

MAINE FUEL BOARD
DRAFT MEETING MINUTES

Unofficial Minutes – *These draft minutes do not represent the opinion of the Department or Administration. Minutes will become official after the Maine Fuel Board votes to accept the minutes at the next scheduled board meeting.*

Meeting Date: August 12, 2021
Meeting Location: 76 Northern Ave., Gardiner, ME
Time Meeting Began: 9:00 a.m.

I. CALL TO ORDER

Members present:

Mark Bossie, Chairman
David Foster
Richard McCarthy
Paul McClay
Maynard “Skip” Waltz

Members absent:

None

Staff Present:

Catherine Carroll, Board Administrator
Mary Lord, Professional Licensing Supervisor
Jody Breton, Office Specialist II(Acting)
Kristin Racine, OPOR Attorney
Peter Holmes, Senior Inspector

AAG Present:

Ron Guay

II. AGENDA MODIFICATION AND APPROVAL

A motion was made to approve the agenda.

Motion: David Foster
Second: Richard McCarthy

Motion Carried

III. MINUTES REVIEW AND APPROVAL

A motion was made to approve the minutes of the June 10, 2021 meeting.

Motion: Paul McClay
Second: Richard McCarthy

Motion Carried

IV. ADJUDICATORY HEARINGS

a. 2020-FUE-16458 (Tyler McCluskey)

A motion was made to find that the state proved by a ponderance of the evidence given that the applicant had not proven to be sufficiently rehabilitated to warrant the public trust and to uphold the preliminary denial of the license applications and to deny the licenses.

Motion: Maynard "Skip" Waltz
Second: Richard McCarthy
Recused: Mark Bossie

Motion Carried

A motion was made to penalize the applicant a \$100.00 fee to be paid within 90 days of the effective date of the Decision and Order

Motion: Richard McCarthy
Second: Maynard "Skip" Waltz
Recused: Mark Bossie
Motion Carried

A motion was made to delegate to the acting chair, David Foster, to sign the Decision and Order.

Motion: Richard McCarthy
Second: Maynard "Skip" Waltz
Recused: Mark Bossie and David Foster
Motion Carried

b. 2020-FUE-17288 (Rickey Smith, Jr.)

A motion was made to find that the state proved by a ponderance of the evidence given that the licensee failed to respond, twice, to Notices of Complaint, which is in violation of 10 M.R.S. § 8003(5-A)(A)(10). As a means of discipline, the motion included to suspend the licensee's apprentice and helper license for ninety (90) days, effective immediately. The 90-day suspension would be terminated upon receipt of submitting a response to the Notice of Complaint. Additionally, impose a civil penalty of \$250.00, payable within 90 days of the date of the Decision and Order.

Motion: Richard McCarthy
Second: David Foster

Motion Carried

A motion was made to delegate authority to the chairman to sign the Decision and Order.

Motion: Richard McCarthy
Second: Maynard "Skip" Waltz

Motion Carried

V. RULEMAKING DISCUSSION

Kristin Racine and Peter Holmes presented a draft of Ch. 6 for board consideration. The board requested to meet on September 16th to exclusively review the draft of the other draft chapters, and a re-draft of Chp. 6.

VI. RECONSIDERATION OF LIMITED DELEGATION OF AUTHORITY TO BOARD ADMINISTRATOR

A motion was made to repeal the April 2020 order and replace it with the August 12, 2021 order.

Motion: Richard McCarthy
Second: Paul McClay

V. STATE FUEL INSPECTOR'S REPORT

Peter Holmes reported on assisting the OFM and local CEOs on inspections. Bulk plant inspections are 'caught up'. There's been an up-tick in old dispensing stations being replaced by new ones. Inspectors are seeing mini-split heat pumps installed in violation of the board's separation distances. Dale Hershey attended the 31 NFPA committee meeting. Pete is participating in a pre-first draft meeting on NFPA 54.

VI. BOARD ADMINISTRATOR'S REPORT

Catherine Carroll updated the board on staffing the unit.

VII. OPPORTUNITY FOR PUBLIC COMMENT

None given.

X. ADJOURN

A motion was made to adjourn at 12:55 p.m.

Motion: David Foster
Second: Maynard "Skip" Waltz

Motion Carried