

**STATE OF MAINE**

**PROPANE AND NATURAL GAS BOARD**

**LAWS AND RULES**



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

**PROPANE AND NATURAL GAS BOARD**

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## TABLE OF CONTENTS

<b>LAWS</b>	<b>Title 32 MRS Chapter 130</b>	<b><u>Page</u></b>
§14801	Short Title .....	7
§14802	Definitions .....	7
§14803	Board established .....	9
§14804	Board powers.....	10
§14805	Installations to conform to standards; authority of state propane and natural gas inspectors.....	11
§14806	Denial or refusal to renew license; disciplinary action.....	13
§14806-A	Employing unlicensed person .....	13
§14807	Licensure; requirements; persons.....	13
§14808	Licensure; installation and maintenance standards; dispensing Station.....	15
§14811	Inspectors .....	17
§14813	Fees.....	17
§14814	Renewals .....	17
§14815	Endorsement with other states .....	18
§14816	Exemption.....	18
<b>LAWS</b>	<b>Title 10 MRS Chapter 901</b>	
§8001	Department; organization.....	19
§8001-A	Department; affiliation .....	24
§8002	Duties and authority of commissioner .....	25
§8003	Departmental organization; duties .....	27
§8003-A	Complaint investigation.....	37
§8003-B	Confidentiality of investigative records.....	37
§8003-C	Unlicensed practice .....	39
§8003-D	Investigations; enforcement duties; assessments.....	41
§8003-E	Citations and fines .....	41
§8003-F	Disposition of fees .....	41
§8004	Annual reports .....	42
§8004-A	Legislative reports.....	42
§8005	Compliance with support orders; license qualifications and conditions.....	42
§8005-A	Licensees not in compliance with court-ordered fine, fee or restitution; license qualifications and conditions .....	42
§8006	Licensees not in compliance with court order of support and other court orders; enforcement of parental support obligations and suspension.....	43
§8007	Board member candidate information .....	44
§8008	Purpose of occupational and professional regulatory boards .....	44
§8009	Standardized terms.....	44
<b>RULES</b>		
Chapter 1	Definition.....	49
Chapter 2	General Information .....	52
Chapter 3	Licensure/Registration Requirements.....	54
Chapter 4	Examination Requirements.....	60
Chapter 5	Installation Standards .....	61
Chapter 6	Complaints, Investigations and Adjudicatory Hearings .....	65

Chapter 8	Permits for Aboveground and Underground Propane and Natural Gas Storage Facilities and Rooftop Installations .....	67
Chapter 9	Modification of Standards .....	69
Chapter 10	Establishment of License Fees .....	70
Chapter 11	Late Renewals .....	72
	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 .....	74

# **PROPANE AND NATURAL GAS BOARD**

## **LAWS**



## MRS Title 32, Chapter 130: THE PROPANE AND NATURAL GAS ACT

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### 32 §14801. Short title

This Act may be known and cited as the Propane and Natural Gas Act. [1995, c. 389, §4 (NEW).]

#### SECTION HISTORY

1995, c. 389, §4 (NEW).

### 32 §14802. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 389, §4 (NEW).]

**1. Board.** "Board" means the Propane and Natural Gas Board.

[ 1995, c. 389, §4 (NEW) .]

**1-A. ASME container.** "ASME container" means a container constructed in accordance with the pressure vessel code jointly developed by the American Petroleum Institute, or its successor organization, and the American Society of Mechanical Engineers, or its successor organization.

[ 1999, c. 386, Pt. V, §1 (NEW) .]

**2. Bulk plant.** "Bulk plant" means a facility, the primary purpose of which is to distribute propane, that receives propane by tank car, tank truck or piping and distributes the propane to the end user by portable container delivery, by tank truck or through piping. A bulk plant has the bulk storage capacity of 2,000 gallons of water or more. "Bulk plant" includes a facility that transfers propane from tank cars on a private track directly into cargo tanks.

[ 1995, c. 389, §4 (NEW) .]

**3. Commissioner.** "Commissioner" means the Commissioner of Professional and Financial Regulation.

[ 1995, c. 389, §4 (NEW) .]

**4. Delivery.** "Delivery" means the transfer of propane, either by liquid transfer into a

stationary container on the property of the consumer or by placing a portable propane container onto the property of the consumer.

[ 1995, c. 389, §4 (NEW) .]

**5. Department.** "Department" means the Department of Professional and Financial Regulation.

[ 1995, c. 389, §4 (NEW) .]

**6. Dispensing station.** "Dispensing station" means a facility consisting of fixed equipment where propane or natural gas is stored and dispensed into portable containers or containers that are not suitable for the shipping of cargo and that are mounted on vehicles.

[ 1999, c. 386, Pt. V, §2 (AMD) .]

**6-A. Highway transport driver.** "Highway transport driver" means a driver of a tractor-trailer commercial motor vehicle that has a cargo tank with a water capacity of 9,000 gallons or more.

[ 1997, c. 270, §1 (NEW) .]

**7. License.** "License" means:

A. A propane and natural gas technician license issued pursuant to this chapter containing one or more of the following endorsements: delivery technician; plant operator; tank setter and outside piping technician; appliance connection and service technician up to 500,000 BTUs per appliance; and large equipment connection and service technician over 500,000 BTUs per appliance; [2007, c. 402, Pt. LL, §1 (NEW).]

B. A license issued to a dispensing station; and [2007, c. 402, Pt. LL, §1 (NEW).]

C. A license issued to a propane and natural gas helper. [2007, c. 402, Pt. LL, §1 (NEW).]

[ 2007, c. 402, Pt. LL, §1 (RPR) .]

**8. Natural Gas.** "Natural gas" means hydrocarbon fuel in a gaseous state with a composition of predominantly CH<sub>4</sub>, delivered by pipeline to the property of the consumer.

[ 1995, c. 389, §4 (NEW) .]

**9. Propane.** "Propane" means a hydrocarbon fuel whose chemical composition is predominantly C<sub>3</sub>H<sub>8</sub>, whether recovered from natural gas or from crude oil.

[ 1995, c. 389, §4 (NEW) .]

**10. Self-service propane or natural gas dispenser.** "Self-service propane or natural gas dispenser" means fixed equipment that:

A. Dispenses propane or natural gas into permanently mounted fuel containers on vehicles; [1999, c. 133, §1 (NEW).]

B. Is designed and manufactured to safety standards set by law; [1999, c. 133, §1

(NEW).]

C. Is operated by the general public at a licensed propane or natural gas installation; [2007, c. 402, Pt. LL, §2 (AMD).]

D. Complies with section 14805 and the standards and rules adopted by the board, including, but not limited to, National Fire Protection Association Standards, Numbers 52 and 58, and amendments to and replacements of those standards; and [1999, c. 133, §1 (NEW).]

E. Is attended by an operator licensed under section 14808, subsection 4 or by a trained, documented employee of that licensed operator. [1999, c. 133, §1 (NEW).]

[ 2007, c. 402, Pt. LL, §2 (AMD) .]

## SECTION HISTORY

1995, c. 389, §4 (NEW). 1997, c. 270, §1 (AMD). 1999, c. 133, §1 (AMD). 1999, c. 386, §§V1-3 (AMD). 2007, c. 402, Pt. LL, §§1, 2 (AMD).

### **32 §14803. Board established**

There is established within the department the Propane and Natural Gas Board for the oversight of propane and natural gas licensure and the enforcement of the provisions of this Act. [1995, c. 389, §4 (NEW).]

**1. Membership; appointment.** The board consists of 9 members who serve for 3-year terms, except that of the initial appointees 3 of the members serve a 3-year term, 2 of the members serve a 2-year term and 2 of the members serve a one-year term. With the exception of the fire chief member, the member from a labor organization and the public member as defined in Title 5, section 12004-A, all members must have at least 10 consecutive years of active experience in the propane or the natural gas industry immediately preceding appointment. Industry members must hold a valid license at the time of appointment, except that the initial industry member appointees must be licensed on or before July 1, 1997. The Governor shall appoint all industry and public members. The propane and natural gas industries in this State may make recommendations to the Governor concerning these appointments. Membership is as follows:

A. Five members from industry, 3 of whom represent the propane industry, one of whom is a mechanical contractor and one of whom represents the natural gas industry; [2007, c. 402, Pt. LL, §3 (AMD).]

B. One Maine fire chief, who may be recommended to the Governor by the Maine Fire Chiefs Association; [2007, c. 402, Pt. LL, §3 (AMD).]

C. One public member as defined in Title 5, section 12004-A; [2007, c. 402, Pt. LL, §3 (AMD).]

C-1. One member from a labor organization in the building and construction industry; and [2007, c. 402, Pt. LL, §3 (AMD).]

D. One nonvoting member appointed by the Commissioner of Public Safety. [1995, c. 389, §4 (NEW).]

Appointments of members must comply with Title 10, section 8009. Members may be removed from office by the Governor for cause.

[ 2007, c. 402, Pt. LL, §3 (AMD) .]

## **2. Officers.**

[ 2007, c. 402, Pt. LL, §3 (RP) .]

## **3. Compensation.**

[ 2007, c. 402, Pt. LL, §3 (RP) .]

### SECTION HISTORY

1995, c. 389, §4 (NEW). 2003, c. 420, §1 (AMD). 2007, c. 402, Pt. LL, §3 (AMD).

## **32 §14804. Board powers**

The board has the following powers. [1995, c. 389, §4 (NEW).]

**1. Rules.** The board shall adopt rules necessary for the proper performance of its duties pursuant to the Maine Administrative Procedure Act to implement the licensure requirements established by this Act, which may include the following:

A. Reasonable standards regarding education or its equivalent and experience requirements for applicants for licensure; and [1995, c. 389, §4 (NEW).]

B. Reasonable standards for license renewal. [1995, c. 389, §4 (NEW).]

The board shall adopt technical standards for the proper installation and servicing of propane and natural gas equipment by rule. The board may adopt by rule national or other technical standards, in whole or in part, it considers necessary to carry out the mandates of this chapter.

[ 2003, c. 204, Pt. F, §1 (AMD) .]

**2. Meetings; chair; quorum.** 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 members of the board. Four members of the board constitute a quorum.

[ 2007, c. 402, Pt. LL, §4 (AMD) .]

**3. Licenses.** The board shall evaluate the qualifications of applicants for licensure under this chapter.

[ 1995, c. 389, §4 (NEW) .]

## **4. Hearings.**

[ 2007, c. 402, Pt. LL, §4 (RP) .]

## **5. Contracts.**

[ 2007, c. 402, Pt. LL, §4 (RP) .]

## **6. Budgets.**

[ 2007, c. 402, Pt. LL, §4 (RP) .]

## **7. Personnel.**

[ 2007, c. 402, Pt. LL, §4 (RP) .]

**8. Inspection of aboveground and underground propane and natural gas storage facilities and rooftop installations of ASME containers.** The board shall inspect and issue permits to aboveground and underground propane and natural gas storage facilities and rooftop installations of ASME containers. The cost of inspection under this subsection and the permit may not exceed \$50.

[ 1999, c. 386, Pt. V, §4 (AMD) .]

#### SECTION HISTORY

1995, c. 389, §4 (NEW). 1997, c. 727, §C16 (AMD). 1999, c. 386, §V4 (AMD). 2003, c. 204, §F1 (AMD). 2007, c. 402, Pt. LL, §4 (AMD).

### **32 §14805. Installations to conform to standards; authority of state propane and natural gas inspectors**

**1. Compliance with rules required.** Installation of propane or natural gas equipment may not be made in the State unless it complies with all the standards and rules adopted by the board.

[ 1995, c. 389, §4 (NEW) .]

**2. Inspection.** State propane and natural gas inspectors, upon written complaint or whenever they consider it necessary for purposes of examination, may enter into and upon and inspect all buildings, dispensing stations and premises within their jurisdiction at all reasonable hours. They may enter a building, dispensing station or other premises within their jurisdiction only with the permission of the person having control of the building, dispensing station or other premises or, after hearing, upon order of court. If an inspector finds any propane or natural gas installation that does not comply with this Act, the inspector shall order that the installation be removed or remedied, and that order must be complied with immediately by the owner or occupant of the building, dispensing station or other premises or by the installer of the propane or natural gas equipment in violation. If the inspector finds any propane or natural gas installation in any building, dispensing station or structure on premises within the inspector's jurisdiction that creates a danger to other property or to the public, the inspector may forbid the use of the building, dispensing station or structure on premises within the inspector's jurisdiction 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.

[ 2005, c. 347, Pt. F, §1 (AMD) .]

**3. Order to correct deficiency; appeal.** Any person ordered by a state propane and natural gas inspector 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 inspector's order, it shall prescribe the time period for the requisite correction specified in its written decision or the time within which that person must vacate the building or structure. The decision must be complied with, unless appealed as provided. Any person ordered by the board to correct a deficiency or to vacate a building or structure may appeal the order to the Superior Court in accordance with the Maine Administrative

Procedure Act 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. V, §5 (AMD) .]

#### **4. Final orders.**

[ 2007, c. 402, Pt. LL, §5 (RP) .]

#### **5. Injunction to enforce order.**

[ 2007, c. 402, Pt. LL, §6 (RP) .]

**6. Powers of propane and natural gas inspectors.** Propane and natural gas inspectors have powers throughout the several counties of the State, similar to those of sheriffs in their respective counties, relating to enforcement of this Act and rules adopted under this Act. These powers are limited to the issuing of citations, the serving of summonses, the conducting of investigations and the ordering of corrections of violations of this Act by licensees in accordance with the specific statutory authority set forth in this Act.

[ 1995, c. 389, §4 (NEW) .]

**7. Failure to comply with order of propane and natural gas inspector.** If the owner, occupant of any building or dispensing station or an installer neglects or refuses, without justification, for more than 10 days to comply with any order of a propane and natural gas inspector concerning the performance of any functions governed 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.

[ 1999, c. 386, Pt. V, §6 (NEW) .]

**8. Penalties.** The following penalties apply to violations of this chapter.

A. A person, firm or corporation who makes a propane or natural gas installation without being licensed as provided by this chapter is subject to the provisions of Title 10, section 8003-C. [2007, c. 402, Pt. LL, §7 (AMD).]

B. [2007, c. 402, Pt. LL, §7 (RP).]

C. [2007, c. 402, Pt. LL, §7 (RP).]

[ 2007, c. 402, Pt. LL, §7 (AMD) .]

**9. 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, §19 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### **10. Injunctive relief.**

[ 2007, c. 402, Pt. LL, §8 (RP) .]

#### **SECTION HISTORY**

1995, c. 389, §4 (NEW). 1999, c. 386, §§V5,6 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2003, c. 452, §§R18,19 (AMD). 2003, c. 452, §X2 (AFF).

2005, c. 347, §F1 (AMD). 2007, c. 402, Pt. LL, §§5-8 (AMD).

### **32 §14806. 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. LL, §9 (RPR).]

A 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 Act. [2007, c. 402, Pt. LL, §9 (RPR).]

A person whose license is suspended or revoked for more than 90 days must establish that all requirements governing new applicants under this Act are met as a condition of reinstatement or return of the license, except that the board, in its discretion and giving due consideration to the protection of the public, may waive examination if the period of suspension is less than 2 years or, in the case of the revocation of a license, the applicant is both eligible and has made application for reinstatement of the license within 2 years of the effective date of that revocation. [2007, c. 402, Pt. LL, §9 (RPR).]

#### SECTION HISTORY

1995, c. 389, §4 (NEW). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2007, c. 402, Pt. LL, §9 (RPR).

### **32 §14806-A. Employing unlicensed person**

A person, firm or corporation in the propane or natural gas installation business who employs an unlicensed person, unless the work is exempted under this chapter, commits a Class E crime. [2007, c. 402, Pt. LL, §10 (NEW).]

#### SECTION HISTORY

2007, c. 402, Pt. LL, §10 (NEW).

### **32 §14807. Licensure; requirements; persons**

**6-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 training and written and field certification that conform to the 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 natural gas-fired or propane gas-fired space heating or water heating equipment to ensure health and safety standards and do not include any adjustment of natural or propane gas-fired space heating or water heating equipment.

[ 2007, c. 392, §2 (NEW) .]

**1. Establish propane and natural gas technician license.** The board shall establish one propane and natural gas technician license with endorsements described in this section that conform to the education and certification requirements of the National Propane Gas Association's certified employee training program or other

propane or natural gas programs approved by the board, as follows:

- A. "Delivery technician" is a person who delivers propane at a customer's location. A license established by the board is not required for a delivery technician to operate a motor vehicle; [1995, c. 389, §4 (NEW).]
- B. "Plant operator" is a person who works at a bulk plant and handles propane and propane equipment; [1995, c. 389, §4 (NEW).]
- C. "Tank setter and outside piping technician" is a person who sets and maintains propane tanks and outside piping; [1995, c. 389, §4 (NEW).]
- D. "Appliance connection and service technician" is a person who installs and services propane and natural gas appliances and indoor piping up to 500,000 BTUs per appliance; and [1999, c. 386, Pt. V, §7 (AMD).]
- E. "Large equipment connection and service technician" is a person who installs and services propane and natural gas appliances and indoor piping over 500,000 BTUs per appliance. [1999, c. 386, Pt. V, §7 (AMD).]

[ 2007, c. 402, Pt. LL, §11 (AMD) .]

**2. License; valid.** The license established in this section is valid for 2 years from the date of issuance or as otherwise established by the commissioner.

[ 1995, c. 389, §4 (NEW) .]

**3. Appropriate endorsement.** The board shall issue a license with the appropriate endorsement to the prospective licensee who has successfully passed an examination as prescribed by the board and who has filed the application and fee as set under section 14813.

[ 2007, c. 402, Pt. LL, §11 (AMD) .]

**3-A. License required.** A person may not perform the functions governed by this Act without first being licensed by the board.

[ 2007, c. 402, Pt. LL, §11 (AMD) .]

**4. License required; plant operators and delivery technician.** A person may not perform the functions governed by this Act without first being licensed by the board as a propane and natural gas technician, except that plant operators and delivery technicians must be licensed within one year of first performing those functions. In order to qualify for the one-year provision, the delivery technician or plant operator must apply for a temporary license with the board within 90 days after first performing that function.

[ 2007, c. 402, Pt. LL, §11 (AMD) .]

**4-A. Personal abode.** Nothing in this chapter prevents a person from making a propane or natural gas installation in a single family residence occupied or to be occupied by that person as that person's bona fide personal abode, as long as that installation conforms with board laws and rules.

[ 1999, c. 386, Pt. V, §9 (NEW) .]

**5. Examination; qualification.** Notwithstanding any requirement set by the board

as a qualification to sit for a license examination, a person working as a technician in the propane or the natural gas industry before January 1, 1996 is deemed qualified to sit for a license examination.

[ 1995, c. 389, §4 (NEW) .]

**6. Propane and natural gas helper.** A person may not assist a licensed propane and natural gas technician unless that person first receives a license from the board as a propane and natural gas helper. A helper may work only under the direct and continuous supervision of a licensed person on-site. A licensed person may supervise no more than 2 helpers at any time.

A licensed propane and natural gas technician who does not have the appropriate endorsement specified under this chapter or a person holding a temporary license as a plant operator or delivery technician, is not required to be licensed as a propane and natural gas helper when assisting a licensed propane and natural gas technician who has the appropriate endorsement to perform a function.

[ 2007, c. 402, Pt. LL, §11 (AMD) .]

**7. Exceptions.** The licensing provisions of this section do not apply to:

A. A highway transport driver who delivers propane to bulk plants or industrial customers; [1999, c. 790, Pt. B, §5 (RPR).]

B. An individual user of a self-service propane or natural gas dispenser as defined by section 14802, subsection 10; [1999, c. 790, Pt. B, §5 (RPR).]

C. Regular employees of industrial plants installing and servicing propane or natural gas-fired equipment of greater than 10,000,000 BTUs per hour input; or [1999, c. 790, Pt. B, §5 (NEW).]

D. Persons working on internal combustion engines and associated gas trains. [1999, c. 790, Pt. B, §5 (NEW).]

[ 1999, c. 790, Pt. B, §5 (RPR) .]

#### SECTION HISTORY

1995, c. 389, §4 (NEW). 1997, c. 270, §2 (AMD). 1999, c. 133, §2 (AMD). 1999, c. 386, §§V7-10 (AMD). 1999, c. 790, §B5 (AMD). 2007, c. 392, §2 (AMD). 2007, c. 402, Pt. LL, §11 (AMD).

#### **32 §14807-A. Exceptions (REPEALED)**

#### SECTION HISTORY

1999, c. 386, §V11 (NEW). 1999, c. 790, §B6 (RP).

#### **32 §14808. Licensure; installation and maintenance standards; dispensing stations**

The following licensing, maintenance and installation standards apply to dispensing stations operating in the State. [2007, c. 402, Pt. LL, §12 (AMD).]

**1. Dispensing stations.** All dispensing stations must be licensed with the department biennially by the owner upon suitable forms designated and approved by

the board. A dispensing station that undergoes a major repair, revision or relocation must provide that agency with updated information within 30 days of the completion of the change.

[ 2007, c. 402, Pt. LL, §13 (AMD) .]

**2. License.** Licensure of the dispensing station is limited to:

A. The name of the owner; [1995, c. 389, §4 (NEW).]

B. The address of the dispensing station; [1995, c. 389, §4 (NEW).]

C. The town or city and county in which the dispensing station is located; [1995, c. 389, §4 (NEW).]

D. The directions to the dispensing station; [1995, c. 389, §4 (NEW).]

E. The capacity in gallons of the dispensing station; [1995, c. 389, §4 (NEW).]

F. The name of the owner or operator to be contacted for inspection of the dispensing station by the State; and [1995, c. 389, §4 (NEW).]

G. The name of the owner or operator holding the limited operator's license required by this section. [1995, c. 389, §4 (NEW).]

[ 2007, c. 402, Pt. LL, §14 (AMD) .]

**3. Constructed; maintained; operated.** Dispensing stations operating in the State must be constructed, maintained and operated in accordance with the standards set by the most recent edition of the National Fire Protection Association Standards, Number 58. The board may adopt by rule additional state and local codes.

[ 1995, c. 389, §4 (NEW) .]

**4. Limited operator's license; training.** The on-site owner or operator of a dispensing station must hold a limited operator's license issued biennially by the board. The board shall set by rule the requirements for obtaining the limited license. The holder of the limited license is responsible for training other dispensing station employees and documenting that training.

The training for the limited license must include a manual prepared by a regional propane gas association, a video prepared by a national propane gas association or equivalent materials approved by the board. The training documentation must be kept at the station.

[ 1997, c. 270, §3 (AMD) .]

#### SECTION HISTORY

1995, c. 389, §4 (NEW). 1997, c. 270, §3 (AMD). 2007, c. 402, Pt. LL, §§12-14 (AMD).

#### **32 §14809. Equipment installation identification (REPEALED)**

#### SECTION HISTORY

1995, c. 389, §4 (NEW). 1997, c. 270, §4 (RP).

#### **32 §14810. Enforcement; penalties (REPEALED)**

## SECTION HISTORY

1995, c. 389, §4 (NEW). 1995, c. 502, §H48 (AMD). 2007, c. 402, Pt. LL, §15 (RP).

### **32 §14811. Inspectors**

An inspector or other person enforcing this Act as an agent of the board must meet the same qualifications as those licensed under this Act. [1995, c. 389, §4 (NEW).]

## SECTION HISTORY

1995, c. 389, §4 (NEW).

### **32 §14812. Disposal of fees (REPEALED)**

## SECTION HISTORY

1995, c. 389, §4 (NEW). 1995, c. 502, §H48 (AMD). 2007, c. 402, Pt. LL, §16 (RP).

### **32 §14813. Fees**

The Director of the Office of Licensing and Registration within the department may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose other than permit and inspection fees may not exceed \$196. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2007, c. 402, Pt. LL, §17 (RPR).]

## SECTION HISTORY

1995, c. 389, §4 (NEW). 1999, c. 386, §V12 (AMD). 2007, c. 402, Pt. LL, §17 (RPR).

### **32 §14814. Renewals**

All licenses issued expire 2 years from the date of issuance or at other times the commissioner may designate. All licenses may be renewed biennially upon payment of the renewal fee as set under section 14813. [2007, c. 402, Pt. LL, §18 (AMD).]

A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee in addition to the renewal fee as set under section 14813. Any person who submits an application for renewal more than 90 days after the license expiration date must pay an additional late fee as set under section 14813 and is subject to all requirements governing new applicants under this chapter, except that the board, in its discretion and giving due consideration to the protection of the public, may waive examination or other requirements if the renewal is made within 2 years from the date of the expiration. Notwithstanding any other provision of this chapter, the board shall waive examination if a renewal application is made within 90 days after separation from the United States Armed Forces, under conditions other than dishonorable, by a person who has failed to renew the license because the person was on active duty in the Armed Forces; except that the waiver of examination may not be granted if the person served more than 4 years in the Armed Forces, unless the person was required by some mandatory provision to serve a longer period and the person submits satisfactory evidence to the board. [2007, c. 402, Pt. LL, §18 (AMD).]

## SECTION HISTORY

1995, c. 389, §4 (NEW). 1999, c. 386, §V13 (AMD). 2007, c. 402, Pt. LL, §18 (AMD).

### **32 §14815. Endorsement with other states**

The board shall waive the examination and grant a license to any applicant who presents proof of being authorized to practice by another state or other jurisdiction of the United States or another country that maintains professional standards considered by the board to be equivalent to or higher than those set forth in this chapter, as long as no cause exists for denial of a license under section 14806. Such an applicant must pay the fee as provided in section 14813. [1995, c. 389, §4 (NEW).]

#### SECTION HISTORY

1995, c. 389, §4 (NEW).

### **32 §14816. Exemption**

Nothing in this Act prohibits any person who is licensed to practice in this State under any other law from engaging in the practice for which that person is licensed. [1995, c. 625, Pt. A, §44 (RPR).]

#### SECTION HISTORY

1995, c. 389, §4 (NEW). 1995, c. 625, §A44 (RPR).

### **32 §14817. Repeal**

***(REPEALED)***

#### SECTION HISTORY

1995, c. 625, §A45 (NEW). 1999, c. 386, §V14 (RP).

## **MRS Title 10, Chapter 901: DEPARTMENT OF BUSINESS REGULATION**

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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).



# **PROPANE AND NATURAL GAS BOARD**

## **RULES**



**Chapter 1: DEFINITIONS**

Summary: This Chapter is promulgated to clarify wording of the law and further clarify statutory definitions.

1. **APPLIANCE CONNECTION AND SERVICE TECHNICIAN.** Appliance Connection and Service Technician means a person licensed by the Propane and Natural Gas Board with the Appliance Connection and Service Technician endorsement. This *person* is permitted to perform the following tasks: (1) Install and repair all inside or outside piping that is attached to the building, from the outlet of the valve, meter, or second stage regulator based upon whichever is closest to the customers piping, to the gas utilization equipment; and (2) Install, adjust and repair all customer owned gas utilization equipment including the fuel train, electrical systems, and venting systems that are associated with the correct operation of the equipment.
2. **BOARD APPROVED TRAINING PROGRAM.** Board approved training program means a training program approved by the Propane and Natural Gas Board as qualified to prepare candidates to sit for the examination. The training program must include a segment on Skills as defined in this Chapter.
3. **CETP.** CETP means the National Propane Gas Association's Certified Employee Training Program.
4. **DELIVERY TECHNICIAN.** Delivery Technician means a person licensed by the Propane and Natural Gas Board with the Delivery Technician endorsement. This person is permitted to perform the following tasks: (1) Inspect and maintain propane delivery vehicles; (2) Fill propane containers and cargo tanks on bulk delivery trucks; and (3) Make propane deliveries of either cylinders or bulk propane to customer locations.
5. **DIRECT SUPERVISION.** Direct supervision means a licensed propane and natural gas technician providing direct and constant guidance to a propane and natural gas helper. A technician cannot provide guidance to a helper outside the scope of his/her license endorsement.
6. **LARGE EQUIPMENT CONNECTION AND SERVICE TECHNICIAN.** Large Equipment and Service Technician means a person licensed by the Propane and Natural Gas Board with the Large Equipment Connection and Service Technician endorsement to install and service propane and natural gas appliances and indoor piping over 500,000 BTUs per appliance.
7. **PLANT OPERATOR.** Plant Operator means a person licensed by the Propane and Natural Gas Board with the Plant Operator endorsement. This person is permitted to perform the following tasks: (1) Fill and remove propane from railroad cars, tractor trailers, trucks, transports or bobtails as required; (2) Fill and

remove propane from storage containers, and repair propane storage containers as needed including valves and gauges; and (3) Perform requalification testing on storage tanks as necessary.

8. **PROPANE AND NATURAL GAS HELPER.** A propane and natural gas helper means a person licensed as a helper to assist in making propane and natural gas installations under the direct supervision of a licensed propane and natural gas technician.
9. **SELF-SERVICE DISPENSER.** A self-service dispenser is a device or system designed to measure and transfer volumes of propane or natural gas into permanently mounted fuel containers on vehicles, which dispenser meets the requirements set forth in 32 M.R.S.A. § 14802(10).
10. **SHALL.** Shall where used in these rules means that the provisions are mandatory in all cases.
11. **SKILLS.** The hands-on portion of the Board approved training required for candidates to sit for the examination.
12. **SKILLS AFFIDAVIT.** An affidavit furnished by the Board and signed by a licensed technician who has personally trained the applicant. The training provided must be within the scope of the technician's license endorsement.
13. **TANK SETTER/OUTSIDE PIPING TECHNICIAN.** Tank Setter/Outside Piping Technician means a person licensed by the Propane and Natural Gas Board with the Tank Setter/Outside Piping Technician endorsement. This person is permitted to perform the following tasks: (1) Determine the correct location of and set above or below ground Propane Tanks; (2) Install or maintain pumps or vaporizers associated with product delivery on an end users site; (3) Install or repair underground or above ground piping, risers, valves, regulators or other fittings up to the outlet of the valve, meter, or second stage regulator based on whichever is closest to the customer owned piping; and (4) Transport propane for the purpose of setting a tank.
14. **THIRD-PARTY EXAMINATION.** Third-party examination means an examination conducted by a person or entity that does not have a vested interest in the outcome of that examination.
15. **UNVENTED EQUIPMENT.** The Board adopts and incorporates herein the definition of Unvented Equipment as set forth in the National Fire Protection Association Standard #54.

STATUTORY AUTHORITY: 32 M.R.S.A. § 14804(1)

EFFECTIVE DATE:

August 23, 1996

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November 2, 1996

AMENDED:

January 4, 1998

February 1, 1999

August 13, 2000

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**582 PROPANE AND NATURAL GAS BOARD**

**Chapter 2: GENERAL INFORMATION**

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

**1. MEETING NOTICES**

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

**2. MEETING AGENDAS**

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

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

**3. RECORDS**

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

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

#### 4. ADVISORY RULINGS

##### A. Authority and Scope

The Board may issue an advisory ruling pursuant to 5 M.R.S.A. § 9001 concerning the applicability to an existing factual situation of any statute or rule it administers. Each request shall be reviewed individually by the Board to determine whether an advisory ruling is appropriate. The Board may, at its discretion, decline the request for an advisory ruling. An advisory ruling is not legally binding upon the Board pursuant to Title 5 M.R.S.A. §9001 of the Administrative Procedure Act.

##### B. Submission

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

##### C. Ruling

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

##### D. Publication

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

AUTHORITY: 32 M.R.S.A., Chapter 130, Section 14804(1);  
5 M.R.S.A., Section 9001(4)

EFFECTIVE DATE: August 23, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION): November 2, 1996

**Chapter 3: LICENSURE/REGISTRATION REQUIREMENTS**

Summary: This Chapter sets forth the requirements for licensure, registration, permits, and reciprocity for licensure with other states.

**1. PROPANE AND NATURAL GAS TECHNICIAN LICENSE**

- A. Application for a license as a Propane and Natural Gas Technician shall be made on forms supplied by the Board together with:
  - 1. Payment of the license fee;
  - 2. For persons working as a technician in the propane and natural gas industry prior to January 1, 1996, proof of successful completion of license examination from the testing company for the endorsement requested on the application;
  - 3. For persons entering the propane and natural gas industry after January 1, 1996, proof of successful completion of license examination from the testing company for the endorsement requested on the application and a certificate of successful completion of a Board approved training program. The applicant must submit an affidavit signed by a licensed technician within the scope of the licensee's license endorsement stating that skills have been completed. Applicants must notify the Board of completion of skills within one year from date of examination or the examination scores will be null and void; or
  - 4. Proof of successful completion of CETP. The Board will accept a copy of the applicant's wall certificate issued by National Propane Gas Association as proof of completion. The wall certificate submitted must be specific to the license endorsement requested.
- B. In order to become licensed as a technician with the Large Equipment Connection and Service Technician endorsement, an applicant must either:
  - 1. Hold a license as a technician with the Appliance Connection and Service Technician endorsement and
    - a. Pass the Large Equipment Connection and Service Technician examination adopted by the Board or
    - b. Successfully complete the Large Equipment Connection and Service Technician CETP certification. The Board will accept a copy of the applicant's wall certificate issued by National Propane Gas Association as proof of completion; or

2. Present proof to the Board of passage of the Appliance Connection and Service Technician examination or successful completion of the Appliance Connection and Service Technician CETP certification, and
  - a. Pass the Large Equipment Connection and Service Technician examination adopted by the Board or
  - b. Successfully complete the Large Equipment Connection and Service Technician CETP certification. The Board will accept a copy of the applicant's wall certificate issued by National Propane Gas Association as proof of completion.

C. Identification of Licensee

A person licensed as a Propane and Natural Gas Technician pursuant to 32 M.R.S.A. §14807 shall be issued a pocket card, which will include the name of the person licensed, the number and type of endorsement, and the time period for which the license is valid. The licensee shall carry the pocket card when acting in the course of the trade and must display the pocket card upon request.

D. All renewal notices will be sent to the licensee's last known address. The licensee is responsible for notifying the Board of any change in address.

E. Responsibility of the Technician Regarding Helpers

1. A licensed Propane and Natural Gas Technician is not permitted to provide guidance to a helper outside the scope of his/her license endorsement.

## 2. DISPENSING STATION REGISTRATION

A. Application for registration of a dispensing station shall be made on forms supplied by the Board together with:

1. Payment of the registration fee; and
2. An affidavit stating that the holder of the limited operator's license has been trained according to the requirements and provisions of 32 M.R.S.A. §14808.

B. Each dispensing station must employ an operator who holds a limited operator's license and is responsible for training on-site non-licensed dispensing station operators. The training documentation required will include the Propane Gas Association of New England's dispensing station operator's manual and the National Propane Gas Association Video entitled, "Fill It or Not" or equivalent materials approved by the Board. A record of this training for all operators must be maintained on-site at all times and be available for inspection.

### **3. DISPENSING STATION WITH SELF-SERVICE DISPENSER REGISTRATION**

- A. Application for registration of a dispensing station with a self-service dispenser shall be made on forms supplied by the Board. The application shall be filed together with:
  - 1. Payment of the registration fee; and
  - 2. An affidavit stating that the holder of the limited operator's license has been trained according to the requirements and provisions of 32 M.R.S.A. §14808.
- B. In the event that the applicant also is a dispensing station utilizing nonself-service dispensers, an application relating to its operations utilizing as nonself-service dispensers shall also be filed in compliance with Chapter 3, Section 2. The payment of the registration fee shall be included with the application.
- C. Each dispensing station with a self-service dispenser shall employ an operator who holds a limited operator's license and is responsible for training on-site non-licensed self-service dispensing station operators. The training documentation required will include the Propane Gas Association of New England's dispensing station operator's manual and the National Propane Gas Association Video entitled, "Fill It or Not" or equivalent materials approved by the Board. A record of this training for all operators must be maintained on-site at all times and be available for inspection.
- D. All dispensing stations with self-service dispensers shall have at least one trained operator on duty while the station is open for business. The operator's primary function shall be to supervise, observe, and control the dispensing of propane & natural gas while said products are actually being dispensed.
- E. It shall be the responsibility of the operator on duty to:
  - 1. Prevent the dispensing of propane & natural gas into portable containers;
  - 2. Prevent the use of hose nozzle valve latch-open devices that are not recommended by the valve manufacturer;
  - 3. Control sources of ignition; and
  - 4. Immediately activate emergency procedures pertaining to the site.

### **4. LIMITED OPERATOR LICENSE**

- A. The owner of a dispensing station covered by §2 or §3 hereof must file an application for the individual to be designated as the holder of its limited operator license on a form supplied by the Board. The application must be

filed within 14 days of hire in that position. The application must be accompanied by an affidavit from the dispensing station owner stating that the proposed holder of the limited operator's license has been trained in accordance with the requirements and provisions of 32 M.R.S.A. §14808(4). Operator training, as described in 32 M.R.S.A. §14808(4), must occur on an annual basis and must be documented at the time of license renewal on a form supplied by the Board. A limited operator's license shall expire either on the date set forth on the license or upon termination of the licensee's employment with the dispensing station operator who filed the application, whichever occurs first.

B. No person under the age of 18 shall operate a dispensing station.

**5. TEMPORARY PERMIT FOR PLANT OPERATORS AND DELIVERY TECHNICIANS**

A. An applicant applying for a temporary permit for a plant operator and/or delivery technician must file an application on a form supplied by the Board.

B. The applicant must file an affidavit supplied by the Board and signed by the owner and/or operator verifying that the applicant has completed job function training specific to bulk plant operators and/or delivery technicians.

C. The applicant must register with the Board within 90 days of hire and become licensed within one (1) year. An applicant may only apply and receive one (1) temporary permit every three (3) years.

**6. DISPLAY OF LICENSE**

All licenses and registrations must be displayed as follows:

A. A valid registration for a dispensing station shall be conspicuously displayed with the name of the licensee, license number and expiration date visible at all times.

B. All persons licensed by the Board shall receive a certificate, which must be publicly displayed at the principal place of business or, if no such place of business exists, must be carried on the person at all times and displayed upon request.

Defacing or altering any license or registration is prohibited.

**7. PROPANE AND NATURAL GAS HELPER LICENSE**

A. Application for a helper license shall be made on forms supplied by the Board and be accompanied by payment of the license fee.

B. The minimum age for eligibility for a Helper license is 18.

## **8. LIMITED ENERGY AUDITOR TECHNICIAN**

### **A. Application and Licensure**

1. In order to qualify for a limited energy auditor technician license, an applicant must 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.
2. Each applicant for a limited energy auditor technician license as set forth in 32 MRSA §14807(6-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.
3. Experience gained as a limited energy auditor technician may not be used to satisfy the prerequisites for licensure as a propane and natural gas technician's license for any endorsement.

### **B. Scope of Practice**

1. A limited energy auditor technician is limited to performing combustion safety and efficiency testing on natural gas-fired or propane gas-fired space heating or water heating equipment. Limited energy auditor technicians may not make any adjustments to natural gas-fired or propane gas-fired space heating or water heating equipment.
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. A limited energy auditor technician shall observe all provisions of the manufacturer's installation and operating instructions when performing a combustion safety and efficiency test, including but not limited to any restrictions or limitations relating to equipment access and exhaust pipe penetration.
4. The limited energy auditor technician shall provide a copy of the test results to the homeowner. If the combustion efficiency test results do not fall within the guidelines contained in the manufacturer's installation and operating instructions, the limited energy auditor technician shall notify the homeowner and occupant in writing.

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 14804(1), 14808; P.L. 2007, c. 392 §3

EFFECTIVE DATE:

August 23, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION):

November 2, 1996

AMENDED:

January 4, 1998

February 1, 1999

August 13, 2000

September 11, 2007 – added Section 8 (EMERGENCY)

December 9, 2007 – Section 8, filing 2007-511

**Chapter 4: EXAMINATION REQUIREMENTS**

Summary: This Chapter sets forth the requirements necessary to be approved to sit for an examination and other specific information pertaining to the examination.

**1. EXAMINATION WAIVER.**

Any person who has successfully completed and passed CETP shall not be required to sit for the examination.

**2. EXAMINATION; QUALIFICATIONS**

- A. Pursuant to 32 M.R.S.A. §14807(5), any person working as a technician in the propane or the natural gas industry before January 1, 1996 is deemed qualified to sit for a license examination.
- B. Persons entering the propane and natural gas industry after January 1, 1996 must complete a Board approved training program, other than the Skills portion, to be deemed qualified to sit for a license examination; however, a license will not be issued until the applicant has completed Skills as evidenced by the Skills Affidavit. Applicants must notify the Board of completion of Skills within one (1) year from date of examination or the examination scores will be null and void.

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STATUTORY AUTHORITY: 32 M.R.S.A. §14804(1)

EFFECTIVE DATE:

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AMENDED:

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February 1, 1999

August 13, 2000

**Chapter 5: INSTALLATION STANDARDS**

Summary: This Chapter sets forth the standards for installation of propane and natural gas equipment in the State of Maine.

**1. INSTALLATION OF PROPANE AND NATURAL GAS EQUIPMENT**

- A. The Propane and Natural Gas Board adopts and incorporates herein the following editions of technical standards or codes. All installations and servicing of any propane and natural gas equipment must comply with the applicable requirements of both these and any additional standards imposed by Title 32 M.R.S.A. § 14801 *et seq* and these rules.

NFPA 54, National Fuel Gas Code  
2009 edition (See B below)

NFPA 58, Liquefied Petroleum Gas Code  
2008 edition (See C below)

NFPA 59, Utility LP-Gas Plant Code  
2008 edition

NFPA 59A, Standard for the Production, Storage & Handling of  
Liquefied Natural Gas (LNG)  
2009 edition

NFPA 211, Standard for Chimneys, Fireplaces, Vents, and Solid  
Fuel-Burning Appliances  
2006 edition

The above standards may be purchased from:

NFPA Publications:

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

- B. Installations of propane and natural gas must also comply with all other applicable statutes or rules of the State and all applicable ordinances, orders, rules, and regulations of local municipalities.

- C. Department of Transportation cylinders in permanent installations must rest on noncombustible materials.
- D. Bulk plant or dispensing station remotely controlled actuators on internal valves and emergency shut-off valves must not be operated with a flammable gas.
- E. Exceptions.
  - 1. NFPA 54, Chapter 9.1.2, Installation in a Bedroom or Bathroom. The use of unvented heaters in bedrooms and bathrooms is prohibited.
  - 2. NFPA 58, Chapter 2.2.1.5, LP-Gas Equipment and Appliances. The recertification requirements of any Department of Transportation cylinder (100 lb. capacity and larger) which is filled at a customer's location and installed as a stationary installation prior to July 1, 2004 may be delayed to allow for a "Phase In" period in accordance with the following table.

<b>As of Nov. 1</b>	<b>Cylinder Manufacture Date Or a Water Jacket Type 12 yr. Hydrostatic Test Date</b>	<b>7 Year Simple Hydrostatic Test</b>	<b>5 Year Visual Inspection</b>
2004	1/1/1955 & Prior	1/1/1955 & Prior	1/1/1955 & Prior
2005	1/1/1960 & Prior	1/1/1960 & Prior	1/1/1960 & Prior
2006	1/1/1965 & Prior	1/1/1965 & Prior	1/1/1966 & Prior
2007	1/1/1970 & Prior	1/1/1970 & Prior	1/1/1972 & Prior
2008	1/1/1975 & Prior	1/1/1975 & Prior	1/1/1978 & Prior
2009	1/1/1980 & Prior	1/1/1981 & Prior	1/1/1984 & Prior
2010	1/1/1985 & Prior	1/1/1987 & Prior	1/1/1990 & Prior
2011	1/1/1990 & Prior	1/1/1993 & Prior	1/1/1996 & Prior
2012	1/1/1995 & Prior	1/1/1999 & Prior	1/1/2002 & Prior
2013	1/1/2001 & Prior	1/1/2006 & Prior	1/1/2008 & Prior

Any cylinder that does not have a legible manufacture date or retest date will be considered out of compliance.

- 3. NFPA 211, Chimneys, Fireplaces, Vents, and Solid Fuel Appliances. The Board does not adopt the following Sections of Chapter 13.
  - a. Section 13.2, Annual Inspection, the reference to the requirements of Section 14.3;
  - b. Section 13.4.1 of Section 13.4, Appliance or Connector Replacement, the reference to Chapter 14; and
  - c. Section 13.7.2 of Section 13.7, Evidence of Damage.
- 4. NFPA 211, Chapter 14, Inspection of Existing Chimneys. The Board does not adopt Chapter 14, Inspection of Existing Chimneys.

## 2. LOW WATER CONTROL FOR HOT WATER BOILERS.

- A. All hot water boilers installed or converted after January 1, 1999, must be provided with a low-water cut off.

**Exception:** This requirement pertains to the installation of the pressure vessel only. All boilers, whether steam or hot water, installed after January 1, 1999, must be protected by a low-water cut off. Steam boilers, regardless of installation date, are required to be protected with a low-water cut off.

- B. The low-water cut off 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 cut off be installed below the crown sheet. The low-water cut off, 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.
- C. The low-water cut off must be designed and approved for the medium used (steam or water).
- D. No valves or other obstructive devices shall be installed between the boiler and safety controls.

## 3. INSTALLATION OF SELF-SERVICE DISPENSING STATIONS

- A. All installations of self-service dispensers at dispensing stations must comply with the following:
1. Operating instructions must be conspicuously posted in the dispensing area.
  2. The dispensing area must be in clear view of the operator on duty at all times.
  3. The operator must be able to communicate with persons in the dispensing area at all times.
  4. Warning signs incorporating the following or equivalent wording must be conspicuously posted in the dispensing area:
    - a. "The filling of portable propane and natural gas containers is prohibited;"
    - b. "No Smoking;"
    - c. "Stop Motor and Extinguish All Pilots - Extinguish all pilots and gas ignition systems. All appliances must be in the "off" position;" and
    - d. "Remove All Occupants from Vehicles Containing Propane Appliances."

5. The dispensing station must have an emergency breakaway device under the dispensing unit that will retain the product on both sides of the breakaway point or other devices affording the equivalent protection.
6. The dispensing station must have a thermally activated shut off.
7. Dispensing devices for compressed natural gas, liquefied natural gas, and liquefied petroleum gas must be listed.
8. Listed hose assemblies must be used to dispense fuel. Hose length at automotive service stations must not exceed 18 feet (5.5 meters).
9. Dispenser Installations Beneath Canopies. Where compressed natural gas or liquefied natural gas dispensers are installed beneath a canopy or enclosure, the following must apply:
  - a. The canopy or enclosure must be designed to prevent accumulation or entrapment of ignitable vapors; and
  - b. All electrical equipment installed beneath the canopy or enclosure must be suitable for Class I, Division 2 hazardous (classified) locations.
10. Dispensing devices for liquefied petroleum gas must meet all applicable requirements of NFPA 58, Liquefied Petroleum Gas Code, and must incorporate a dispensing nozzle that releases not more than 6 cubic centimeters of liquid Liquefied Petroleum Gas upon disconnection.
11. Dispensing devices for liquefied petroleum gas must be located not less than 5 feet from any dispensing device for Class I liquids.

STATUTORY AUTHORITY: 32 M.R.S.A. § 14804(1)

EFFECTIVE DATE: February 14, 2009

**Chapter 6: COMPLAINTS, INVESTIGATIONS AND ADJUDICATORY HEARINGS**

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

**1. WRITTEN COMPLAINTS**

Complaints are filed in accordance with procedures established by the Department of Professional & Financial Regulation, Office of Licensing & Registration. To receive a copy of the complaint procedure or to file a written complaint, contact:

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

**2. OTHER INVESTIGATIONS**

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

**3. BOARD MEMBER REQUEST FOR INVESTIGATION**

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

**4. PROHIBITED COMMUNICATIONS**

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

investigatory procedures in general, inquiries regarding the procedural status of a specific case, or other matters not relating to issues of fact or law concerning a specific case.

## **5. ADJUDICATORY HEARINGS**

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

STATUTORY AUTHORITY: 32 M.R.S.A. § 14804

EFFECTIVE DATE: August 23, 1996 (as Chapter 7)

EFFECTIVE DATE (ELECTRONIC CONVERSION): November 2, 1996

AMENDED: January 4, 1998 (as Chapter 6)

**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**582 PROPANE AND NATURAL GAS BOARD**

**Chapter 8: PERMITS FOR ABOVEGROUND AND UNDERGROUND PROPANE AND NATURAL GAS STORAGE FACILITIES AND ROOFTOP INSTALLATIONS**

Summary: This Chapter sets forth the requirements for permitting aboveground and underground propane and natural gas storage facilities and rooftop installations in the State of Maine.

**1. INSTALLATION.**

- A. Aboveground and underground propane and natural gas storage facilities. Installations of aboveground and underground propane and natural gas storage facilities utilizing storage containers of over 2000 gallon individual water capacity, or with aggregate water capacity exceeding 4000 gallons, shall be submitted to the Board for approval and permitting.
- B. Rooftop installations. All rooftop installations shall be installed in accordance with NFPA #58 and submitted to the Board for approval and permitting.

**2. APPLICATION PROCEDURE.**

An application for a permit shall be made on a form supplied by the Board together with payment of the permit fee. Said application shall be accompanied by detailed plans including a cross-sectional view, front and side elevations, and plot plans. A permit must be obtained prior to commencement of the installation or alteration. Any physical change that would increase the tank capacity or alter the operation of the facility requires that a new application be filed and permit issued.

**3. INSPECTION REQUIRED.**

When the installation or alteration is completed, the person making the installation or alteration shall notify the State Propane and Natural Gas Inspector. The inspector shall inspect the installation within a reasonable time so as not to cause undue delay in the progress of the construction contract or installation. The inspector shall determine whether the installation complies with all applicable statutes and rules. If the inspector determines that the installation does not comply, the procedures set forth in 32 M.R.S.A. §14805 apply.

STATUTORY AUTHORITY: 32 M.R.S.A. §14804(1)

EFFECTIVE DATE:

August 23, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION):  
November 2, 1996

REPEALED:  
January 4, 1998 (replaced by Chapter 7)

EFFECTIVE DATE (NEW CHAPTER 8):  
February 1, 1999

AMENDED:  
August 13, 2000

**Chapter 9: MODIFICATION OF STANDARDS**

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

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 impractical, the Board, or its designees (Propane and Natural Gas Inspector 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.
2. Application for permission to deviate from installation standards and rules imposed by the Board shall be made in writing prior to commencement of the installation 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.
3. The Board may grant authority to deviate from a particular standard(s) or rule(s). Such decision shall be in writing prior to commencement of the installation, and shall convey authority to adopt modifications only for the specific installation described in the application and no other.

STATUTORY AUTHORITY: 32 M.R.S.A. §14804, NFPA #58, 1-1.4, 1998 edition

EFFECTIVE DATE: February 1, 1999

Chapter 10: ESTABLISHMENT OF LICENSE FEES

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

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**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.

**31. Propane and Natural Gas Board**

Technician	2 yr	\$100
Helper	2 yr	\$20
Limited Energy Auditor Technician	2 yr	\$50
Temporary Permit (plant operator, delivery tech'n)	1 yr	\$20
Dispensing station	2 yr	\$130
Aboveground/underground storage facilities	NA	\$50
Rooftop installations	NA	\$50
Application	NA	\$20
Examination	NA	3d party
Late renewal: 91 days - 2 yrs	NA	\$50

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: February 10, 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”).

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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.

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

EFFECTIVE DATE:  
September 9, 2001

**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







Department of Professional and Financial Regulation  
Office of Licensing and Registration  
Propane and Natural Gas Board  
35 State House Station  
Augusta, ME 04333

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