



130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1691

S.P. 547

In Senate, May 10, 2021

An Act To Require Licensing for Certain Mechanical Trades

Received by the Secretary of the Senate on May 6, 2021. Referred to the Committee on Innovation, Development, Economic Advancement and Business pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by President JACKSON of Aroostook.
Cosponsored by Senator: MIRAMANT of Knox, Representatives: GERE of Kennebunkport,
PEBworth of Blue Hill, ROEDER of Bangor, WARREN of Scarborough.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §12004-A, sub-§50** is enacted to read:

3 **50.**

4 Mechanical Trades Board

Expenses Only

32 MRSA §15331

5

6 **Sec. 2. 32 MRSA c. 20**, as amended, is repealed.

7 **Sec. 3. 32 MRSA c. 134** is enacted to read:

8 **CHAPTER 134**

9 **MECHANICAL TRADES**

10 **SUBCHAPTER 1**

11 **GENERAL PROVISIONS**

12 **§15321. Definitions**

13 As used in this chapter, unless the context otherwise indicates, the following terms
14 have the following meanings.

15 **1. Board.** "Board" means the Mechanical Trades Board as set out in section 15331.

16 **2. Department.** "Department" means the Department of Professional and Financial
17 Regulation.

18 **3. Fire protection sprinkler system.** "Fire protection sprinkler system" means an
19 assembly of overhead piping or conduits that conveys water with or without other agents
20 to dispersal openings or devices to extinguish, control or contain fire and to provide
21 protection from exposure to fire or the products of combustion, planned in accordance with
22 a national or state standard.

23 **4. Installation.** "Installation" means the initial placement of a system or part of a
24 system or the extension, modification or alteration of a system or part of a system after the
25 initial placement.

26 **5. Insulating.** "Insulating" means the supervision, fabrication, installation and
27 maintenance of mechanical insulation.

28 **6. Journeyman mechanical insulator.** "Journeyman mechanical insulator" means a
29 person who, in accordance with this chapter:

30 A. Has completed a 4-year apprentice program certified by the Department of Labor
31 or has passed a journeyman mechanical insulator examination; and

32 B. Without supervision, performs insulating.

33 **7. Journeyman pipefitter.** "Journeyman pipefitter" means a person who, in
34 accordance with this chapter:

1 A. Has completed a 5-year apprentice program or has passed a journeyman pipefitter
2 examination; and

3 B. Without supervision, performs the work of pipefitting.

4 **8. Journeyman refrigeration technician.** "Journeyman refrigeration technician"
5 means a person who, in accordance with this chapter:

6 A. Has completed a 5-year apprentice program or has passed a journeyman
7 refrigeration technician examination; and

8 B. Without supervision, performs the work of refrigeration and air conditioning system
9 installation and repair.

10 **9. Journeyman sheet metal worker.** "Journeyman sheet metal worker" means a
11 person who, in accordance with this chapter:

12 A. Has completed a 4-year apprentice program or has passed a journeyman sheet metal
13 worker examination; and

14 B. Without supervision, performs sheet metal work.

15 **10. Journeyman sprinklerfitter.** "Journeyman sprinklerfitter" means a person who,
16 in accordance with this chapter:

17 A. Has completed and been graduated from an apprentice program that is at least 4
18 years in duration and consists of at least 2,000 work hours per year in the field of fire
19 protection sprinkler fitting installation and repair and maintenance of fire protection
20 sprinkler systems with 144 hours per year of class time and has passed a journeyman
21 sprinklerfitter examination; and

22 B. Without supervision, performs the work of fire protection sprinkler fitting
23 installation and repair and maintenance of fire protection sprinkler systems.

24 **11. Master fire protection sprinkler contractor.** "Master fire protection sprinkler
25 contractor" means a person who, in accordance with this chapter:

26 A. Has a regular place of business; and

27 B. Without supervision, performs fire protection sprinkler system installation, repair
28 and testing.

29 **12. Master mechanical contractor.** "Master mechanical contractor" means a person
30 who, in accordance with this chapter:

31 A. Has worked as a contractor;

32 B. Has been a journeyman pipefitter for at least 10 years;

33 C. Has been a master refrigeration contractor for at least 10 years; and

34 D. Is designated as a master mechanical contractor pursuant to this chapter.

35 **13. Master mechanical insulator contractor.** "Master mechanical insulator
36 contractor" means a person who, in accordance with this chapter:

37 A. Has worked as a contractor;

38 B. Has a regular place of business; and

39 C. Without supervision, performs insulating.

1 **14. Master refrigeration contractor.** "Master refrigeration contractor" means a
2 person who, in accordance with this chapter:

3 A. Has a regular place of business; and

4 B. Without supervision, performs refrigeration and air conditioning installation and
5 repair.

6 **15. Master sheet metal contractor.** "Master sheet metal contractor" means a person
7 who, in accordance with this chapter:

8 A. Has a regular place of business; and

9 B. Without supervision, performs sheet metal work.

10 **16. Mechanical insulation.** "Mechanical insulation" means commercial and
11 industrial insulation used to conserve energy, reduce greenhouse gas emissions, regulate
12 the temperature or prevent condensation for ducts and mechanical systems including, but
13 not limited to, boilers; tanks and vessels; heating, ventilation and air conditioning systems;
14 grease ducts; firestops; and plumbing systems.

15 **17. Mechanical insulator apprentice.** "Mechanical insulator apprentice" means a
16 person who, in accordance with this chapter:

17 A. Is at least 18 years of age; and

18 B. Under the direct supervision of a journeyman mechanical insulator under a
19 registered state-sanctioned apprentice program, is learning or working in the business
20 of insulating.

21 **18. Pipefitter apprentice.** "Pipefitter apprentice" means a person who, in accordance
22 with this chapter:

23 A. Is at least 18 years of age; and

24 B. Under the direct supervision of a journeyman pipefitter under a registered state-
25 sanctioned apprentice program, is learning or working in the business of pipefitting.

26 **19. Pipefitting.** "Pipefitting" means the supervision, fabrication, installation and
27 maintenance of pipefitting installations of every description and character.

28 **20. Refrigeration and air conditioning apprentice.** "Refrigeration and air
29 conditioning apprentice" means a person who, in accordance with this chapter:

30 A. Is at least 18 years of age; and

31 B. Under the direct supervision of a master refrigeration contractor or a journeyman
32 refrigeration technician under a registered state-sanctioned apprentice program, is
33 learning or working in the business of refrigeration and air conditioning system
34 installation and repair.

35 **21. Refrigeration and air conditioning system installation and repair.**
36 "Refrigeration and air conditioning system installation and repair" means the installation,
37 maintenance and repair of heating, ventilation, air conditioning and refrigeration systems.

38 **22. Sheet metal work.** "Sheet metal work" means the fabrication, installation and
39 maintenance of all types of sheet metal applications, including, but not limited to:

40 A. Heating, air conditioning and ventilation systems;

- 1 B. Gutters, roofing and siding;
- 2 C. Food service equipment; and
- 3 D. Architectural and ornamental work.

4 **23. Sheet metal worker apprentice.** "Sheet metal worker apprentice" means a person
5 who, in accordance with this chapter:

- 6 A. Is at least 18 years of age; and
- 7 B. Is learning or working in the business of sheet metal work under the direct
8 supervision of a master sheet metal contractor or journeyman sheet metal worker under
9 a registered state-sanctioned apprentice program.

10 **24. Sprinklerfitter apprentice.** "Sprinklerfitter apprentice" means a person who, in
11 accordance with this chapter, is:

- 12 A. At least 18 years of age; and
- 13 B. Under the direct supervision of a master fire protection sprinkler contractor or
14 journeyman sprinklerfitter and enrolled in a fire sprinkler apprentice program that is at
15 least 4 years in duration and consists of at least 2,000 work hours per year in the field
16 of fire protection sprinkler fitting installation and repair and maintenance of fire
17 protection sprinkler systems with 144 hours per year of class time.

18 **§15322. Applicability**

19 **1. License required.** Except as provided in section 15323, a license under this chapter
20 is required for any person, corporation, partnership or other entity that is engaged in:

- 21 A. The performance of sheet metal work;
- 22 B. The performance of refrigeration and air conditioning system installation and
23 repair;
- 24 C. The performance of pipefitting; and
- 25 D. The performance of fire protection sprinkler system installation, repair and
26 maintenance.

27 **§15323. Exceptions**

28 **1. Maintenance personnel.** This chapter does not apply to:

- 29 A. Persons classified as maintenance personnel regularly in the employ of a hospital
30 or school or in the employ of a public utility company doing utility company work; or
- 31 B. An employee of a city, a town or the State who is regularly employed as a
32 maintenance person on the premises of the employer.

33 **2. Owner of single-family dwelling.** The owner of a single-family dwelling who
34 intends to occupy the premises, after approval by local municipal officials and upon receipt
35 of a permit, may perform pipefitting, refrigeration and air conditioning system installation
36 and repair, sheet metal work or fire protection sprinkler system installation and repair in
37 the State without being licensed pursuant to this chapter. Work performed pursuant to this
38 subsection must conform to the best installation practices of the trade.

39 **§15324. Penalties; injunction**

1 4. Quorum. Six members of the board constitute a quorum for the transaction of
2 business.

3 **§15333. Powers and duties**

4 1. Administration. The board shall administer, coordinate and enforce this chapter.

5 2. Rules. The board, in accordance with Title 5, chapter 375, subchapter 2-A, may
6 adopt rules necessary to implement this chapter. These rules may include, but are not
7 limited to, rules concerning licensing requirements, examinations and reciprocity of
8 licensing with similar boards of other states that maintain standards equivalent to this
9 State's. Rules adopted pursuant to this subsection are routine technical rules pursuant to
10 Title 5, chapter 375, subchapter 2-A.

11 3. Hearings. The board may conduct hearings to assist with investigations to
12 determine whether grounds exist for suspension, revocation or denial of a license or as
13 otherwise necessary to fulfill its responsibilities under this chapter.

14 4. Refusal to renew license; grounds. The board may not refuse to renew a license
15 for any reason other than failure to pay a required fee unless it has afforded the licensee an
16 opportunity for an adjudicatory hearing. The board shall hold an adjudicatory hearing at
17 the written request of any person who is denied a license renewal without a hearing for any
18 reason other than failure to pay a required fee if the request for hearing is received by the
19 board within 30 days of the applicant's receipt of written notice of the denial of the
20 application, the reasons for the denial and the right to request a hearing. Hearings must be
21 conducted in conformity with Title 5, chapter 375, subchapter 4 to the extent applicable.
22 The board may subpoena witnesses, records and documents in any hearing it conducts.

23 5. Contracts. The board may enter into contracts to carry out its responsibilities under
24 this chapter.

25 **§15334. Investigation of complaints; revocation of license**

26 1. Investigation. The board shall investigate or cause to be investigated all complaints
27 made to it and all cases of noncompliance with or violation of this chapter.

28 2. Suspension; revocation. The board may suspend or revoke a license in accordance
29 with Title 5, chapter 375, subchapter 5. The board may refuse to issue or renew a license
30 or the District Court may suspend, revoke or refuse to renew the license of any licensee
31 for:

32 A. The practice of any fraud or deceit in obtaining a license;

33 B. Any gross negligence, incompetence or misconduct in the performance of the work
34 for which the license is held;

35 C. Any violation of this chapter or any rule adopted by the board; or

36 D. Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves
37 dishonesty or false statement or that relates directly to the practice of the work for
38 which the license is held or conviction of any crime for which incarceration for one
39 year or more may be imposed.

40 3. Reissuance of revoked license. The board, for reasons it determines sufficient,
41 may reissue a license to any person whose license has been revoked.

1 **SUBCHAPTER 3**

2 **INSPECTION**

3 **§15341. Inspection; right of entry**

4 **1. Right of entry.** The board, upon proper identification, may enter at any reasonable
5 hour any building, structure or premises where work that is governed by this chapter is
6 being performed to ascertain compliance with this chapter and any rules adopted pursuant
7 to this chapter.

8 **2. Display of license.** A person holding a license issued under this chapter shall
9 display that license at the request of an authorized representative of the board.

10 **3. Obstruct access.** If a person obstructs entry or access to any part of a building,
11 structure or premises by an authorized representative of the board, the board may:

12 A. Seek a search warrant authorizing entry and inspection;

13 B. Revoke or suspend any license authorized pursuant to this chapter; and

14 C. Seek any other remedy as provided by this chapter.

15 **SUBCHAPTER 4**

16 **LICENSES**

17 **§15351. Issuance of licenses**

18 **1. Application; qualifications.** The board may issue a license to any person who files
19 a sworn application, who passes an examination approved by the board and who meets the
20 qualifications regarding skill, expertise, education, experience and training set forth in this
21 section and in rules adopted by the board.

22 **2. Journeyman refrigeration technician license.** The board may issue a journeyman
23 refrigeration technician license to a person who submits an application on a form prescribed
24 by the board with the required fee as set out under section 15353 and who provides
25 satisfactory evidence of:

26 A. A minimum of 5 years of work in the field of refrigeration and air conditioning
27 system installation and repair as a refrigeration and air conditioning apprentice under
28 the supervision of a master refrigeration contractor, or the equivalent, and obtaining a
29 passing grade as determined by the board on the journeyman refrigeration technician
30 examination; or

31 B. A minimum of 3 years of work in the field of refrigeration and air conditioning
32 system installation and repair as a refrigeration and air conditioning apprentice under
33 the supervision of a master refrigeration contractor, or the equivalent, and satisfactory
34 completion of at least one academic year of instruction in refrigeration and air
35 conditioning system installation and repair at a board-approved technical college or
36 community college and obtaining a passing grade as determined by the board on the
37 journeyman refrigeration technician examination.

1 **3. Master refrigeration contractor license.** The board may issue a master
2 refrigeration contractor license to a person who submits an application on a form prescribed
3 by the board with the required fee as set out under section 15353 and who provides
4 satisfactory evidence of:

5 A. Possessing the skill, expertise, education, experience and training set forth in rules
6 adopted by the board; and

7 B. Obtaining a passing grade as determined by the board on the master refrigeration
8 contractor examination.

9 **4. Refrigeration and air conditioning apprentice license.** The board may issue a
10 refrigeration and air conditioning apprentice license to a person who provides satisfactory
11 evidence of completion of a course in refrigeration and air conditioning system installation
12 and repair consisting of one year or 2 semesters at a board-approved technical college or
13 community college and who submits the required fee as set out under section 15353.

14 **5. Journeyman pipefitter license.** The board may issue a journeyman pipefitter
15 license to a person who submits an application on a form prescribed by the board with the
16 required fee as set out under section 15353 and who provides satisfactory evidence of:

17 A. A minimum of 5 years of work in the field of pipefitting as a pipefitter apprentice
18 and obtaining a passing grade as determined by the board on the journeyman pipefitter
19 examination; or

20 B. A minimum of 3 years of work in the field of pipefitting as a pipefitter apprentice
21 and satisfactory completion of at least one academic year of instruction in pipefitting
22 at a board-approved technical college or community college and obtaining a passing
23 grade as determined by the board on the journeyman pipefitter examination.

24 **6. Pipefitter apprentice license.** The board may issue a pipefitter apprentice license
25 to a person who provides satisfactory evidence of completion of a course in pipefitting
26 consisting of one year or 2 semesters at a board-approved technical college or community
27 college and who submits the required fee as set out under section 15353.

28 **7. Journeyman sheet metal worker license.** The board may issue a journeyman sheet
29 metal worker license to a person who submits an application on a form prescribed by the
30 board with the required fee as set out under section 15353 and who provides satisfactory
31 evidence of:

32 A. A minimum of 5 years of work in the field of sheet metal work as a sheet metal
33 worker apprentice under the supervision of a master sheet metal worker contractor, or
34 the equivalent, and obtaining a passing grade as determined by the board on the
35 journeyman sheet metal worker examination; or

36 B. A minimum of 3 years of work in the field of sheet metal work as a sheet metal
37 worker apprentice under the supervision of a master sheet metal contractor, or the
38 equivalent, and satisfactory completion of at least one academic year of instruction in
39 sheet metal work at a board-approved technical college or community college and
40 obtaining a passing grade as determined by the board on the journeyman sheet metal
41 worker examination.

42 **8. Master sheet metal contractor license.** The board may issue a master sheet metal
43 contractor license to a person who submits an application on a form prescribed by the board

1 with the required fee as set out under section 15353 and who provides satisfactory evidence
2 of:

3 A. Possessing the skill, expertise, education, experience and training set forth in rules
4 adopted by the board; and

5 B. A passing grade as determined by the board on the master sheet metal contractor
6 examination.

7 **9. Sheet metal worker apprentice license.** The board may issue a sheet metal worker
8 apprentice license to a person who provides satisfactory evidence of completion of a course
9 in sheet metal work consisting of one year or 2 semesters at a board-approved technical
10 college or community college and who submits the required fee as set out under section
11 15353.

12 **10. Journeyman sprinklerfitter license.** The board may issue a journeyman
13 sprinklerfitter license to a person who submits an application on a form prescribed by the
14 board with the required fee as set out under section 15353 and who provides satisfactory
15 evidence of the following qualifications:

16 A. A minimum of 5 years of work in the field of fire protection sprinkler system work
17 as a sprinklerfitter apprentice under the supervision of a master fire protection sprinkler
18 contractor, or the equivalent; and

19 B. A passing grade as determined by the board on the journeyman sprinklerfitter
20 examination.

21 **11. Master fire protection sprinkler contractor license.** The board may issue a
22 master fire protection sprinkler contractor license to a person who submits an application
23 on a form prescribed by the board with the required fee as set out under section 15353 and
24 who provides satisfactory evidence of:

25 A. Possessing the skill, expertise, education, experience and training set forth in rules
26 adopted by the board; and

27 B. A passing grade as determined by the board on the master fire protection sprinkler
28 contractor examination.

29 **12. Sprinklerfitter apprentice license.** The board may issue a sprinklerfitter
30 apprentice license to a person who is employed by a master fire protection sprinkler
31 contractor and is enrolled in a state-sanctioned apprentice program to learn the trade of fire
32 protection sprinkler installation, repair and maintenance. In order for the State to sanction
33 an apprentice program, it must be, at a minimum, at least 4 years in duration and consist of
34 at least 2,000 work hours per year in the field of fire protection sprinkler fitting installation
35 and repair and maintenance of fire protection sprinkler systems with 144 hours per year of
36 class time.

37 **13. Master mechanical contractor license.** The board may issue a master mechanical
38 contractor license to a person who submits an application on a form prescribed by the board
39 with the required fee as set out under section 15353 and who provides satisfactory evidence
40 of:

41 A. A minimum of 10 years as a journeyman pipefitter; and

42 B. A minimum of 10 years as a master refrigeration contractor.

1 **14. Journeyman mechanical insulator license.** The board may issue a journeyman
2 mechanical insulator license to a person who submits an application on a form prescribed
3 by the board with the required fee as set out under section 15353 and who provides
4 satisfactory evidence of:

5 A. A minimum of 4 years of work in the field of mechanical insulation work as an
6 apprentice under the supervision of a master mechanical insulator contractor, or the
7 equivalent; and

8 B. A passing grade as determined by the board on the journeyman mechanical insulator
9 examination.

10 **15. Mechanical insulator apprentice license.** The board may issue a mechanical
11 insulator apprentice license to a person who provides satisfactory evidence of enrollment
12 in a mechanical insulator apprenticeship program that is certified and recognized by the
13 United States Department of Labor and who submits the required fee as set out under
14 section 15353.

15 **§15352. Display of license certificate**

16 A person licensed by the board shall display that person's license certificate at the
17 principal place of business of the licensee.

18 **§15353. Fees**

19 The Director of the Office of Licensing and Registration within the department may
20 establish by rule fees authorized under this chapter in amounts that are reasonable and
21 necessary for their respective purposes, except that the fee for any one purpose may not
22 exceed \$200 biennially. Rules adopted pursuant to this section are routine technical rules
23 as defined in Title 5, chapter 375, subchapter 2-A.

24 **§15354. Renewal**

25 **1. Expiration.** All licenses expire 2 years from the original date of issue or at such
26 other time as the Commissioner of Professional and Financial Regulation may designate.

27 **2. Notification.** The board shall notify a person holding a license under this chapter
28 of the date of expiration of the person's license and the fee required for its renewal for a 2-
29 year period. The notice must be mailed to the person's last known address at least 30 days
30 in advance of the expiration date of the license.

31 **3. Late renewal.** A license may be renewed up to 90 days after the date of its
32 expiration upon payment of a late fee in addition to the renewal fee. Any person who
33 submits an application for renewal more than 90 days after the license expiration date is
34 subject to all requirements governing new applications under this chapter, except that the
35 board may in its discretion, giving due consideration to the protection of the public, waive
36 examination or other requirements. The board may assess penalties for a late renewal that
37 is received more than 90 days after the date of expiration.

38 **4. Waiver of examination.** Notwithstanding subsection 3, the board shall waive
39 examination if a renewal application is made within 90 days after separation from the
40 United States Armed Forces, under conditions other than dishonorable, by a person who
41 has failed to renew the person's license because the person was on active duty in the United
42 States Armed Forces. The waiver of examination may not be granted if the person served
43 more than 4 years in the United States Armed Forces unless the person was required by

1 some mandatory provision to serve a longer period and the person submits satisfactory
2 evidence to the board.

3 **§15355. Reciprocity**

4 The board shall issue a license to any person who files a sworn application and who is
5 licensed under the laws of another state or territory of the United States as long as that state
6 or territory has licensing standards and experience requirements at least equivalent to this
7 State's and as long as that state or territory grants similar privileges to persons licensed
8 under this chapter. Reciprocal licenses may not be denied on the basis of current residency.

9 **Sec. 4. Application.** Upon proper application and payment of the fees required in
10 the Maine Revised Statutes, Title 32, chapter 134, the Mechanical Trades Board shall issue
11 a license under that chapter, without examination, to any person who, on the effective date
12 of this Act, has completed an apprentice program in or has been compensated for a
13 minimum of 2,000 hours of employment in the business of performing sheet metal work,
14 refrigeration and air conditioning system installation and repair, pipefitting or fire
15 protection sprinkler system installation, repair and testing.

16 **Sec. 5. Members of Mechanical Trades Board.** Notwithstanding the Maine
17 Revised Statutes, Title 32, section 15331, until September 1, 2025, members appointed to
18 the Mechanical Trades Board by the Governor must have a minimum of 10 years of
19 experience in their respective mechanical trades but need not be licensed under this Act.

20 **Sec. 6. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 32,
21 section 15332, subsection 1, for the original appointments of members of the Mechanical
22 Trades Board, the Governor shall designate 3 members for one-year terms, 4 members for
23 2-year terms and 4 members for 3-year terms.

24 **SUMMARY**

25 This bill requires licensure of persons who perform sheet metal work, refrigeration and
26 air conditioning system installation and repair, pipefitting, mechanical insulating and fire
27 protection sprinkler system installation, repair and testing.

28 The bill grandfathers persons who have completed apprentice programs in or have been
29 compensated for a minimum of 2,000 hours in the business of performing sheet metal work,
30 refrigeration and air conditioning system installation and repair, pipefitting or fire
31 protection sprinkler system installation, repair and testing.