

Office of Policy and Legal Analysis

Date: May 17, 2021
To: Joint Standing Committee on Innovation, Development, Economic Advancement and Business
From: Rachel Olson, Legislative Analyst
Re: LD 1691, An Act To Require Licensing for Certain Mechanical Trades (Jackson)

Bill Summary

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

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

The bill repeals Title 32, c. 20 Fire Sprinkler Contractors and enacts Title 32, c. 134 Mechanical Trades. It also establishes the Mechanical Trades Board to administer the licensing program.

Testimony:

Proponents: President Jackson, sponsor; Adam Goode, ME AFL-CIO; John Napolitano, UA Local 716; Grant Provost, Ironworkers Local 7; Beau Libby; Don Nazaroff, Sheet Metal Workers Local 17;

Opponents: Commissioner Head, DPFR; Albert Allen, ABM Mechanical, Inc.; Clair Crandall, Aero H&V Inc.; Matthew Daigle, ABM Mechanical, Inc.; Alan Hahnel; J. Marc Kannegieser, Sprinkler Systems, Inc.; Chris Maheux, Associated Builder and Contractors of Maine/Maine Fire Protection; Matthew Marks, AGC Maine; Dan Phillips; Tim Walton, CIANBRO; Bill Brown, ABM Mechanical, Inc.; Alexandria Chase, Aero H&V, Inc.; Rodney Collard, Aero H&V, Inc.*; Bruce C. Damon, Damon Refrigeration Co. Inc.; Megan Diver, Maine Energy Marketers Assoc.; Christopher Jordan, Johnson & Jordan, Inc.; Steve Libby, Portland Insulation, Inc.; Michael Lowe, Damon Mechanical Services; Pat McCormack, M&M Sheet Metal and Welding, Inc.; Bill Morgner; John Nolan, Titan Mechanical, Inc.; Ryan Peters, Lakeside Concrete Cutting & Abatement Professionals; Kevin Purnell, Granite Corp; Donald Rossignol, Aero H&V, Inc.; Paul Tardif, Eastern Fire; JB Turner, Front Street Shipyard; Edward Wallace, AirTemp, Inc.;

*Aero Heating & Ventilating, Inc. submitted a petition in opposition signed by 51 employees from across the state.

Neither for nor against: Stacey Keefer; Maine Marine Trades Association;

Possible Amendments:

The sponsor has asked the committee to consider carrying this bill over, as it is complicated and covers multiple professions and the sponsor wishes to have the time to work with stakeholders in order to create meaningful and just legislation.¹

Potential Issues or Technical Problems:

- The bill repeals Title 32, c. 20: Fire Sprinkler Contractors. The proposed new chapter on mechanical trades does not replicate or substantially replace this chapter. The current qualifications for fire sprinkler system contractors or plan review are not carried over to the new chapter, for example.
- The definitions in subchapter 1, §15321 (p1) of the various trades and their designations (journeyman, apprentice, master) do not match the descriptions of how to obtain a license for each trade and designation under subchapter 4, §15351 (p7).
- Apprentice is used throughout the new chapter as an official designation, but no definition of “apprentice” is provided. Paragraph 12 in §15351 of subchapter 4 (p9) refers to a state-sanctioned apprentice program and describes what such a program must entail. If apprentice program is meant to refer to a program approved as an apprenticeship through DOL, a definition for “apprentice” should be provided.
- The titles for the trades and designations lack clarity:

<i>Apprentice</i>	<i>Journeyman</i>	<i>Master</i>
Refrigeration & Air Conditioning	Refrigeration Technician	Refrigeration Contractor*
Pipefitter	Pipefitter*	NA
Sheet Metal Worker	Sheet Metal Worker	Sheet Metal Contractor
Sprinklerfitter	Sprinklerfitter	Fire Protection Sprinkler Contractor
Mechanical Insulator	Mechanical Insulator	NA
		Mechanical Contractor*

*A Mechanical Contractor must have 10 years as a Master Refrigeration Contractor AND 10 years as a Journeyman Pipefitter.

- Under Title 5, §12015, new boards established after 2000 can have no more than 9 members, including two public members. The bill has “notwithstanding” language.
- Proposed changes to a current licensed profession and the addition of several new licenses should trigger a sunrise review for the purpose of providing relevant information to the policy committee.

Information Requests:

¹ Testimony, President Jackson.

1. It was asked during the public hearing how many individuals are licensed as fire sprinkler contractors under the Fire Marshal's Office.

According to current records, [there are 77 current \(active\) licensees](#) (174 total, but many are designated as "failed to renew" or "canceled"). Current fees for the Fire Sprinkler Contractor license are \$300 every 2 years. For more information, visit the [Office of State Fire Marshal](#).

Additional Information:

[Title 32, c. 20 Fire Sprinkler Contractors](#)

Fiscal Impact: Not yet determined.