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An Act To Amend the Oil and Solid Fuel Board and Propane and Natural Gas Board Licensing Laws

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the need to weatherize Maine's existing housing inventory is critical to the health, safety and welfare of the citizens of the State; and

Whereas, the weatherization of existing homes across the State will require qualified individuals to perform energy efficiency and combustion testing on weatherized homes for safety reasons; and

Whereas, Maine law currently limits combustion testing of oil-fired and gas-fired heating appliances to individuals who are licensed as oil burner technicians or natural gas and propane technicians, therefore limiting the number of individuals permitted to perform combustion testing in connection with residential weatherization; and

Whereas, it is necessary to increase the number of individuals permitted to perform combustion testing on weatherized homes; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA §2401-A, sub-§6, as amended by PL 1999, c. 386, Pt. J, §13, is further amended to read:

6. Personal abode. ~~Nothing in this chapter prevents a~~ A person from making an oil or solid fuel burner installation in a single family residence occupied or to be occupied by that person as that person's bona fide personal abode, provided that the installation conforms with board laws and rules; and

Sec. 2. 32 MRSA §2401-A, sub-§7 is enacted to read:

7. Combustion testing. A person performing combustion testing as defined by the board in rule authorized by section 2353. Rules adopted by the board under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. This subsection does not limit the authority of a licensed oil burner technician to perform combustion testing on oil burning equipment.

Sec. 3. 32 MRSA §14807, sub-§7, as repealed and replaced by PL 1999, c. 790, Pt. B, §5, is amended to read:

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;

- B. An individual user of a self-service propane or natural gas dispenser as defined by section 14802, subsection 10;
- 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~~
- D. Persons working on internal combustion engines and associated gas trains; or
- E. Persons performing combustion testing as defined by the board in rule authorized by section 14804. Rules adopted by the board under this paragraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. This paragraph does not limit the authority of a licensed propane or natural gas technician to perform combustion testing on propane and natural gas appliances.

Sec. 4. Implementation provision. The Oil and Solid Fuel Board and the Propane and Natural Gas Board shall each engage in emergency rulemaking pursuant to the Maine Administrative Procedure Act and each shall adopt final rules implementing this Act within 90 days after the effective date of this Act.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill creates an exemption from licensing requirements in the laws governing the Oil and Solid Fuel Board and the Propane and Natural Gas Board for individuals who perform combustion testing on oil burning equipment and propane and natural gas appliances. Each licensing board is required to engage in emergency rulemaking regarding combustion testing that an unlicensed individual may perform without a license. Each board's emergency rules are to be adopted under the provisions of the Maine Administrative Procedure Act within 90 days of the effective date of this Act.