited university and satisfactory evidence of knowledge of solid fuel burning equipment. An out-of-state applicant must present satisfactory evidence to the board of experience in installing, cleaning, servicing, altering and repairing solid fuel burning equipment. [2001, c. 260, Pt. E, §3 (AMD).]

[ 2003, c. 11, §1 (AMD); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF); 2003, c. 545, §5 (REV) .]

**2. Apprentice.** The board may issue an apprentice license without examination to any person who applies and submits a fee as adopted by the Director of the Office of Licensing and Registration by rule. Any such person employed by, or under the direct supervision of, a master licensee must apply for an apprentice license immediately upon employment or immediately after beginning school in a heating program. An apprentice oil burner technician may clean oil burners and oil burning equipment as specified by rule.

[ 1999, c. 685, §2 (AMD) .]

**2-A. Limited energy auditor technician.** The board may issue a limited energy auditor technician license to a person who presents 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 Maine residential energy auditor certification program or an equivalent training and education program as determined by the board. Privileges of practice are restricted to the performance of combustion safety and efficiency testing on oil-fired space heating or water heating equipment to ensure health and safety standards and do not include any adjustment of oil-fired space heating or water heating equipment.

[ 2007, c. 392, §1 (NEW) .]

**3. License displayed.** All persons licensed by the board must receive a license that must be publicly displayed at the principal place of business of the licensee, if any,

and a pocket card license that must be carried on the person and displayed at any time upon request.

[ 2007, c. 402, Pt. M, §15 (AMD) .]

#### SECTION HISTORY

1999, c. 386, §J14 (NEW). 1999, c. 685, §2 (AMD). 2001, c. 260, §E3 (AMD). 2003, c. 11, §1 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2003, c. 545, §5 (REV). 2007, c. 392, §1 (AMD). 2007, c. 402, Pt. M, §15 (AMD).

### **32 §2402. Rules; fees; application; certificates (REPEALED)**

#### SECTION HISTORY

1967, c. 249, §11 (RPR). 1973, c. 384, (RPR). 1975, c. 767, §41 (AMD). 1977, c. 694, §593 (AMD). 1979, c. 569, §§14-16 (AMD). 1979, c. 606, §12 (AMD). 1983, c. 204, §7 (AMD). 1983, c. 413, §123 (AMD). 1987, c. 395, §A172 (AMD). 1989, c. 320, §5 (AMD). 1991, c. 198, §19 (AMD). 1997, c. 82, §4 (AMD). 1999, c. 386, §J15 (RP).

### **32 §2402-A. Rules**

The board may adopt reasonable rules for the issuance of various types and classes of licenses to cover oil and solid fuel burner installations and to set forth standards and rules for product approval. A license may cover one or more types of installations. The board may further adopt reasonable rules concerning the term and type of experience required by candidates for examination. [1999, c. 386, Pt. J, §16 (NEW).]

#### SECTION HISTORY

1999, c. 386, §J16 (NEW).

### **32 §2402-B. Fees**

The Director of the Office of Licensing and Registration 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. The fee for the limited license for a manufactured housing mechanic or the joint limited license for a manufactured housing dealer and employee or owner may not exceed \$50 biennially. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [2007, c. 402, Pt. M, §16 (AMD).]

#### **1. Application.**

[ 1999, c. 685, §3 (RP) .]

#### **2. Examination.**

[ 1999, c. 685, §3 (RP) .]

#### **3. Licensure.**

[ 1999, c. 685, §3 (RP) .]

## SECTION HISTORY

1999, c. 386, §J16 (NEW). 1999, c. 685, §3 (RPR). 2001, c. 633, §3 (AMD). 2003, c. 89, §2 (AMD). 2007, c. 402, Pt. M, §16 (AMD).

### **32 §2403. Examinations**

Applicants for a master or journeyman's oil burner technician or master solid fuel burner technician license shall present to the board a written application for examination accompanied by the prescribed fee. Examinations must be in whole or in part in writing, be approved by the board and be of a thorough and practical character commensurate with the responsibilities of the type of license applied for. [2007, c. 402, Pt. M, §17 (AMD).]

Examinations may include questions on the rules of the Oil and Solid Fuel Board, applicable National Fire Protection Association Standards and provisions of the National Electrical Code as may be applicable to the installations and the equipment. Any person failing to pass the first examination in any one category may be reexamined at a time agreeable to the board upon payment of the examination fee. [1999, c. 386, Pt. J, §17 (AMD).]

## SECTION HISTORY

1967, c. 249, §11 (RPR). 1973, c. 384, (RPR). 1977, c. 356, §6 (AMD). 1979, c. 569, §17 (AMD). 1979, c. 606, §13 (AMD). 1983, c. 204, §8 (AMD). 1983, c. 413, §124 (AMD). 1983, c. 553, §38 (AMD). 1999, c. 386, §J17 (AMD). 2007, c. 402, Pt. M, §17 (AMD).

### **32 §2404. Renewals**

All licenses expire 2 years from the original date of issue or at such other time as the Commissioner of Professional and Financial Regulation may designate. The licenses may be renewed on a biennial basis without further examination upon the payment of the renewal fee as set under section 2402-B. A license may be renewed 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 2402-B. Any person who submits an application for renewal more than 90 days after the license renewal date shall pay an additional late fee as set under section 2402-B and is subject to all requirements governing new applicants under this chapter, except that the board may, giving due consideration to the protection of the public, waive examination or other requirements. [2007, c. 402, Pt. M, §18 (AMD).]

## SECTION HISTORY

1967, c. 249, §11 (RPR). 1969, c. 231, §3 (AMD). 1973, c. 384, (RPR). 1975, c. 767, §42 (RPR). 1979, c. 569, §18 (AMD). 1983, c. 413, §125 (AMD). 1991, c. 198, §20 (AMD). 1997, c. 82, §5 (AMD). 1999, c. 685, §4 (AMD). 2007, c. 402, Pt. M, §18 (AMD).

### **32 §2405. Grandfather clause (REPEALED)**

## SECTION HISTORY

1979, c. 569, §19 (NEW). 1981, c. 561, (AMD). 1991, c. 198, §21 (RP).

### **32 §2406. Corporations, firms and partnerships**

The board may issue a company license to a corporation, firm, partnership or limited liability company. Such a license may not be issued unless the applicant provides satisfactory evidence that it has a licensed master oil burner or solid fuel burner technician directly in charge of its heating business activities who is an officer in the case of a corporation, or full-time employee, in the case of a firm or partnership, and the license must be issued in the name of that master oil burner or solid fuel burner technician. Upon the death or severance from the company of the licensed master oil burner or solid fuel burner technician in whose name the company license is held, the company license automatically terminates 30 days from the date of that death or severance, unless the company applies for reissuance of its license in the name of another licensed master oil burner or solid fuel burner technician who is qualified under this section. [1999, c. 386, Pt. J, §18 (AMD).]

#### **SECTION HISTORY**

1989, c. 320, §6 (NEW). 1999, c. 386, §J18 (AMD).

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

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

[ 1995, c. 309, §26 (AMD); 1995, c. 397, §4 (AMD); 1995, c. 309, §29 (AFF); 2007, c. 273, Pt. B, §7 (AFF); 2007, c. 273, Pt. B, §5 (REV) .]

**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) .]

**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) .]

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

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. Oil and Solid Fuel Board; [1995, c. 397, §11 (NEW).]

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. C, §5 (AFF); 2007, c. 369, Pt. B, §3 (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; and licensure of transient sellers, including door-to-door home repair transient sellers.

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. Board of Barbering and Cosmetology; [1995, c. 397, §11 (NEW).]
  - 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).]
  - 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. Propane and Natural Gas Board; [1995, c. 560, Pt. H, §3 (AMD); 1995, c. 560, Pt. H, §17 (AFF).]
  - JJ. Real Estate Commission; [1995, c. 560, Pt. H, §3 (AMD); 1995, c. 560, Pt. H, §17 (AFF).]
  - 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; and [2007, c. 369, Pt. B, §5 (AMD); 2007, c. 369, Pt. C, §5 (AFF).]
  - MM. Board of Speech-language Pathology, Audiology and Hearing Aid Dealing and Fitting. [2007, c. 369, Pt. B, §6 (NEW); 2007, c. 369, Pt. C, §5 (AFF).]
- [ 2007, c. 369, Pt. B, §§2-6 (AMD); 2007, c. 402, Pt. C, §1 (AMD); 2007, c. 369, Pt. C, §5 (AFF) .]

#### 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. 770, §58 (AMD). 1975, c. 771, §122 (AMD). 1975, c. 767, §9 (RPR). 1977, c. 160, §2 (AMD). 1977, c. 466, §1 (AMD). 1977, c. 673, §1 (AMD). 1977, c. 78, §36 (RPR). 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. 819, §§A15,16 (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). 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. 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, §4 (AMD). 1995, c. 560, §§H3,4 (AMD). 1995, c. 625, §A17 (AMD). 1995, c. 671, §§6,7 (AMD). 1995, c. 309, §29 (AFF). 1995, c. 505, §22 (AFF). 1995, c. 560, §H17 (AFF). 1997, c. 727, §C1 (AMD). 1997, c. 749, §2 (AMD). 1999, c. 386, §B1 (AMD). 1999, c. 399, §2 (AMD). 1999, c. 687, §C1 (AMD). 1999, c. 399, §20 (AFF). 2001, c. 44, §9 (AMD). 2001, c. 182, §5 (AMD). 2001, c. 261, §5 (AMD). 2001, c. 44, §14 (AFF). 2007, c. 369, Pt. B, §§2-6 (AMD). 2007, c. 402, Pt. C, §1 (AMD). 2007, c. 273, Pt. B, §7 (AFF). 2007, c. 369, Pt. C, §5 (AFF). 2007, c. 273, Pt. B, §5 (REV).

## **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. 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: [1999, c. 687, Pt. C, §2 (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. 770, §59 (AMD). 1975, c. 767, §9 (RPR). 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).

## **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) Subject to the limitations of Title 5, chapter 341, conviction of a Class A, B or C crime or of a crime that bears directly on the licensed profession or occupation;
- (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 paragraph D, subparagraph (1) or (2). [2007, c. 402, Pt. C, §3 (NEW).]

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;
- (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. [2007, c. 402, Pt. C, §3 (NEW).]

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:

(1) Require all applicants for license renewal to respond to all inquiries set forth on renewal forms;

(2) Require all licensees and applicants for licensure to report in writing any of the following to the office, board or commission no later than 10 days after the change or event, as the case may be:

(a) Change of name or address;

(b) Criminal conviction;

(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

(d) Any material change in the conditions or qualifications set forth in the original application for licensure submitted to the office, board or commission.

(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. 402, Pt. C, §3 (NEW).]

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 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 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, except for revocation

actions, 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.

Any nonconsensual revocation of a professional or occupational 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 subsection.

[ 2007, c. 402, Pt. C, §3 (NEW) .]

**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.** In addition to authority otherwise conferred, bureaus, offices, boards or commissions within or affiliated with the department may specify by rule the conditions under which a licensee's number, name and address are to be displayed to the public.

[ 1995, c. 502, Pt. H, §10 (AMD) .]

**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. 680, §A1 (AMD). 1997, c. 537, §62 (AFF). 1999, c. 184, §§15-17 (AMD). 1999, c. 386, §§B2-5 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 687, §§C5-9 (AMD). 1999, c. 547, §B80 (AFF). 2001, c. 44, §10 (AMD). 2001, c. 167, §1 (AMD). 2001, c. 323, §9 (AMD). 2001, c. 44, §14 (AFF). 2003, c. 204, §B1 (AMD). 2005, c. 111, §1 (AMD). 2005, c. 474, §1 (AMD). 2007, c. 402, Pt. C, §§2, 3 (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 and commissions 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 IV has been issued; [1989, c. 173, (NEW).]
- 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).]

[ 1999, c. 687, Pt. C, §10 (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 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.

[ 2001, c. 345, §1 (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, §4 (AMD); 1993, c. 719, §12 (AFF) .]

**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, §4 (AMD). 1993, c. 719, §12 (AFF). 1999, c. 386, §B6 (AMD). 1999, c. 687, §§C10,11 (AMD). 2001, c.

345, §1 (AMD).

## **10 §8003-C. Unlicensed practice**

**1. Complaints of unlicensed practice.** A board or commission listed in section 8001, subsection 38 or section 8001-A may receive or initiate complaints of unlicensed practice.

[ 1999, c. 687, Pt. C, §12 (NEW) .]

**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 this Title or intentionally, knowingly or recklessly practices or represents to the public that the person is authorized to practice after the license required by this Title has expired or been suspended or revoked commits a Class E crime; and [2003, c. 452, Pt. E, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

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 this Title or intentionally, knowingly or recklessly practices or represents to the public that the person is authorized to practice after the license required by this Title 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. [2003, c. 452, Pt. E, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. X, §2 (AFF); 2003, c. 452, Pt. E, §10 (RPR) .]

**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 this Title or after the license has expired or has been suspended or revoked commits a civil violation punishable by a fine of not less than \$100 but not more than \$2,000 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.

[ 1999, c. 687, Pt. C, §12 (NEW) .]

**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).

**10 §8003-D. Investigations; enforcement duties; assessments**

When there is a finding of a violation, a board or commission listed in section 8001, subsection 38 or section 8001-A may assess the licensed person or entity for all or part of the actual expenses incurred by the board, commission or its agents for investigations and enforcement duties performed. [1999, c. 687, Pt. C, §12 (NEW).]

"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 or commission, 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 or commission, which may not be less than 30 days. [1999, c. 687, Pt. C, §12 (NEW).]

**SECTION HISTORY**

1999, c. 687, §C12 (NEW).

**10 §8003-E. Citations and fines**

Any board or commission listed in section 8001, subsection 38 or section 8001-A 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 regarding the violation. [1999, c. 687, Pt. C, §12 (NEW).]

#### SECTION HISTORY

1999, c. 687, §C12 (NEW).

### **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 §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).

# **OIL AND SOLID FUEL BOARD**

## **RULES**

## 02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

### 381 OIL AND SOLID FUEL BOARD

#### CHAPTER 1 – DEFINITIONS

SUMMARY: This Chapter is promulgated to clarify wording of the law and these Rules.

As used in these Rules, the following terms have the following meanings:

- 1-1 **AFFIDAVIT.** A form provided by the Board to document an applicant's licensed practical experience.
- 1-2 **ASME.** American Society of Mechanical Engineers.
- 1-3 **BOARD.** State of Maine Oil and Solid Fuel Board.
- 1-4 **CANDIDATE INFORMATION BULLETIN.** A document provided by the Board describing the examination process including content areas and study material.
- 1-5 **CLEANING OF OIL OR SOLID FUEL EQUIPMENT.** The process of: brushing and vacuuming a heating appliance heat exchanger, warm air furnace, boiler (steam or hot water) flue passages and connectors, lubricating motors, and bearings; replacing nozzles, belts, filters, and electrodes; performing combustion efficiency testing; and any other procedure for cleaning and annual maintenance as described in the manufacturer's instructions.
- 1-6 **COMBINATION UNIT.** A combination unit is a heating appliance that is listed for the use of more than one fuel in the same vessel.
- 1-7 **COMBUSTION EFFICIENCY TEST.** A test conducted to determine efficiency of combustion by measuring the composition and temperature of flue gases as they leave the appliance.
- 1-8 **ENT FLEXIBLE CONDUIT.** Electrical Non-Metallic Tubing.
- 1-9 **GPH.** Gallons per hour.
- 1-10 **INSTALLATION.** The installation, alteration or repair of oil and solid fuel burning equipment, chimneys and fireplaces, including accessory equipment.
- 1-11 **LABELED.** The certification of equipment or materials by a label, symbol, or other identifying mark by a nationally recognized testing agency of an organization which conducts periodic inspection of equipment and materials to indicate compliance with appropriate standards of performance.
- 1-12 **LICENSE AUTHORITY.** The scope of permission granted to service and install various types of oil and solid fuel burning equipment to each license category, e.g., 1 and 2 oils over 15 gph, 1 and 2 oils over 15 gph/solid fuel, 1 and 2 oils up to 15 gph, 1 and 2 oils up to 15 gph/solid fuel, 1-6 oils, 1-6 oils/solid fuel, 4-6 oils, 4-6 oils/solid fuel.
- 1-13 **LISTED.** The determination that a piece of equipment or material meets appropriate standards for specific purposes established by a nationally recognized testing agency.

**1-14 PRACTICAL EXPERIENCE.** Actual work performed on oil and solid fuel burning equipment while holding a valid license issued by the Board.

**1-15 RULES.** Rules adopted by the Oil and Solid Fuel Board.

**1-16 SIGNING MASTER.** A licensed Master Oil Burner and/or Solid Fuel Technician who signs an Apprentice application or an application for examination acknowledging employment or supervisory responsibility for the work ethics, performance, and training required of the applicant.

**1-17 SUPERVISION.** The direction and overseeing of the work and performance of a licensed apprentice or journeyman as clarified below:

1-17.1 Direct Supervision: Supervision which is provided to an apprentice by a licensed master or journeyman which requires that the master or journeyman be on site at all times.

1-17.2 Indirect Supervision: Supervision which is provided to a journeyman by a licensed master which does not require the master to be on site at all times.

AUTHORITY: 32 M.R.S.A. §2311, §2353, and §2402-A

EFFECTIVE DATE: February 3, 2008

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**381 OIL AND SOLID FUEL BOARD**

**CHAPTER 2 –ADVISORY RULINGS**

Summary: This rule establishes guidelines relating to advisory rulings.

**2-1 ADVISORY RULINGS.**

2-1.1 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.

2-1.2 Submission

A request for an advisory ruling must be submitted to the Board in writing and must 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.

| 2-1.3 Ruling

The Board shall issue advisory rulings in writing. 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, must 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, must be identified specifically as an advisory ruling and must be numbered serially.

2-1.4 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 MRSA §§8051, 9001(4)

EFFECTIVE DATE: February 3, 2008

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**381 OIL AND SOLID FUEL BOARD**

**CHAPTER 3 – CATEGORIES AND RESPONSIBILITIES OF LICENSURE**

Summary: This Chapter describes the duties and responsibilities for licensure as an Apprentice, Journeyman and Master Oil Burner and/or Solid Fuel Technician or as a Limited Tank Installer.

**3-1 APPRENTICE OIL BURNER AND/OR SOLID FUEL TECHNICIAN.**

3-1.1 An apprentice oil burner technician must be under the direct supervision of a journeyman or master oil burner technician at all times while altering, repairing, or installing oil burning equipment. However, an apprentice oil burner technician may clean oil burning equipment without direct supervision if the licensee has either: (1) successfully completed at least 160 hours of training approved by the Board; or (2) completed at least one (1) year of supervised oil burner experience. The apprentice oil burner technician may also bleed an oil burner without direct supervision. If the oil burner fails to operate properly after bleeding, the apprentice shall refer the problem to a journeyman or master licensee. Failure to conform to this requirement may subject the apprentice and the signing master to disciplinary action for servicing oil burning equipment without proper supervision.

3-1.2 Capabilities are limited to the following license authorities:

3-1.2.1 1 & 2 oils up to 15 GPH.

3-1.2.2 1 & 2 oils over 15 GPH.

3-1.2.3 4, 5, & 6 Oils.

3-1.2.4 1-6 Oils.

3-1.2.5. Solid Fuel.

3-1.3 A solid fuel apprentice technician must be under the direct supervision of a master solid fuel technician at all times while cleaning, altering, repairing, and installing central solid fuel appliances and accessory equipment.

3-1.4 In order for an apprentice oil burner and/or solid fuel technician to progress through the various licensing categories and authorities, documented proof of licensed practical experience must be provided to the Board. It is the responsibility of the licensee to obtain an affidavit from all masters as to the dates (day, month, year) of accumulated licensed practical experience to establish his or her eligibility when applying for a higher category or authority of license.

3-1.5 An apprentice licensee is not permitted to work on any oil and/or solid fuel burning equipment if for any reason he is no longer employed or supervised by an appropriately licensed master.

3-1.6 A master and/or journeyman oil burner technician can clean a combination unit and service and repair the oil burner assembly if he or she is licensed as an apprentice solid fuel technician.

### **3-2 JOURNEYMAN OIL BURNER TECHNICIAN.**

3-2.1 In order for a journeyman oil burner technician to progress through the various licensing categories and authorities, documented proof of licensed practical experience must be provided to the Board. It is the responsibility of the licensee to obtain an affidavit from all licensed master oil burner technicians who provided supervision as to the dates (day, month, year) of accumulated licensed practical experience to establish his or her eligibility when applying for a master license.

3-2.2 Capabilities are limited to the following license authorities:

3-2.2.1 1 & 2 oils up to 15 gph.

3-2.2.2 1 & 2 oils over 15 gph.

3-2.2.3 4, 5, & 6 Oils.

3-2.2.4 1-6 Oils.

3-2.3 A journeyman oil burner technician must at all times be under the indirect supervision of, or the employ of, a licensed master oil burner technician who accepts full responsibility for the work ethics and performance of the journeyman.

3-2.4 A journeyman oil burner technician is not permitted to work on any oil burning equipment if for any reason he is no longer employed or supervised by a master.

3-2.5 A journeyman oil burner technician cannot supervise an apprentice oil burner technician whose licensing authority exceeds that of the journeyman.

### **3-3 MASTER OIL BURNER AND/OR SOLID FUEL TECHNICIAN.**

3-3.1 Capabilities for a Master Oil and/or Solid Fuel Technician are limited to the following license authorities:

3-3.1.1 1 & 2 oils up to 15 gph.

3-3.1.2 1 & 2 oils over 15 gph.

3-3.1.3 4, 5, & 6 Oils.

3-3.1.4 1-6 Oils.

3-3.1.5 Solid Fuel.

#### **3-3.2 RESPONSIBILITY OF THE SUPERVISING MASTER.**

3-3.2.1 By signing an application as supervising master, the master acknowledges employment or supervisory responsibility for the work ethics, performance, and training required of the applicant regardless of the licensing category. It is the duty of the master to personally inspect any installation work

performed by any licensee for whom the master is responsible at the conclusion of the installation.

3-3.2.2 Whenever the supervising master ceases to provide supervision, the supervising master shall notify the Board and licensee in writing, a copy of which shall be kept in both the applicant's and the supervising master's file.

3-3.2.3 Upon request, the supervising master must provide a signed affidavit documenting all practical experience performed by an apprentice or journeyman under the master's supervision.

3-3.2.4 A master cannot supervise an apprentice or journeyman whose licensing authority exceeds that of the master.

3-3.2.5 Licensed masters who sell, contract, dispatch, or subcontract any work or installation to another master or other licensee are responsible for the completion of the installation and the work performed. The master contracting the work and the licensee performing the work both have equal responsibility to ensure that all work complies with the Rules adopted by the Board.

### **3-4 LIMITED TANK INSTALLER.**

A person licensed as a limited oil tank installer is limited to installing outside residential oil supply tanks connected to manufactured housing units as set forth in 10 M.R.S.A. § 9002(7)(A).

### **3-5 LIMITED ENERGY AUDITOR TECHNICIAN.**

3-5.1 A limited energy auditor technician is limited to performing combustion safety and efficiency testing on oil-fired space heating or water heating equipment. Limited energy auditor technicians may not make any adjustments to oil-fired space heating or water heating equipment.

3-5.2 Prior to performing a combustion safety and efficiency test, a limited energy auditor technician shall obtain the manufacturer's installation and operating instructions for the specific equipment to be tested.

3-5.3 A limited energy auditor technician shall observe all provisions of the manufacturer's installation and operating instructions when performing a combustion and efficiency test, including but not limited to any restrictions or limitations relating to equipment access and pipe penetration.

3-5.4 Combustion efficiency test results must fall within the guidelines contained in the manufacturer's installation and operating instructions. The limited energy auditor technician shall provide a copy of the test results to the homeowner and shall notify the homeowner and occupant in writing if the test results do not meet the manufacturer's guidelines.

AUTHORITY: 32 M.R.S.A. §2311, §2353, §2401 and §2402-A; PL 2007, c. 392, §3

EFFECTIVE DATE: February 3, 2008

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**381 OIL AND SOLID FUEL BOARD**

**CHAPTER 4 – QUALIFICATIONS FOR LICENSURE**

**SUMMARY:** This Chapter sets forth the qualifications for licensure as an apprentice, journeyman and master oil burner and/or solid fuel technician or as a limited tank installer and describes the application and examination process.

**4-1 APPRENTICE OIL BURNER TECHNICIAN.**

4-1.1 Applications for licensure must be made on forms provided by the Board and must be accompanied by the fees established by the Director.

4-1.2 The apprentice license application must be signed by an appropriately licensed Master. By signing the application, the signing master acknowledges employment or supervisory responsibility for the work ethics, performance, and training required of the apprentice.

4-1.3 The signing master's authority must be equal to or higher than the requested authority of the apprentice license. For example, if the authority of the signing master is 1 & 2 oils up to 15 gallons, the apprentice oil licensee may not perform work beyond that authority. Any licensed master or journeyman may supervise an apprentice, provided the master or journeyman has equal to or higher authority than the apprentice.

**4-2 APPRENTICE SOLID FUEL TECHNICIAN.**

4-2.1 Applications for licensure must be made on forms provided by the Board and must be accompanied by the fees established by the Director.

4-2.2 The apprentice license application must be signed by an appropriately licensed Master. By signing the application, the signing master acknowledges employment or supervisory responsibility for the work ethics, performance, and training required of the apprentice.

4-2.3 The signing master's authority must include solid fuel.

**4-3 JOURNEYMAN OIL TECHNICIAN.**

4-3.1 Education and Experience. Table 4-3.1 sets forth the different combinations of education and experience which qualify a person to sit for the journeyman examination. Out-of-state applicants must have acquired substantially equivalent experience. Applicants qualifying for examination using Path 1 of Table 4-3.1 may apply and sit for examination upon successful completion of the requisite education prior to meeting the experience requirement.

4-3.2 In-State applicants shall provide documentation of licensed experience on affidavit forms provided by the Board. The affidavit forms must be completed and signed by an appropriately licensed master attesting to the supervision of the applicant's practical experience.

4-3.3 Out-of-State applicants shall provide documentation of employment as an oil and/or solid fuel technician. This documentation must include one year of actual work performed on oil burning equipment or solid fuel burning equipment.

**TABLE 4-3.1  
EDUCATION AND /OR EXPERIENCE REQUIRED TO SIT FOR JOURNEYMAN EXAMINATION**

	<b>Examination Type</b>	<b>Education</b>	<b>Prerequisite Apprentice License</b>	<b>Journeyman License Experience Requirements</b>
Path 1	<p>Journeyman 1 &amp; 2 Oils up to 15 gph</p> <p>Journeyman 1 &amp; 2 Oils over 15 gph</p> <p>Journeyman 4, 5 and 6 Oils</p>	<p>Successful completion of an oil burner technician course at a Maine community college, applied technology center or applied technology region or a comparable institute in Maine or another state consisting of a minimum of 160 hours of study, at least 75 hours of which are made up of laboratory work on oil burning equipment and related systems.</p> <p>If the oil burner technician course contains classroom and laboratory work in 1 and 2 oils over 15 gph and/or 4, 5 and 6 oils, the student will be eligible to apply for the journeyman examination in those license authorities.</p>	<p>Not required unless performing work beyond the classroom.</p>	<p>Six months as a licensed Apprentice.</p>
Path 2	<p>Journeyman 1 &amp; 2 Oils up to 15 gph</p> <p>Journeyman 1 &amp; 2 Oils over 15 gph</p> <p>Journeyman 4, 5 and 6 Oils</p>	<p>Successful completion of one-year accredited heating course at a Maine technical college consisting of a minimum of 320 hours of study, at least 150 hours of which are made up of laboratory work on oil burning equipment and related systems.</p> <p>If the oil burner technician course contains classroom and laboratory work in 1 and 2 oils over 15 gph and/or 4, 5 and 6 oils, the student will be eligible to apply for the journeyman examination in those license authorities.</p>	<p>Not required unless performing work beyond the classroom.</p>	<p>No licensed experience required.</p>

Path 3	Journeyman 1 & 2 Oils up to 15 gph  Journeyman 1 & 2 Oils over 15 gph  Journeyman 4, 5 and 6 Oils	None	Required.	One year of licensed practical experience as an Apprentice doing service and installation work on oil burning equipment.
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#### **4-4 MASTER OIL BURNER TECHNICIAN.**

4-4.1 Qualifications to Sit for Examination. Table 4-4.1 sets forth the qualifications to sit for the master oil burner technician examination. Out-of-state applicants must have acquired substantially equivalent experience.

4-4.2 In-State applicants shall provide documentation of licensed experience on affidavit forms provided by the Board. The affidavits must be completed and signed by the appropriately licensed master attesting to supervision of the applicant's practical experience.

4-4.3 Out-of-State applicants shall provide documentation of employment as an oil burner technician. This documentation must include four years of actual work performed on oil burning equipment.

#### **4-5 MASTER SOLID FUEL TECHNICIAN.**

4-5.1 Qualifications to Sit for Examination. Table 4-4.1 sets forth the qualifications to sit for the master solid fuel technician examination. Out-of-state applicants must have acquired substantially equivalent experience.

4-5.2 In-State applicants shall provide documentation of licensed experience on affidavit forms provided by the Board. The affidavits must be completed and signed by the appropriately licensed master attesting to supervision of the applicant's practical experience.

4-5.3 Out-of-State applicants shall provide documentation of employment as a solid fuel technician. This documentation must include two years of actual work performed on solid fuel burning equipment.

**TABLE 4-4.1  
QUALIFICATIONS TO SIT FOR MASTER EXAMINATION**

<b>Examination Type</b>	<b>Prerequisite Journeyman License</b>	<b>Master License Experience Requirements</b>
Master Oil Burner Technician Master 1 & 2 Oils up to 15 gph Master 1 & 2 Oils over 15 gph Master 4, 5 and 6 Oils	Journeyman license required unless currently licensed as a Master with a different license authority. If currently licensed as Master, the Master may apply for a license as an apprentice in another license authority to gain licensed experience as an apprentice to qualify for an additional license authority. See Chapter 5 of these Rules.	Four years of licensed practical experience, a minimum of two years of which must be as a licensed journeyman, doing service and installation work on oil burning equipment.
Master Solid Fuel Technician Master Solid Fuel	Not Required.	Two years of licensed practical experience as an Apprentice with the Solid Fuel authority doing service and installation work on central solid fuel burning equipment.  A licensed master oil technician can sit for the master solid fuel examination without acquiring any solid fuel practical experience.

**4-6 LIMITED TANK INSTALLER.**

4-6.1 In order to qualify for a limited tank installer’s license, an applicant must hold and maintain either a manufactured housing mechanic’s license or a manufactured housing dealer’s license issued pursuant to 10 M.R.S.A. Chapter 951 or be a manufactured housing dealer employee who has satisfactorily completed a training program that includes at least four (4) hours on installation of outside oil tanks, as approved by the Board.

4-6.2 Applications for a limited tank installer’s license as set forth in 32 M.R.S.A. § 2401 must be submitted on forms provided by the Board, together with evidence of satisfactory completion of a training program approved by the Board and must be accompanied by the fees established by the Director.

4-6.3 The training program approved by the Board is valid for one (1) year from successful completion. If an applicant fails to apply for a license within one (1) year from completion of a training program approved by the Board, the applicant must retake the training program.

4-6.4 Experience gained as a limited tank installer cannot be used to satisfy the prerequisite needed to obtain a master or journeyman oil technician’s license.

#### **4.7 LIMITED ENERGY AUDITOR TECHNICIAN.**

4-7.1 In order to qualify for a limited energy auditor technician license, an applicant shall provide evidence of satisfactory completion of the Certified Building Analyst 1 certification test and field examination offered by the Building Performance Institute, the equivalent Maine residential energy auditor certification program, or an equivalent training program acceptable to the Board.

4-7.2 Each applicant for a limited energy auditor technician license as set forth in 32 MRSA §2401-B(2-A) shall apply by completing and submitting forms provided by the Board, together with evidence of satisfactory completion of the Certified Building Analyst 1 certification test and field examination offered by the Building Performance Institute, the equivalent Maine residential energy auditor certification program, or an equivalent training program acceptable to the Board.

4-7.3 Experience gained as a limited energy auditor technician may not be used to satisfy the prerequisites for licensure as a master or journeyman oil burner technician.

#### **4-8 CRITERIA FOR EXAMINATION AND LICENSURE FOR MULTIPLE AUTHORITIES.**

4-8.1 Criteria for examination and licensure for multiple authorities for journeyman oil burner technician and master oil burner and/or solid fuel technicians shall be as follows:

4-8.1.1 To be eligible for a 1 & 2 over 15 gph license, the applicant must have passed the examination for both the 1 & 2 oil up to 15 gph and the 1 & 2 oils over 15 gph. An applicant seeking both 1 & 2 (light) oils up to 15 gph and the 1 & 2 (light) oils over 15 gph license, may acquire the licensed experience concurrently.

4-8.1.2 To be eligible for a 1-6 oils license, the applicant must have passed the examination for both the 1 & 2 (light) oils up to 15 gph, and 4, 5, & 6 (heavy) oils. An applicant seeking both 1 & 2 (light) oils up to 15 gph and the 4, 5, & 6 (heavy) oils license, may acquire the licensed experience concurrently.

4-8.1.3 The signing master's authority must be equal to or higher than the requested authority of the applicant. For example, the authority of the signing master is 1 & 2 oils up to 15 gph the applicant may not apply beyond that authority.

#### **4-9 APPLICATION FOR EXAMINATION.**

4-9.1 Applicants for examination(s) must submit all of the following:

4-9.1.1 Completed Application;

4-9.1.2 Application Fee (nonrefundable);

4-9.1.3 School Certificate(s) (if applicable); and

4-9.1.4 Affidavit(s)

4-9.2 Incomplete or illegible applications will be returned to the applicant together with any attachments.

4-9.3 Applicants must receive Board approval prior to sitting for an examination. Examination scores of applicants who take an examination prior to receiving Board approval will be null and void.

#### **4-10 EXAMINATION(S).**

4-10.1 The passing score for all examinations is 70%.

4-10.2 The Board will mail a license application to a candidate who successfully passes the examination.

4-10.3 An examination application will remain valid for a period of two (2) years from the date of receipt. If an applicant fails to pass the examination within two (2) years of Board approval, the applicant must reapply as a new applicant. If an applicant fails to apply for a license within two (2) years from the date of notification of a passing score on the examination, the applicant must reapply as a new applicant and retake the examination.

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

#### **4-11 RENEWAL OF LICENSE.**

4-11.1 Expiration. All licenses expire two (2) years from the date of issuance.

4-11.2 Eligibility for Renewal. To renew a license, an applicant must comply with 32 M.R.S.A. § 2404. A license may be renewed up to 90 days after expiration upon payment of a late fee in addition to the renewal fee.

#### **4-12 REINSTATEMENT OF LICENSE.**

4-12.1 More than 90 Days but not more than 2 Years. Individuals, other than formerly licensed apprentices who fail to renew a license for more than 90 days but not more than two (2) years from the date of expiration may reinstate the license without taking the examination by filing a new application for renewal and by filing and paying the license fee and penalty as set forth in the Office of Licensing and Registration Rules Chapter 10, Establishment of License Fees, Section 5. An apprentice must reapply as a new applicant.

4-12.2 More than Two Years. An individual who fails to renew a license for more than two (2) years from the date of expiration must obtain a new license by satisfying all of the requirements of 32 M.R.S.A. Chapter 33 and these Rules.

AUTHORITY: 32 M.R.S.A. §2353, §2402-A, §2403, and §2404; PL 2007, c. 392, §3

EFFECTIVE DATE: February 3, 2008

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**381 OIL AND SOLID FUEL BOARD**

**CHAPTER 5 – USE OF OTHER LICENSE AUTHORITIES**

**SUMMARY:** This Chapter sets forth the requirements for licensed master and journeyman technicians to gain licensed experience as an apprentice to qualify for an additional license authority. Current license authorities are: 1&2 Oils Up to 15 gph, 1&2 Oils Over 15 gph, 4, 5 & 6 Oils and Solid Fuel.

5-1 In order for a licensed journeyman or master to be eligible to take an examination in another license authority, the applicant must:

5-1.1 Submit the proper application, appropriate fees, and an affidavit attesting to the requisite supervision for the relevant license as follows:

5-1.1.1 A licensed journeyman applying for a journeyman examination for a different authority must provide documented proof of one (1) year of direct supervision.

5-1.1.2 A licensed journeyman applying for a solid fuel master examination must provide documented proof of two (2) years of direct supervision.

5-1.1.3 A licensed master applying for a master examination of a different authority must provide documented proof of one (1) year of indirect supervision.

5-1.1.4 A licensed master oil burner technician applying for a master solid fuel examination is automatically qualified.

5-1.2 Whenever the supervising master ceases to provide supervision, the supervising master shall notify the Board and licensee in writing, a copy of which shall be kept in both the applicant's and the supervising master's file.

5-1.3 An apprentice license issued to a licensed master or journeyman to gain experience towards an additional authority does not expire.

5-1.4 The apprentice license fee will be waived for licensed masters or journeymen gaining licensed experience to qualify for an additional license authority. The applicant will be required to pay an application fee.

**AUTHORITY:** 32 M.R.S.A. §2353 and §2402-A

**EFFECTIVE DATE:** February 3, 2008

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**381 OIL AND SOLID FUEL BOARD**

**CHAPTER 7 – ADOPTION OF STANDARDS AND RULES**

**SUMMARY:** This Chapter sets forth the standards for installation of any oil and solid fuel burning equipment, chimneys, fireplaces and vents.

7-1 The Oil and Solid Fuel Board adopts and incorporates herein the following editions of technical standards or codes issued by the National Fire Protection Association and Rules promulgated by the Board. All installations of any oil and solid fuel burning equipment, the installation of chimneys, fireplaces and vents shall comply with applicable requirements of these standards and additional standards imposed by Title 32, Chapter 33 and these Rules.

NFPA #30 A, Motor Fuel Dispensing Facilities and Repair Garages  
2003 edition

NFPA # 31, Standard for the Installation of Oil Burning Equipment  
2006 edition (See 7-2 below)

NFPA # 211, Chimneys, Fireplaces, Vents, and Solid Fuel Appliances  
2006 edition (See 7-2 below)

NFPA # 70, National Electrical Code  
2005 edition

NFPA #88 A, Parking Structures  
2002 edition

NFPA # 90 A, Installation of Air Conditioning and Ventilating Systems  
2002 edition

NFPA # 90 B, Warm Air Heating and Air Conditioning Systems  
2006 edition

7-2 Exceptions.

7-2.1 NFPA #31, Standard for the Installation of Oil Burning Equipment (2006 edition).

7-2.1.1 The Board does not adopt Chapter 7, Section 7.13.3, Fuel Oil Storage Systems that Are Permanently or Temporarily Taken Out of Service.

7-2.1.2 The Board does not adopt Chapter 8, Section 8.7.10.1, Vent pipe sizing. (See Chapter 9.12.2.6).

7-2.2 NFPA #211, Chimneys, Fireplaces, Vents, and Solid Fuel Appliances (2006 edition) is adopted by the Board with the following exceptions:

7-2.2.1 The Board does not adopt Chapter 11, Fireplaces.

7-2.2.2 The Board does not adopt Chapter 12, Solid Fuel-Burning Appliances, Section 12.5.1.2, Room Heaters, Fireplace Stoves, Room Heater/Fireplace Stove Combinations, and Ranges.

7-2.2.3 The Board does not adopt the following Sections of Chapter 13:

7.2.2.3.1 Section 13.2, Annual Inspection, the reference to the requirements of Section 14.3;

7.2.2.3.2 Section 13.4.1 of Section 13.4, Appliance or Connector Replacement, the reference to Chapter 14; and

7.2.2.3.3 Section 13.7.2 of Section 13.7, Evidence of Damage.

7-2.2.4 The Board does not adopt Chapter 14, Inspection of Existing Chimneys.

7-3 The above NFPA standards and Rules may be purchased from:

7-3.1 NFPA Publications

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

7-4 The Oil and Solid Fuel Board incorporates herein the following Appendices:

7-4.1 Appendix A – Department of Environmental Protection Oil Regulations

7-4.2 Appendix B – Department of Environmental Protection Asbestos Regulations

7-4.3 Appendix C – Memorandum of Understanding between the Oil and Solid Fuel Board and the Plumbers' Examining Board regarding the installation of hot water or steam and warm air heating systems.

7-4.4 Appendix D – Memorandum of Understanding between the Oil and Solid Fuel Board and the Propane and Natural Gas Board for the installation of hot water or steam heating systems.

7-4.5 Appendix E – Memorandum of Understanding between the Oil and Solid Fuel Board and the Electricians' Examining Board for the Installation, Service and Repair of Hot Water, Steam, Warm Air Heating Systems and Oil Fired Hot Water Heaters.

7-4.6 Appendix F - State of Maine Emergency Chimney Update Waiver Form.

7-4.7 Appendix G - Chimney or Fireplace Construction/ Installation Disclosure.

7-5 The above appendices are included in the back of these Rules or may be obtained from the Oil and Solid Fuel Board.

AUTHORITY: 32 M.R.S.A. §2313, §2353, and §2402-A

EFFECTIVE DATE: February 3, 2008

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**381 OIL AND SOLID FUEL BOARD**

**CHAPTER 8 - MODIFICATION OF STANDARDS**

Summary: This Chapter allows the Board to authorize modifications to installation under unusual circumstances. This Chapter provides the Board with the discretion to alter installation standards after appropriate technical consideration.

8-1 Where the circumstances or conditions of any particular installation are unusual as to render the strict application of a standard imposed by Board Rules and regulations impractical, the Board, or its designees (Compliance Officers located at the Department of Professional and Financial Regulation), may permit such modifications as will provide a substantially equivalent degree of safety and be consistent with good engineering practice.

8-2 Application for permission to deviate from installation standards imposed by the Board Rules shall be made in writing and shall document why compliance with a prescribed standard is technically impractical and how the proposed modification would meet the equivalent degree of safety. The Board may request any additional information it deems necessary to assure that the modification provides a reasonable degree of safety.

8-3 The Board may grant authority to deviate from a particular Rule(s). Such decision shall be in writing, and shall convey authority to adopt modifications only for the specific installation described in the application and no other.

AUTHORITY: 32 M.R.S.A. §2313, §2353 and §2402

EFFECTIVE DATE: February 3, 2008

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**381 OIL AND SOLID FUEL BOARD**

**CHAPTER 9 - INSTALLATION OF OIL BURNING EQUIPMENT**

Summary: This Chapter sets forth the guidelines for the installation of oil burning equipment with necessary safety controls, devices and standards for the reduction of fire hazards associated with oil fired equipment used in residential, commercial, and industrial applications.

**9-1 NATIONALLY ACCREDITED TESTING LABORATORY.**

All heating, chimney and/or fireplace equipment installed as well as any accessory equipment installed must be listed as approved by Underwriters' Laboratories or by a nationally accredited testing laboratory, with certification that applicable national and Maine standards have been met. Such listing must be in effect at the time of installation.

**9-2 WORKMANSHIP.**

All work shall be conducted, installed, and completed in a professional manner.

**9-3 UNLAWFUL ACTS.**

It shall be unlawful for any person, firm, or corporation to erect, construct, alter, repair, or install oil burning equipment regulated by these Rules and standards, or cause same to be done, in conflict with or in violation of any of the provisions of these Rules.

**9-4 SERVICE AND REPAIR OF EQUIPMENT.**

Service and repair of any system or replacement of parts shall be permitted to be made in the same manner as it was in the existing system provided that such repair or replacement is not hazardous and that all material, equipment and devices shall be constructed and installed in accordance with their specific purpose and listing and comply with current Rules.

**9-5 MAINTENANCE.**

9-5.1 All oil burning equipment and systems, both new and existing, and parts thereof shall be maintained in a safe condition.

9-5.2 When performing any service on a customer's heating system, the licensee must notify the homeowner of any code violations and make recommendations to address them.

9-5.3 When performing an annual tune-up on a heating system, a combustion efficiency test must be conducted and a copy of the test must be posted on-site.

## 9-6 INSTALLATIONS.

9-6.1 Whenever a furnace, direct-fired hot water heater, or boiler is installed, the total installation must be brought into compliance with the requirements of NFPA # 31 and all other Rules adopted by the Board **BEFORE** the furnace, direct-fired hot water heater, or boiler is fired. Prior to leaving the installation (whether installed inside or outside any structure) unsupervised, the licensed oil burner and/or solid fuel technician shall observe, inspect, and test the equipment to ensure that the installation is operating safely and properly and meets all applicable Rules.

9-6.2 Whenever a new burner is installed, the wiring shall be brought into compliance with the requirements of these Rules before the unit is fired. The wiring update must include the following:

- 9-6.2.1 Properly rated fuse or breaker.
- 9-6.2.2 Properly rated wiring.
- 9-6.2.3 Properly installed and located emergency switch.
- 9-6.2.4 Properly installed and located thermal electric switch.
- 9-6.2.5 Properly installed and located service switch.
- 9-6.2.6 Properly installed and located low water cut-off.

9-6.3 When performing an installation, a combustion efficiency test shall be conducted and a copy of the test results shall be posted on-site.

9-6.4 When an emergency situation arises that does not allow adequate time to get the chimney lined and/or repaired before installing the new heating appliance, the licensee may defer the required repairs for up to 90 days. It is the licensee's responsibility to ensure that the installation meets all standards adopted by the Board and the manufacturer's instructions. The licensee must either install or have installed the required liner or make the proper repairs within the 90 day time period. An emergency situation may include, but is not limited to, situations of serious equipment failure, such as a cracked heat exchanger of a warm air furnace or a leaking boiler in cold weather. Emergency situations may also include failure of equipment that generates hot water and the unavailability of a chimney professional. (See Appendix F)

9-6.5 Heat Loss Requirement.

9-6.5.1 New Installations. Heat loss system design and system load calculations for all new installations shall be performed prior to the installation. The licensee must retain a copy of the heat loss system design and system load calculations such that it may be produced for inspection upon request of the board compliance officers.

9-6.5.2 Replacement Systems. A heat loss and/or load calculation shall be conducted before replacement. The licensee must retain a copy of the heat loss system design or system load calculations, or the stamped plans of an engineered system, such that they may be produced for inspection upon request of the board compliance officers.

## 9-7 LOW WATER CONTROL FOR OIL FIRED BOILERS.

9-7.1 All oil-fired boilers shall be provided with a properly installed and operating low-water control.

9-7.2 The low-water control may be installed in, or attached to, the boiler at the level recommended by the boiler manufacturer, but in no case shall the low-water control be installed below the crown sheet. The low-water control, when not installed directly in the boiler, may be installed either in the main supply line (Vertical riser) as close to the boiler as possible, or in a water column of continuous piping attached directly to the boiler.

9-7.3 The low-water cut off shall be designed and approved for the medium used (steam or water).

9-7.4 No valves or other obstructive devices shall be installed between the boiler and safety controls or devices.

## **9-8 PIPING, PUMPS AND VALVES.**

### **9-8.1 Supply Connections/Oil Shut-off Valves.**

9-8.1.1 A listed lever or wheel, thermally-operated oil shut-off valve designed to shut off the oil supply in case of fire, shall be installed at the burner and at the oil supply tank.

9-8.1.1.1 When outside tanks are used, a thermally operated shut-off valve shall be installed where the supply line enters (inside) the building.

9-8.1.1.2 When inside tanks are used and the oil supply tank is installed in a separate room, a thermally operated shut-off valve shall be installed where the line enters the room where the appliance is located.

9-8.1.2 Whenever the oil supply is taken from the top of an oil tank, whether the oil tanks are outside or inside, a thermally operated wheel or lever type shut-off valve shall be installed at the tank and at the burner for control of the fuel. A check valve may be used in the supply line, but no valve or obstruction shall be placed in a return line connected to a burner or pump.

9-8.2 Thermally-Operated Valves. Thermally operated valves over ½ inch that are not currently listed may be installed upon receipt of written approval of a Board Inspector. The written approval must be requested and received prior to installation.

## **9-9 OIL SUPPLY AND RETURN PIPING.**

9-9.1 Whenever a copper oil supply or return line is installed under cement, sub-floors, or earth surface, it shall be continuous from the burner to the tank without any splices.

9-9.2 In order to avoid undetected oil leaks under floors, all copper oil supply and return lines installed under cement, sub floors, or beneath any surface, shall be encased in a continuous piece of non-metallic, liquid tight conduit such as PVC, ENT, or other approved material. The conduit shall be a minimum of one (1) pipe size larger than the oil supply and return lines. The ends of the conduit shall penetrate the cement or earth surface a minimum of two (2) inches above grade. All copper tubing, spliced within an oil supply line, shall be made above the surface of the cement, sub-floor or earth surface.

9-9.3 Coated copper tubing must have an OSV valve or PRV valve installed at the tank when used underground.

9-9.4 All copper fuel oil lines shall be encased in a continuous piece of non-metallic liquid tight conduit such as PVC, ENT, coated copper tubing, or other approved material and secured in order to prevent physical damage. The end of the conduit shall not exceed more than two (2) inches from any fitting, except the connection at the fuel tank and at the fuel pump located at the burner shall not exceed six (6) inches.

9-9.5 No oil supply line may be concealed in a wall, ceiling, or partition unless access to the oil supply or return line can be had without cutting through existing walls, ceilings or partitions. This may be accomplished by providing removable panels.

9-9.6 Oil supply lines, which penetrate a foundation wall, shall be encased in a non-metallic, liquid tight conduit such as PVC, ENT, or other approved material. The sleeve shall be sealed at the wall to prevent the entry of water, insects, or rodents.

9-9.7 When an oil filter or other accessory equipment is connected to copper piping smaller than three-quarter (3/4) inch, and is not located within the vicinity of the oil supply or burner connections, the filter or other devices shall be rigidly supported by a wall or floor mounted bracket or other means providing sufficient support for stability and servicing this type of accessory equipment.

9-9.8 All oil supply and return lines of copper tubing shall be connected by flare fittings only. All fittings shall be accessible for service or replacement. No compression fittings shall be used on a supply or return oil line unless it is for the introduction of the lines at the top of the tank with a single or double tap bushing.

9-9.9 All connections of supply or return oil lines located outside shall be made with flare frost fittings.

9-9.10 No oil lines or oil devices which are disconnected from an oil supply tank, burner or unit, shall be left open. Any oil line or oil device which is disconnected or discontinued shall be sealed or closed with a plug, cap or other approved fitting.

9-9.11 Unprotected supply lines that are buried and grouted must be removed from service.

9-9.12 If underground or under-slab piping is connected to a tank of over 660 gallons capacity or to tanks with an aggregate capacity of over 1320 gallons, the installation of the underground piping must meet Department of Environmental Protection requirements. (See Appendix A)

9-9.13 Oil spills must be reported to the Department of Environmental Protection in accordance with Appendix A.

## **9-10 OIL SUPPLY TANKS.**

9-10.1 Inside Tank Fabrication.

9-10.1.1 Rectangular built-in place tanks shall be fabricated using one-quarter (1/4) inch minimum thick steel sheets reinforced on maximum twenty-four (24) inch centers. Tank bottoms shall be supported on twelve (12) inch wide non-combustible piers, to a height of eight (8) inches above the floor. All welding shall

be performed by a welder. Tanks shall be designed by a registered engineer who shall observe the tank under 5 PSI test and certify to it being tight under this test.

#### 9-10.2 Manholes.

9-10.2.1 Manholes, sixteen (16) inches in diameter or larger, shall be installed in the top of all tanks of 5,000 gallons or more.

9-10.2.2 Manholes provided in 5,000 gallons supply tanks shall be liquid tight when installed inside of a structure.

9-10.2.3 Manholes, when required for outside use, may take the form of a floating lifter roof or weak roof-to-shell seam, or other approved pressure relieving construction.

9-10.3 Clearances. All fuel oil supply tanks must be a minimum of five (5) feet from any gas and/or solid fuel burning appliance.

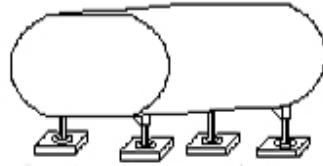
### **9-11 OUTSIDE OIL SUPPLY TANKS.**

9-11.1 Oil supply tanks shall not be installed on wood or other combustible surfaces or supports.

9-11.2 Outside oil supply tanks of 350 gallons or less shall be supported in accordance with 9-11.3 and 9-11.4.

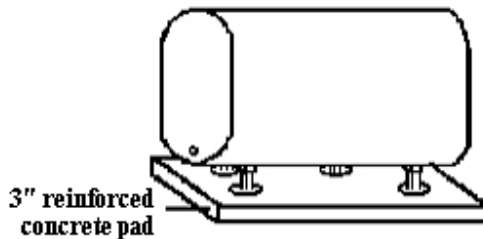
9-11.3 A horizontal oil supply tank shall be mounted on steel pipe legs, not exceeding twelve (12) inches in height with floor flanges at the base of the steel legs and be supported by four (4), 4 x 8 x 16 inch concrete blocks, or a one (1) piece reinforced concrete pad not smaller than the tank dimensions. The four (4) blocks or the pad shall rest on a firm subgrade consisting of a bed of compacted, well draining gravel (6 inch minimum), crushed stone (6 inch minimum), or some other subgrade approved by the Board. See Figure 12(a). There must be a minimum of 4" of clearance under the tank from any surface. See Figure 12(a)).

9-11.4 An upright or vertical tank shall be mounted on steel pipe legs not exceeding twelve (12) inches in height, with floor flanges at the base of the steel leg, and supported by a reinforced concrete pad at least three (3) inches thick. The pad's width and length shall not be smaller than the tank dimensions. The pad shall be of one (1) piece construction. The pad shall rest on a bed of compacted, well draining gravel (6 inches minimum), crushed stone (6 inches minimum), or some other subgrade approved by the Board. There must be a minimum of 4 inches of clearance under the tank from any surface. See Figure 12(b)).



**Figure 12 (a) Tank footing and support for horizontal tanks of 350 gallons or less outside of buildings.**

1. Footing to consist of one (1) 4" x 8" x 16" reinforced concrete block for each leg. Blocks to rest on a 6" bed of compacted, well-draining gravel, a 6" bed of crushed stone, or some other subgrade approved by the board.
2. Supports to consist of maximum 12" legs with floor flanges.
3. Leg brackets may not be used for supports on blocks.
4. Bottom of tank shall have a minimum of 4" clearance from any surface.



**Figure 12 (b) Tank footing and support for upright or vertical tanks of 350 gallons or less outside of buildings.**

1. Footing to consist of one (1) 3" reinforced concrete pad resting on a 6" bed of compacted, well-draining gravel, a 6" bed of crushed stone, or some other subgrade approved by the board.
2. Supports to consist of maximum 12" legs with floor flanges.
3. Leg brackets may not be used for supports on blocks.
4. Bottom of tank shall have a minimum of 4" clearance from any surface.

9-11.5 When installing a vertical fuel oil tank in a listed secondary containment system, the four (4) inch clearance requirement from the bottom of the tank to any surface may be reduced to a minimum of one (1) inch.

9-11.6 The leg brackets welded on the tank shall not be considered a leg and may not be used to rest on the side of the reinforced concrete pad or concrete blocks.

9-11.7 When a reinforced concrete pad is fabricated on-site, the legs of the supply tanks shall not be embedded as part of the pad.

9-11.8 In all installations, the pipe flanges must be in direct contact with a reinforced concrete pad or concrete blocks.

9-11.9 Tanks must be disposed of in accordance with the Department of Environmental Protections Rules. Used, underground, oil storage tanks are prohibited from use for aboveground supply of oil except where a Maine registered engineer certifies that the tank meets the requirements of UL 142 and NFPA 30.

9-11.10 Outside tanks and piping must be located such that they are not subject to falling snow or ice. To meet this requirement, the tank and outdoor piping must be installed with a protective cover over the tank valve, oil filter, and any piping which is either without structural support or not attached to the side of the building.

9-11.11 All outside supply tanks shall be held to the same standards as newly installed tanks.

9-11.12 For a single-tank installation, the fuel supply line cannot extend more than twelve (12) inches beyond the face of the tank.

## 9-12 INSIDE OIL SUPPLY TANKS.

9-12.1 No oil supply tanks may be installed on wood or other combustible surfaces.

9-12.2 The installation of an unenclosed supply tank(s) located inside a building(s) without a finished cement floor, shall be supported by (4) four 4x8x16 inch concrete blocks or a reinforced concrete pad. The pad shall be at least three (3) inches thick, the width and length extending the full dimensions of the tank. The tank legs shall not exceed twelve (12) inches in height with floor flanges at the base of the steel legs. There must be a minimum of 4 inches of clearance under the tank from any surface.

9-12.2.1 An inside oil supply tank shall be mounted on steel pipe legs not exceeding twelve (12) inches in height. The steel pipe legs or flanges must be in direct contact with a reinforced concrete pad or a concrete block under each leg.

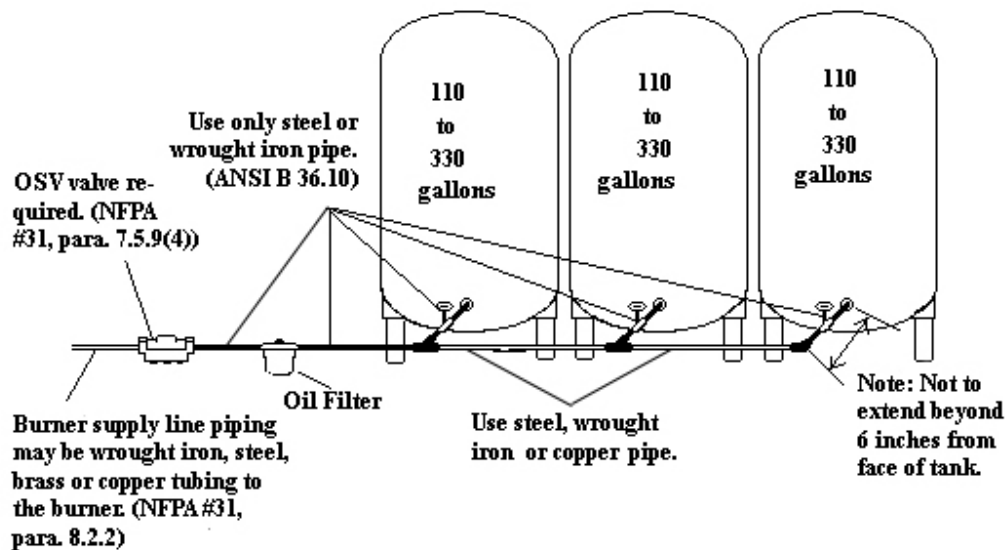


Figure 13 (b) Piping for three tank oil supply arrangement

9-12.2.2 The top of all of the fuel oil tanks on a multiple tank installation shall be on the same horizontal plane.

9-12.2.3 Oil shut-off valves shall be provided immediately adjacent to the burner supply connections at the bottom of the supply tanks.

9-12.2.4 The manifold at the cross connections of the burner supply line, shall be of steel, wrought-iron pipe or copper tubing. (Standards for Steel and Wrought-Iron Pipe, ANSI B36.10). The manifold piping shall be as close to the shutoff valves as possible so that the distance between the tank and the last

fitting shall not extend beyond (6) six inches from the face of the tanks and the final fitting (elbow or tee). See Figure 13(b).

9-12.2.5 On multiple tank installations, it is the installer's responsibility to ensure that return line product will not cause spillage.

9-12.2.6 When installing multiple fuel oil tanks with separate fill pipes and a common venting system, the requirement for increasing the vent pipe one pipe size larger than the largest individual vent pipe shall not be required.

9-12.3 When installing two tanks that are cross connected according to Figure 7.7.1 of NFPA #31, 2006 edition, the gauge must be installed only in the vented tank and all burner supply piping from the tank outlet to the filter installed at the tank must be black iron pipe. The piping connected from the second tank may be either black iron pipe or copper tubing. If the filter is not located at the tank manifold, then copper tubing may be used to connect the black iron pipe manifold to the inlet of the filter.

9-12.4 When removing, replacing, or taking a tank out of service for any period of time, the oil tank fill and vent piping shall be removed from the side of the building.

### **9-13 VENT ALARMS.**

9-13.1 All No. 1 and No. 2 fuel oil tanks from 11 to 5,000 gallon capacity located inside a structure shall have a vent alarm.

9-13.2 All No. 1 and No. 2 fuel oil tanks from 65 to 5,000 gallon capacity located outside shall have a vent alarm.

9-13.3 All vent alarms must be installed according to Manufacturer's Instructions.

### **9-14 TANK PATCHES.**

All oil supply tanks must be liquid tight. Leaking tanks may be temporarily repaired with a tank patch. Any tank so repaired must be replaced within 90 days of the repair.

### **9-15 USED UNDERGROUND OIL TANKS.**

Abandoned underground oil storage tanks are prohibited from use for above ground storage of oil, except if approved by the Maine State Fire Marshal or if a Maine professional registered engineer or other person meeting the requirements of Statutes and Rules governing professional engineers practicing in Maine, certifies that the tank meets all applicable specifications and requirements of UL 142 and NFPA # 30.

### **9-16 STATE INTERNAL PLUMBING RULES.**

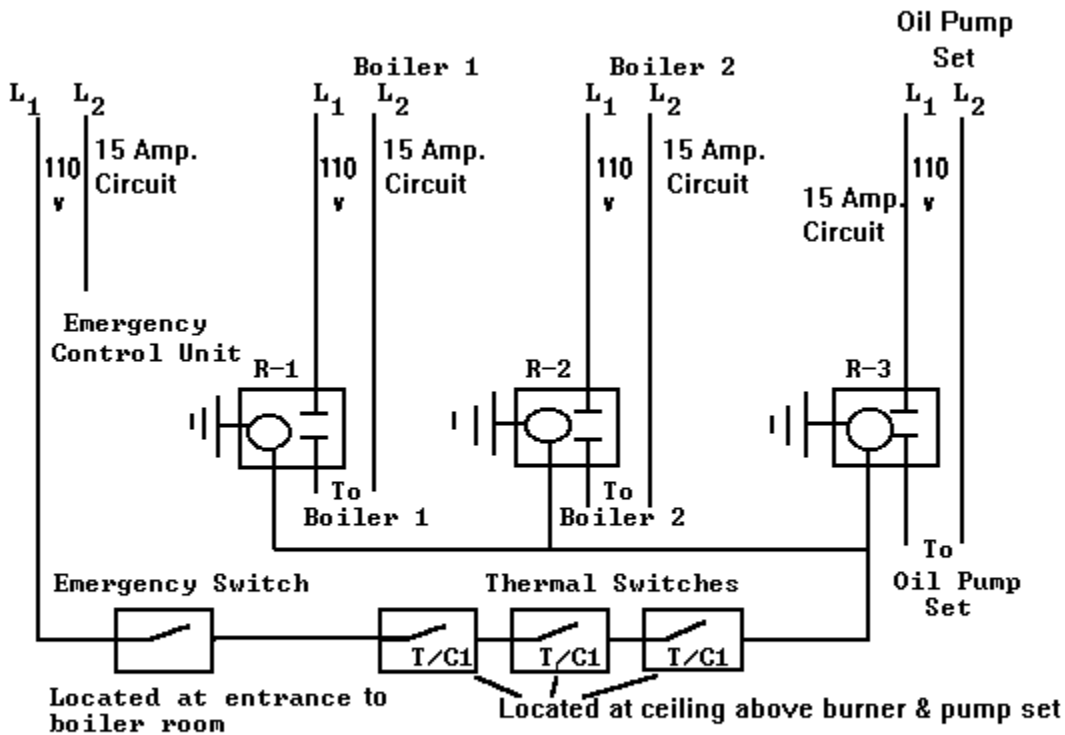
All piping and safety controls on domestic water heaters and domestic water connections to boilers and heaters shall be made in accordance with the State of Maine Internal Plumbing Code.

### **9-17 ELECTRICAL EQUIPMENT, REQUIRED CONTROL SWITCHES.**

9-17.1 Thermal Electric Switches. A thermal cut-off switch shall be wired into the burner circuit to shut off the burner in the event of a fire at the unit. The switch shall be placed at the highest point directly above the unit to be fired with the thermal element pointed

downwards and shall be placed on the bottom of the floor joist or stringer at the front of the unit. In no case shall it be lower than the point where the flue connector enters the chimney. The switch shall be wired to shut-off the burner, circulating fan, forced or induced draft fan and any remote oil pump that is not an integral part of the burner. A thermal electric switch is required for each oil-fired unit in a multi-appliance installation.

9-17.1.1 On multi-unit installations the emergency and thermal electrical switches shall be wired in series through individual unit relays so that, if one switch is opened, all equipment will be rendered inoperable whenever the "EMERGENCY" switch is opened.



**Figure 23 (a) For use on commercial and industrial equipment only. This requirement shall not apply to one or two story residences.**

### 9-17.2 Service Switch.

9-17.2.1 A service disconnect switch for control of the burner while observing the flame shall be placed at the unit, within arm's reach of the technician.

### 9-17.3 Emergency Switch(es).

9-17.3.1 If the entrance to the boiler room is only accessible from the outside, the emergency switch may be placed at the inside not more than one foot beyond the door opening.

9-17.3.2 An emergency switch shall not be placed outside of any building. If conditions are encountered preventing strict adherence to this standard, a Modification of Standards must be requested from the Board. (See Chapter 8, Modification of Standards)

9-17.3.3 Safety and limiting controls shall not be used to manually start and stop the burner by manual manipulation of the controls, except when permitted by the control manufacturer's installation and operation instructions for testing.

9-17.3.4 On commercial and industrial equipment, the emergency switch shall be installed in accordance with Figure 23(a) on multi-unit installations. The requirements of 9-17.1.1 shall not apply to one or two-story residences.

9-17.3.4.1 On multi-unit installations, the emergency shut-off switch shall be placed at the outside entrance of the room containing the appliances. The emergency switches and the thermal cut-off switches shall be wired in series through individual unit relays so that, if the emergency switch is opened, all heating equipment in the room and the remote pump set will be rendered inoperable. This application shall also apply if there are two or more appliance rooms in the same building connected to a common fuel supply system.

NOTE: For Primary Safety Controls, Required Programming and Timings for Burners, refer to ASME CSD-1.

#### 9-17.4 Controls Containing Mercury.

9-17.4.1 Thermostats containing mercury must be disposed of according to all Federal and State Regulations. (Refer to Title 38, Section 1663 and check with your local supplier)

### 9-18 STEAM BOILERS.

9-18.1 Steam boilers must be installed according to Manufacturer's Instructions.

### 9-19 SAFETY AND PRESSURE RELIEF VALVES.

Steam and hot water boilers shall be equipped with listed or approved steam safety or pressure relief valves of appropriate discharge capacity and conforming with ASME requirements (ASME Boiler & Pressure Vessel Code, Section IV, Heating Boilers). A shut-off valve shall not be placed between the relief valve and the boiler or on discharge pipes between such valves and the atmosphere.

### 9-20 WATER AND STEAM BOILER PIPE SUPPORTS.

9-20.1 Piping shall be supported with pipe hooks, metal pipe straps, bands, brackets, or hangers suitable for the size of the piping and shall be of adequate strength and quality and located at intervals so as to prevent or damp out excessive vibration.

9-20.2 Spacing of supports shall not be greater than shown in Table 9-20.

9-20.3 Supports, hangers, and anchors shall be installed so as to not interfere with the free expansion and contraction of the piping between anchors. All parts of the supporting equipment shall be designed and installed so that they will not be disengaged by movement of the supporting piping.

Table 9-20  
Support of Piping

Steel Pipe, Nominal <b>Size of Pipe</b> (Inches)	Spacing of Supports (Feet)	Nominal <b>Size of Tubing</b> (Inch O.D.)	Spacing of Supports (Feet)
1/2	6	1/2	4
3/4 or 1	8	5/8 or 3/4	6
1 1/4 or larger (horizontal)	10	7/8 or 1	8
1 1/4 or larger (vertical)	every floor level		

**9-21 TEMPORARY REPAIR OF HEAT EXCHANGERS.**

9-21.1 Furnace cement or other materials used to seal cracks in the heat exchanger or parts which provide closure therein may be sealed for a maximum of 45 days with furnace cement or other materials.

9-21.2 Whenever a Compliance Officer conducts an inspection and finds a heat exchanger which has been repaired with furnace cement more than 45 days prior to the inspection, he or she shall order it removed unless a purchase order is provided evidencing that replacement of the heat exchanger is in process.

**9-22 WELDING OF HEAT EXCHANGERS.**

9-22.1 The manufacturer shall be consulted to determine whether the welding of a heat exchanger is feasible and would be consistent with sound engineering practice. The manufacturer shall provide a written statement as to the feasibility of its heat exchanger being welded.

9-22.2 The repair of a heat exchanger by welding shall be performed by a welder in a procedure suitable for the material. It is the responsibility of the master licensee to oversee such repairs.

9-22.3 The master licensee shall receive guidance from the welder as to the feasibility and acceptability, of performing the welding procedure of the metals prior to the repair of any heat exchanger.

9-22.4 After completion of said repairs or welding, the master licensee shall obtain a written statement from the welder documenting that the heat exchanger has been welded, tested, and is acceptable for use without leakage of after-products into the living space.

9-22.5 Written documentation of said repairs or welding shall be provided to the homeowner. The original documentation shall be kept on file by the master licensee who requested the welding. A copy of all the repair documents containing, at a minimum, the following information shall be sent to the Board:

- 9-22.5.1 The name of the owner and location where the repair was completed;
- 9-22.5.2 The name and address of the welder;
- 9-22.5.3 The specific area(s) or location(s) where the repair or welding was performed;
- 9-22.5.4 Written approval of the repair from the manufacturer;
- 9-22.5.5 Equipment identification information, i.e. model name, model number, serial number and gross Btu. rating; and
- 9-22.5.6 The name, address, and license number of the master licensee who requested the repair.

9-22.6 The welding repair of a heat exchanger may be performed once by a welder. If for any reason the welding repairs have to be done a second time, the master licensee shall notify the Board for approval before attempting to weld a second time. When circumstances are such that the heat exchanger is no longer in production, the master licensee shall request approval from the Board in writing prior to any repairs being performed.

AUTHORITY: 32 M.R.S.A. §2313, §2353, and §2402-A

EFFECTIVE DATE: February 3, 2008

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**381 OIL AND SOLID FUEL BOARD**

**CHAPTER 10 - INSTALLATION OF SOLID FUEL BURNING EQUIPMENT**

Summary: The purpose of this chapter is to specify the proper installation of solid fuel burning equipment in accordance with NFPA #211 (See Chapter 7). These standards and Rules apply to residential, commercial, and industrial installations which are connected to a central heating system.

**10-1 NATIONALLY ACCREDITED TESTING LABORATORY.**

All heating, chimney and/or fireplace equipment, as well as any accessory equipment, installed must be listed and approved by Underwriters' Laboratories or by a nationally accredited testing laboratory, with certification that applicable national and Maine standards have been met. Such listing must be in effect at time of installation. All equipment must be continually listed by a nationally accredited testing laboratory.

**10-2 WORKMANSHIP.**

All work shall be conducted, installed, and completed in a professional manner.

**10-3 UNLAWFUL ACTS.**

It shall be unlawful for any person, firm, or corporation to erect, construct, alter, repair, or install solid fuel burning equipment regulated by the Board, or cause same to be done, in conflict with, or in violation of, any of these Rules.

**10-4 REPAIR OR REPLACEMENT.**

Repair of any system or replacement of parts, shall be permitted to be made in the same manner as it was in the existing system, provided that such repair or replacement is not hazardous. All material, equipment and devices shall be constructed and installed in accordance with their specific purpose and listing.

**10-5 MAINTENANCE.**

All new or existing solid fuel burning equipment systems and parts shall be maintained in a safe condition. All devices or safeguards, which are required by these Rules, shall be maintained in good working condition.

**10-6 APPLIANCES.**

10-6.1 Solid fuel burning appliances shall be listed and installed in accordance with the terms of their listing.

10-6.2 The manufacturer's instructions shall be left with the owner.

10-6.3 The installation shall be made by licensed technicians experienced in making such installations.

10-6.4 The installation shall be such as to provide reasonable accessibility for cleaning heating surfaces; removing burners (multi-fuel and/or combination units); replacing motors, controls, air filters, draft regulators, chimney connectors, and other working parts; and adjusting, cleaning, and lubricating parts requiring such attention. This requirement also pertains to the use of stoker fired units.

10-6.5 No combustible material shall be placed adjacent to the solid fuel burning appliance with less clearance than that which is required by the manufacturer, NFPA #211, and these Rules.

10-6.6 Solid fuel burning units shall not be installed where gasoline or any other flammable vapors or gases are likely to be present.

10-6.7 Whenever a solid fuel appliance is installed in conjunction with an oil burning appliance, the oil appliance shall meet the requirements of these Rules and NFPA #31.

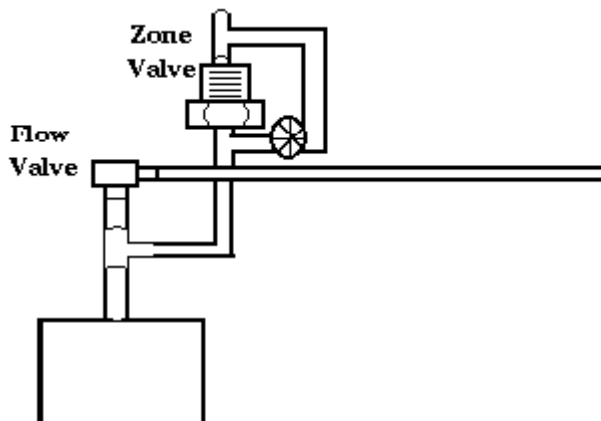
## **10-7 SOLID FUEL IN GARAGES.**

Solid fuel appliances cannot be installed in any structure which is directly accessible from a garage, whether a major repair, minor repair, or parking garage. Solid fuel fired central heating appliances may be installed in structures which are attached to the garage but which are not directly accessible from the garage. For a major repair garage, the fire wall separation must be two (2) hours. For minor repair and parking garages, the fire wall separation must be one (1) hour. All combustion air must be taken from outside the building. Refer to NFPA 30A for further information.

## **10-8 POWER FAILURE BY-PASS AND VALVES.**

10-8.1 A boiler shall be provided with a power failure by-pass and valve in a closed system.

10-8.2 To prevent overheating conditions during a power failure, a normally open zone valve shall be connected to the largest heating loop in the system. A manual by-pass valve shall be installed in case of the failure of the zone valve. This shall be accomplished by installing the zone valve prior to the flow valve and connecting it to the largest loop in the system. The hand valve shall be installed in a loop around the zone valve. See Figure 7(a).



**Figure (7(a) Power failure by - pass**

10-8.3 This provision does not apply to listed outdoor solid fuel burning central heating appliances.

## **10-9 AIR COMBUSTION AND VENTILATION.**

Solid fuel-burning appliances shall be installed in a location and manner to provide adequate ventilation and combustion air supply to permit proper fuel combustion chimney draft, and maintenance of safe temperatures. Where buildings are so tight that normal infiltration does not provide the necessary air, outside air shall be introduced. (Refer to manufacturer's instructions).

## **10-10 ELECTRICAL WIRING AND EQUIPMENT.**

10-10.1 Electrical wiring and equipment used in connection with solid fuel-burning equipment shall be installed in accordance with NFPA # 70 (National Electrical Code).

10-10.2 Safety control circuits shall be two-wire, one side grounded, having a nominal voltage not exceeding 150 Volts. A safety control or protective device shall be connected so as to interrupt the ungrounded conductor.

10-10.3 The control circuit shall be connected to a power supply branch circuit fused at not more than the value appropriate for the rating of any control or device included in the circuit.

## **10-11 BOILERS AND WATER TANKS.**

10-11.1 All piping and safety controls on domestic water heaters and domestic water connections to boilers and heaters shall comply with applicable provisions of the State of Maine Internal Plumbing Code.

10-11.2 All water tanks furnished with boilers shall be supplied with a drain on the bottom of the water tank as per ASME, Sec. 8, Division 1 (Pressure Vessel UG 25 E).

10-11.3 All boilers and pressure vessels shall either have National Pipe Thread connections or be equipped with flanges and adapters that have National Pipe Thread.

10-11.4 Low water protection shall be accomplished in one of the two ways:

10-11.4.1 If the operation of an electric circuit will arrest the combustion process, then a low water cut-off will be satisfactory.

10-11.4.2 If the condition of 10-11.4.1 does not apply, install according to manufacturer's instructions.

## **10-12 SAFETY AND PRESSURE RELIEF VALVES.**

Steam and hot water boilers shall be equipped with listed or approved steam safety or pressure relief valves of appropriate discharge capacity and conforming with ASME requirements. A shut-off valve shall not be placed between the relief valve and the boiler or on discharge pipes between such valves and the atmosphere.

## **10-13 WATER AND STEAM BOILER PIPE SUPPORTS.**

10-13.1 Piping shall be supported with pipe hooks, metal pipe straps, bands, brackets, or hangers suitable for the size of the piping, and shall be of adequate strength and quality, and located at appropriate intervals so as to prevent or damp out excessive vibration.

10-13.2 Spacing of supports shall not be greater than shown in Table 10-13.

10-13.3 Supports, hangers, and anchors shall be installed so as to not interfere with the free expansion and contraction of the piping between anchors. All parts of the supporting equipment shall be designed and installed so that they will not disengage by movement of the supporting piping.

Table 10-13  
Support of Piping

Steel Pipe, Nominal Size of Pipe (Inches)	Spacing of Supports (Feet)	Nominal Size of Tubing (Inch O.D.)	Spacing of Supports (Feet)
1/2	6	1/2	4
3/4 or 1	8	5/8 or 3/4	6
1 1/4 or larger (horizontal)	10	7/8 or 1	8
1 1/4 or larger (vertical)	every floor level		

**10-14 HAND FIRED WARM AIR UNITS.**

When a hand fired solid fuel burning furnace is equipped with a fan to circulate the air, the fan shall be equipped with a fan control.

**10-15 THERMOSTATICALLY-CONTROLLED, HAND-FIRED WARM AIR UNITS.**

10-15.1 A fail safe 250 degree fahrenheit limit control shall be installed in the supply plenum, not more than ten (10) inches above the top surface of the heat exchanger, and shall extend at least twelve (12) inches into the supply plenum.

10-15.2 The fail safe limit control shall automatically prevent operation of the furnace in the event of power failure, or shut off, or when 250 degrees fahrenheit temperature is reached whether or not the electrical power source is available.

10-15.3 A barometric draft control shall be installed which will operate by draft intensity and be permanently adjusted to limit the draft to a maximum intensity of minus 0.13 inches of water gauge.

**10-16 COMBINATION AND MULTI-FUELED UNITS.**

10-16.1 Units fueled by oil in combination with wood and/or coal or by oil units with wood and/or coal add-ons shall be designed and constructed so that the oil burner and its components shall not be damaged from the solid fuel burning operations.

10-16.2 The installation of a dual or multi-fuel unit shall comply with all applicable standards for the specific fuel being burned whether oil, gas, or solid fuel.

10-16.3 Whenever an oil burner is installed on a multi-fuel unit that is mounted on hinges to provide the use of the same chamber for solid fuel burning, the burner shall be provided with an automatically-operated device, which will shut off the power circuit to the

oil burner when the combustion area is opened and the power burner is not in an operating mode.

#### **10-17 TEMPORARY REPAIR OF HEAT EXCHANGERS.**

10-17.1 Furnace cement or other materials used to seal cracks in the heat exchanger or parts which provide closure therein may be sealed for a maximum of 45 days with furnace cement or other materials.

10-17.2 Whenever a Compliance Officer conducts an inspection and finds a heat exchanger which has been repaired with furnace cement more than 45 days prior to the inspection, he or she shall order it removed unless a purchase order is provided evidencing that replacement of the heat exchanger is in process.

#### **10-18 WELDING OF HEAT EXCHANGERS.**

10-18.1 The manufacturer shall be consulted to determine whether the welding of a heat exchanger is sound engineering practice. The manufacturer shall provide a written statement as to the feasibility of its heat exchanger being welded.

10-18.2 The repair of a heat exchanger by welding shall be performed by a welder in a procedure suitable for the material. It is the burden of a master licensee to oversee such repairs.

10-18.3 The master licensee shall receive guidance from the welder as to the feasibility and acceptability of performing the welding procedure of the metals prior to the repair of any heat exchanger.

10-18.4 After completion of said repairs or welding, the master licensee shall obtain a written statement from the welder documenting that the heat exchanger has been welded, tested and is acceptable for use without leakage of after-products into the living space.

10-18.5 Written documentation of said repairs or welding shall be provided to the homeowner. The original documentation shall be kept on file by the master licensee who requested the welding. A copy of all the repair documents containing, at a minimum, the following information shall be sent to the Board:

10-18.6.1 The name of the owner and location where the repairs was completed;

10-18.6.2 The name, and address of the welder;

10-18.6.3 Specific area(s) or location(s) where the repair(s) or welding was performed;

10-18.6.4 Written approval of the repair from the manufacturer;

10-18.6.5 Equipment identification information, i.e., name, model number, serial number and gross Btu. rating; and

10-18.6.6 The name, address, and license number of the master licensee who requested the repair.

10-18.6 The welding repair of a heat exchanger may be performed once by a welder. If for any reason the welding repairs have to be done a second time, the master licensee shall notify the Board for approval before attempting to weld a second time. When circumstances are such that the heat exchanger is no longer in production, the master licensee shall request approval from the Board in writing for approval prior to any repairs being performed.

**10-19 Installation of Combination Units (Solid Fuel/Oil/Gas)**

10-19.1 All units fueled by oil or gas in conjunction with solid fuel shall comply with the applicable provisions of NFPA #31 and NFPA #211 (see Chapter 7) and these Rules.

AUTHORITY: 32 M.R.S.A. §2313, §2353 and §2402-A

EFFECTIVE DATE: February 3, 2008

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**381 OIL AND SOLID FUEL BOARD**

**CHAPTER 11 - CHIMNEYS**

Summary: The primary purpose of this Chapter to set forth the rules governing the removal of waste gases, the reduction of fire hazards associated with the construction and installation of chimneys, fireplaces, and venting systems for residential, commercial, and industrial appliances in accordance with NFPA #211 (see Chapter 7) and these Rules.

**11-1 NATIONALLY-ACCREDITED TESTING LABORATORY.**

All heating, chimney and/or fireplace equipment installed, as well as any accessory equipment installed, must be listed and approved by Underwriters' Laboratories or by a nationally-accredited testing laboratory, with certification that applicable national and Maine standards have been met. Such listing must be in effect at time of installation. All equipment must be continually listed by a nationally-accredited testing laboratory. See Appendix D.

**11-2 CHIMNEY DISCLOSURE.**

Construction of masonry chimney systems require a State of Maine Chimney Disclosure Form to be completed by the installer. (See Appendix G)

**11-3 USE OF EXISTING CHIMNEYS.**

The required two (2) inch minimum clearance to combustible material for interior chimneys and the one (1) inch clearance to combustible material for exterior chimneys is not required when replacing oil fired appliances.

NOTE: The above clearances are required when a solid fuel appliance or a wood stove is connected to the chimney flue.

**11-4 INTERCONNECTION.**

11-4.1 Gas utilization appliances and appliances burning liquid fuels may be connected to one chimney flue through separate openings or may be connected through a single opening if joined by a suitable fitting located as close as practical to the chimney provided. (Refer to NFPA #211, see Chapter 7)

11-4.2 The interconnection of oil and solid fuel-burning equipment is not acceptable unless the equipment is specifically listed for such connections.

**11-5 USE OF PRIORITY CONTROLS FOR MULTIPLE UNITS.**

11-5.1 A priority control for installation of an oil-fired warm air furnace and an oil-fired hot water heater when the existing chimney flue is not of adequate size to accommodate both appliances is allowed. The chimney must be lined. This is required when replacing an existing furnace or water heater when the chimney is not properly sized for both appliances.

AUTHORITY: 32 M.R.S.A. §2313, §2313-A, §2353, and §2402-A

EFFECTIVE DATE: February 3, 2008

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**381 OIL AND SOLID FUEL BOARD**

**CHAPTER 13 - INSTALLATION OF WASTE OIL APPLIANCES AND WASTE OIL SUPPLY TANKS**

Summary: The purpose of this Chapter is to provide requirements for the use of waste oil burning equipment and accessory equipment installations in specific applications. See Appendix A and B for further information.

**13-1 NATIONALLY-ACCREDITED TESTING LABORATORY.**

All heating, chimney and/or fireplace equipment installed as well as any accessory equipment installed must be listed and approved by Underwriters' Laboratories or by a nationally-accredited testing laboratory, with certification that applicable national and Maine standards have been met. Such listing must be in effect at the time of installation. All equipment must be continually listed by a nationally-accredited testing laboratory.

**13-2 GENERAL.**

13-2.1 The installation of waste oil burning unit(s) and their service shall be performed by licensed individuals experienced in servicing and installing such equipment.

13-2.2 The installation and servicing of waste oil appliances shall be made in accordance with the manufacturer's instructions and with state and local codes.

13-2.3 Waste oil tanks must be labeled with the words "Used Oil" in accordance with 40 CFR 279.22(c)(1-2).

**13-3 USE OF APPROVED EQUIPMENT.**

Waste oil burning equipment shall be listed or labeled by a nationally-accredited testing laboratory. Appliances and accessory equipment listed for a specific purpose shall be considered as meeting the requirements of NFPA #31 and other Rules adopted by the Board.

**13-4 TYPE OF FUEL.**

13-4.1 Waste oil fuel tank(s) may contain: 1 and 2 fuel oils; crankcase oil up to 50 SAE; automatic transmission fluid; and hydraulic oils; and specified refined waste fuels only. A complete definition of waste oil can be found in the Department of Environmental Protection's Chapter 860: "Waste Oil Management Rules," Section 4: "Identification of Waste Oil."

13-4.2 Other types of liquids such as anti-freeze, cleaners, thinners, solvents, gasoline or additives, and any other types of hazardous materials may not be introduced into a waste oil supply tank.

## 13-5 OIL SUPPLY TANK ARRANGEMENT.

13-5.1 All tanks serving a waste oil appliance shall conform to NFPA # 31 and this Chapter.

13-5.2 An exception to 13-5.1 provides that a waste oil supply tank of 660 gallons or two tanks of aggregate capacity, supplying a Waste Oil Appliance shall be installed with a receptacle or funnel used specifically for introducing waste oils into a specifically marked waste oil supply tank when the tank and accessories have a 2 inch diameter (nominal inside diameter) iron pipe vent to the outside of the building or structure.

13-5.3 The arrangement of the waste oil tank recovery receptacle shall comply with the following:

13-5.3.1 The recovered waste oil shall be introduced into the supply tank manually through a valved recovery pan or funnel for waste oils only and shall be located at the top of the tank. See Figure 4(a). The receptacle to receive the oils may be installed as follows:

13-5.3.2 Install a close x 2 inch threaded (NPT) metal nipple in the oil supply tanks' 2 inch access opening;

13-5.3.3 Install the receptacle (funnel, pan, catch basin, etc.) at the top of the valve;

13-5.3.4 Install a gauge in the other available access opening of the tank;

13-5.3.5 Spillage by individuals pouring recovered waste oil from a pan, catch basin, or other type of recovery container, must be minimized by metal steps, corresponding to the height of the tank, so an individual does not have to reach beyond his or her shoulder level while transferring the fuel from the recovery container to the oil supply receptacle. Steps provided shall be a minimum of three (3) feet wide, with a tread height of not more than eight (8) inches. Ladders are not an acceptable alternative; and

13-5.3.6 Any spillage shall be cleaned up immediately and reported to the Department of Environmental Protection.

13-5.4 As an option to the tank arrangement in paragraph 13-5.2, and Figure 4(a), the tank arrangement may be supplied with a funnel and a fill and vent pipe extending to the outside, providing the fill point is identified by a metal placard attached to the building stating: "Waste oil tank, check for inside valve closure prior to filling." See Figure 4(b).

13-5.4.1 The waste oil supply tank in Figure 4(b) must be provided with a combination oil gauge and vent alarm at the vent pipe due to the availability of only three access openings in the tank. Waste oil tanks with four (4) access openings may use a separate gauge and vent alarm.

13-5.4.2 Spillage due to pouring recovered waste oil from a pan, catch basin, or other type of recovery container must be minimized by metal steps, corresponding to the height of the tank, so an individual does not have to reach beyond his or her shoulder level while transferring the fuel from the recovery container to the oil supply receptacle. Steps provided shall be a minimum of

three (3) feet wide, with a tread height of not more than eight (8) inches. Ladders are not an acceptable alternative.

13-5.4.3 Any spillage shall be cleaned up immediately and reported to the Department of Environmental Protection.

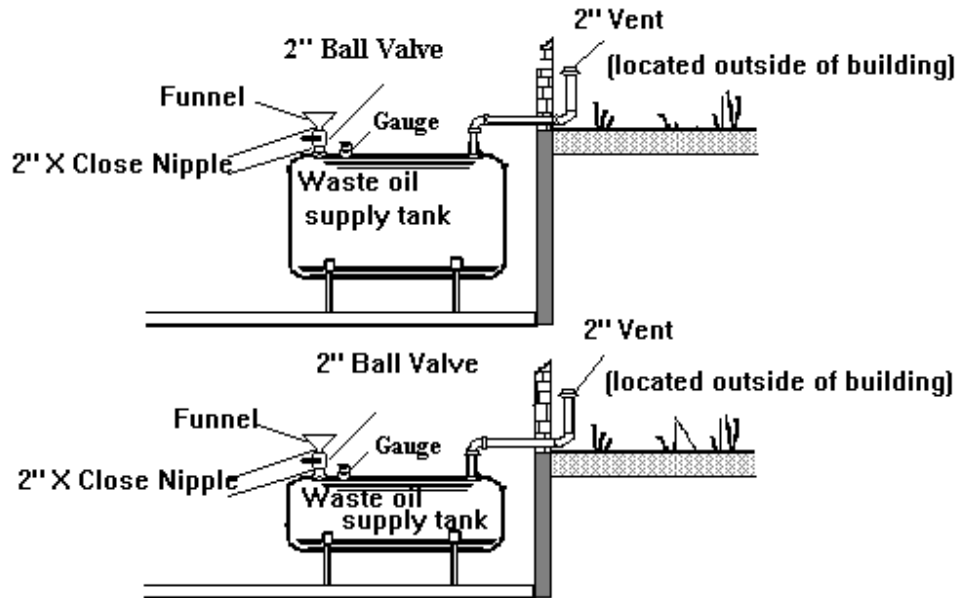
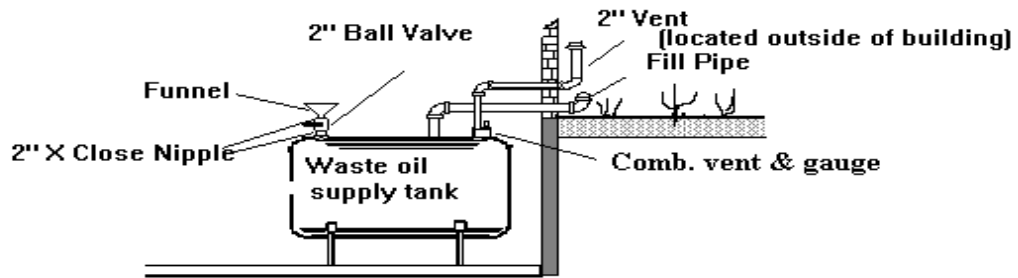


Figure 4 (a)

**Note:** The fill pipe can have a tee, a nipple, a manual ball valve and funnel. The funnel shall be constructed and placed so as not to restrict ball valve closure and transfer of oil without spillage. The valve shall not be left open. It is the owner's responsibility to ensure the outsidefill is ready for delivery.



**Figure 4 (b)**  
**Note: Metal placard with 1" letters, must read "Waste Oil Tank, check for inside valve closure prior to filling."**

AUTHORITY: 32 M.R.S.A. §2313, §2353, and §2402-A

EFFECTIVE DATE: February 3, 2008

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**381 OIL AND SOLID FUEL BOARD**

**CHAPTER 15 – DENIAL APPEALS**

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

**15.1 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: 5 M.R.S.A. §9051

EFFECTIVE DATE: February 3, 2008

**Appendix A**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**OIL REGULATIONS**

The Department of Environmental Protection's Bureau of Remediation and Waste Management regulates underground oil storage tanks and the clean up of any discharge of oil onto or into land or waters of the State of Maine.

**1. Underground Oil Storage Tanks:**

All underground oil storage tanks must be installed by a person who is licensed by the Board of Underground Storage Tank Installers. The installation and operation of the tank is regulated by the Department of Environmental Protection.

**2. Reporting Oil Spills:**

To avoid fines or civil penalties, oil spills onto or into the lands or waters of the State of Maine must be reported within 2 hours to the Department of Environmental Protection. To report a leak, call the 24 hour response line at 1-800-482-0777.

**3. Abandonment of Tank by Removal:**

Tanks must be disposed of in accordance with the Department of Environmental Protection Rules. Used, underground, oil storage tanks are prohibited from use for aboveground supply of oil except where a Maine registered engineer certifies that the tank meets the requirements of UL 142 and NFPA 30.

**4. Underground Piping and Aboveground Tanks with Over 660 Gallons or Aggregate Volume Over 1320 Gallons**

If underground or under-slab piping is to a tank of over 660 gallons capacity or to tanks with an aggregate capacity of over 1320 gallons, then the installation of the underground piping must be installed by a certified underground oil tank installer.

A. Piping must be installed by a certified underground oil tank installer as required under 38 MRSA § 570-K, Above ground oil storage facilities.

B. Piping must be constructed of fiberglass, cathodically protected steel, or other equally noncorrosive material approved by the Department of Environmental Protection as required under Chapter 691, Rules for Underground Oil Storage Facilities.

C. Piping installed on or after June 24, 1991 must include secondary containment and leak detection as required under Chapter 691, Rules for Underground Oil Storage Facilities.

D. Piping that is "grouted," such as piping run on the surface of a floor and then encased in grout or cement or some similar material, shall be considered underground piping. Such grouted piping must include secondary containment and leak detection as required under Chapter 691, Rules for Underground Oil Storage Facilities.

**5. For more information about the Department of Environmental Protection's regulations, contact them at:**

Maine Department of Environmental Protection  
Bureau of Remediation and Waste Management  
17 State House Station  
Augusta, Maine 04333  
(207) 287-2651

## Appendix B

### CHAPTER 425 DEPARTMENT OF ENVIRONMENTAL PROTECTION Asbestos Regulations

The Department of Environmental Protection's Bureau of Remediation and Waste Management regulates the handling of friable asbestos in the State of Maine. It is also regulated by the Federal Occupational Safety and Health Administration (OSHA).

Friable asbestos is material containing asbestos that is loose, crumbly, or can otherwise easily give off fibers and non-friable material that is processed and becomes loose or crumbly. Asbestos used on boilers, pipes, and tape on air ducts is friable.

The state certifies individuals and licenses companies that work with asbestos. It also sets standards for handling and disposing of asbestos. Anyone impacting more than three square feet or three linear feet of asbestos must be certified and licensed by the DEP, except that licensed oil burner technicians are exempt from certification and licensing requirements when conducting an emergency repair, installation, removal or servicing of heating equipment in single-family homes. An emergency is defined to include: a sudden, unexpected event that, if not immediately attended to, presents a safety or health hazard; operations necessitated by non-routine failures of equipment or to protect equipment from damage; and actions of fire and emergency medical personnel pursuant to duties within their official capacities. However, the oil burner technicians who are exempt from certification and licensing are still required to comply with all of the notification, handling, and disposal requirements.

For more information about the asbestos regulations, including a list of licensed contractors and disposal facilities, contact:

Asbestos Unit, Coordinator	287-2651
Maine Department of Environmental Protection	
Bureau of Remediation and Waste Management	
17 State House Station	
Augusta, Maine 04333	

Occupational Safety and Health Administration	622-8417
40 Western Avenue	
Augusta, Maine 04330	

In addition, the Safety Division of the Maine Bureau of Labor Standards offers free consultations. Contact them at:

Safety Division	624-6460
Bureau of Labor Standards	
82 State House Station	
Augusta, Maine 04333	

Appendix C

**MEMORANDUM OF UNDERSTANDING BETWEEN THE OIL AND SOLID FUEL BOARD AND THE PLUMBERS' EXAMINING BOARD FOR THE INSTALLATION OF HOT WATER OR STEAM & WARM AIR HEATING SYSTEMS**

**RADIATION SUPPLY AND RETURN CONNECTIONS**

***ALL TASKS TO BE PERFORMED UNDER THE SUPERVISION AND RESPONSIBILITY OF A LICENSED MASTER OIL BURNER TECHNICIAN.***

**A Master Plumber; or a Journeyman Plumber, under the employment or direction of a Master Plumber,**

**SHALL NOT**

1. Pipe oil tank or run pipe from tank to oil burner.
2. Install any electric wiring unless he or she is licensed to do so.
3. Install any safety equipment.
4. Install smoke pipe.
5. Install thermostat and relays.

**A Master Plumber; or a Journeyman Plumber, under the employment and direction of a Master Plumber,**

**MAY INSTALL**

1. Radiation, supply mains and returns, fittings, vents, gate valves, ball valves, zone valves, check valves or other valves that apply directly to the mechanical function of the heating system. This section does not apply to Safety Valves.
2. Connect mains and returns to boiler.
3. Connect make-up water to boiler.
4. Install back flo preventer.
5. Connect tankless water heater.

**A Master Plumber or a Journeyman Plumber, holding an Apprentice Oil Burner license; under the direct supervision of a Master Oil Burner Technician,**

Date: April 3, 1991  
Lloyd Rainey, Chairperson  
Plumbers' Examining Board

**MAY**

1. Set boiler.
2. Set warm air furnaces, install plenums, warm air and return ducts, registers and piping.

**A Master Oil Burner Technician or Solid Fuel Master, as appropriate; or**

**A Journeyman Burner Technician, under the indirect supervision of an appropriate Master; or**

**An Apprentice Oil Burner or Solid Fuel Technician, under the direct supervision of an appropriate Master or Journeyman,**

**MAY**

1. Set boiler.
2. Pipe radiation, vents, valves, etc.
3. Install mains and returns.
4. Connect mains and returns to boiler.
5. Connect make-up water to boiler.
6. Install back flo preventer.
7. Install and pipe oil tank.
8. Install set pump, if necessary.
9. Connect oil piping to boiler.
10. Install smoke pipe.
11. Install safety equipment to include safety valves.
12. Install thermostats and relays.
13. Install electric wiring to a breaker or fuse box.
14. Connect a tankless water heater within the boiler room or, if not enclosed, with 15' horizontally to the nearest branch water supply.

Date: April 3, 1991  
James Carey, Chairperson  
Oil and Solid Fuel Board

## Appendix D

### MEMORANDUM OF UNDERSTANDING BETWEEN THE OIL & SOLID FUEL BOARD AND THE PROPANE AND NATURAL GAS BOARD FOR THE INSTALLATION OF HOT WATER OR STEAM HEATING SYSTEMS

ALL TASKS TO BE PERFORMED UNDER  
THE SUPERVISION AND  
RESPONSIBILITY OF A LICENSED  
MASTER OIL BURNER TECHNICIAN

A Propane and Natural Gas Appliance  
Connection and Service Technician  
licensed by the Propane and Natural Gas  
Board with an Apprentice Oil Burner  
Technicians License

#### **MAY:**

1. Set oil-fired boiler.
2. Pipe radiation, vents, valves, etc.
3. Install mains and returns to boiler.
4. Connect make up water to boiler.
5. Install backflow preventer.
6. Install electric wiring to a breaker or fuse box, including emergency switch, service switch and thermo fireomatic switch (per Electricians' Examining Board Rules).
7. Connect a tankless or indirect fired water heater within the boiler room or, if not enclosed, with 15' horizontally to the nearest branch water supply.
8. Install safety devices that are not oil specific.

A Propane and Natural Gas Appliance  
Connection and Service Technician licensed  
by the Propane and Natural Gas Board

#### **SHALL NOT:**

1. Pipe or set oil tank or run oil line from tank to burner.
2. Install any safety controls that are oil specific.
3. Install any flue pipe or tie appliance into chimney.
4. Shall not fire or adjust the heating appliance.

Date: January 17, 2001  
Alan Landeen, Chairperson  
Propane and Natural Gas Board

ALL TASKS TO BE PERFORMED UNDER  
THE SUPERVISION AND  
RESPONSIBILITY OF A LICENSED  
PROPANE AND NATURAL GAS  
APPLIANCE CONNECTION AND SERVICE  
TECHNICIAN

A Master or Journeyman Oil Technician  
licensed by the Oil and Solid Fuel Board  
with a Propane and Natural Gas Helpers  
License

#### **MAY:**

1. Set propane or natural gas fired boilers.
2. Pipe radiation, vents, valves, etc.
3. Install mains and returns to boiler.
4. Connect make up water to boiler.
5. Install backflow preventer.
6. Install electric wiring to a breaker or fuse box, including service switch (per Electricians' Examining Board Rules).
7. Connect a tankless or indirect fired water heater within the boiler room or, if not enclosed, with 15' horizontally to the nearest branch water supply.
8. Install safety devices that are not propane and natural gas specific.

A Master or Journeyman Oil Technician  
licensed by the Oil and Solid Fuel Board

#### **SHALL NOT:**

1. Pipe or set propane tank or run propane or natural gas lines to burner.
2. Install any safety controls that are propane and natural gas specific.
3. Install any flue pipe or tie appliance into chimney.
4. Shall not fire or adjust the heating appliance.

Date: January 25, 2001  
James Carey, Chairperson  
Oil and Solid Fuel Board

## Appendix E

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

A person holding a valid State of Maine Oil Burner Master or Journeyman Technician's license may install electrical conductors, including the branch circuit, fittings, devices and raceways for the power and control of hot water, steam, warm air heating systems and oil fired water heaters. The technician may also install, replace or adjust any motor or control on the heating branch circuit as required by the NEC 422-12, 1999 edition. This also applies to the branch circuit supplying the oil fired hot 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: February 16, 2001

Brian McDougal, Chairperson  
Electricians' Examining Board

Date: February 21, 2001

James Carey, Chairperson  
Oil and Solid Fuel Board

**Appendix F  
STATE OF MAINE  
EMERGENCY CHIMNEY UPDATE  
WAIVER FORM**

Dear Consumer: The State of Maine, Oil & Solid Fuel Board adopted the National Fire Protection Association (NFPA) standard # 31 (1997 edition) which requires that, before an existing oil fired appliance is replaced with a new appliance, the chimney to which it is connected must be lined with an approved lining system. This regulation is intended to protect you, the consumer.

When an emergency situation arises that does not allow adequate time to get the chimney lined and/or repaired before installing the new heating appliance, the licensee may grant a waiver of up to ninety (90) days to make required repairs. It is the licensee's responsibility to ensure that the installation meets all standards adopted by the Board and the manufacturer's instructions. The licensee must either install or have installed the required liner or make the proper repairs within the 90 day time period. In cold weather an emergency situation may include, but is not limited to, situations of serious equipment failure, such as a cracked heat exchanger of a warm air furnace or a leaking boiler. Emergency situations may also include failure of equipment that generates hot water, and the unavailability of a chimney professional.

**A copy of this waiver must be provided to the building owner and the Oil and Solid Fuel Board.**

**INSTALLER INFORMATION**

Name of Installer:		
D/B/A		
Mailing Address:		
City:	State:	Zip Code:
County:	Home Telephone: (_____) _____ - _____	
	Work Telephone: (_____) _____ - _____	
By my signature, I certify that I will follow-up within ninety (90) days to ascertain if the liner has been installed.		
Signature of Installer: _____		Date: _____

**CONSUMER INFORMATION**

Consumer's Name:		
Mailing Address:		
City:	State:	Zip Code:
County:	Home Telephone: (_____) _____ - _____	
	Work Telephone: (_____) _____ - _____	
By my signature, I certify that I am aware that, if I do not get my chimney lined, I may be in violation of State of Maine Law, 32 M.R.S.A. Chapter 33 and a State of Maine Oil and Solid Fuel Board Compliance Officer may contact me.		
Signature of Consumer: _____		Date: _____

**APPENDIX G  
STATE OF MAINE  
CHIMNEY OR FIREPLACE CONSTRUCTION/INSTALLATION DISCLOSURE**

Dear Consumer: As of January 1, 1992, State law, specifically 32 M.R.S.A. § 2313-A, requires that chimney or fireplace installers provide you with this "Disclosure" prior to the installation or construction of your chimney or fireplace. The purpose of this Disclosure is to inform you that the National Fire Protection Standard #211 (NFPA #211) is the current standard which applies to all new construction of chimneys and fireplaces. Please note that the State of Maine does not require registration or licensure of chimney or fireplace installers. It is important to realize that many fires are caused each year from improperly constructed fireplaces and chimneys. This disclosure form should help you in making an informed decision as to the abilities of the installer and under what requirements the installation must comply.

**INSTALLER INFORMATION**

Name of Installer:		D/B/A:	
Name of Installer (if incorporated):		D/B/A:	
Legal Address:			
City:	State:	Zip Code:	
County:		Home Telephone: (____) _____ - _____	
		Work Telephone: (____) _____ - _____	
Years of experience doing fireplace or chimney installations:			

**CONSUMER INFORMATION**

Name of Consumer:			
Mailing Address:			
City:	State:	Zip Code:	
County:		Home Telephone: (____) _____ - _____	
		Work Telephone: (____) _____ - _____	

Installer, please give a brief description of installation being offered: \_\_\_\_\_

I hereby attest that the preceding information provided is true to the best of my knowledge. I also understand that if I fail to conform with the standards as outlined in NFPA #211 that I shall be subject to penalties as outlined in Title 32, M.R.S.A., Chapter 33 and the Oil and Solid Fuel Board Rules.

Signature of Installer: \_\_\_\_\_ Date: \_\_\_\_\_

**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 ..... \$10
3. Photocopies..... No charge for first 7 pages, 25¢ for each page thereafter
4. Licensee register list on diskette or CD-ROM ..... \$10

#### 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.

#### **26. Oil and Solid Fuel Board**

Master	2 yr	\$200
Journeyman	2 yr	\$100
Apprentice	2 yr	\$40
Limited Tank Installer	2 yr	\$50
Limited Energy Auditor Technician	2 yr	\$50
Application	NA	\$25
Examination	NA	3d party
Late renewal:		
More than 90 days	NA	\$50
License upgrade	NA	\$25

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 6, 2007

Chapter 11: LATE RENEWALS

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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





Department of Professional and Financial Regulation  
Office of Licensing and Registration  
Oil and Solid Fuel Board  
35 State House Station  
Augusta, ME 04333

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