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**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
SENATE  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 450, L.D. 1245, Bill, “An Act To Preserve the Efficiency of Transportation Maintenance and Construction Activities”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**Sec. 1. 35-A MRSA §752, sub-§1**, as enacted by PL 1995, c. 348, §1, is amended to read:

**1. Covered equipment or items.** "Covered equipment or items" means any mechanical equipment, hoisting equipment, antenna or boat mast or rigging, any part of which is capable of vertical, lateral or swinging motion that causes any portion of the equipment or item to come within 10 feet of an overhead high-voltage line during erection, construction, operation or maintenance, including, but not limited to, equipment such as cranes, derricks, power shovels, backhoes, dump trucks, drilling rigs, pile drivers, excavating equipment, hay loaders, hay stackers, combines, portable grain augers or elevators and items such as ladders, scaffolds, boat masts and outriggers, houses or other structures in transport and gutters, siding and other construction materials. "Covered equipment or items" also includes traffic lighting.

**Sec. 2. 35-A MRSA §752, sub-§4-A** is enacted to read:

**4-A. Traffic lighting.** "Traffic lighting" means a dynamic sign that is capable of electronically displaying a changing message that provides motorists traffic-emergency-related information or means a luminaire, traffic signal or traffic beacon used for traffic control.

**Sec. 3. 35-A MRSA §761, sub-§4** is enacted to read:

**4. State agencies; quasi-independent state agencies; municipalities.** The provisions of sections 756 and 757 do not apply to the installation or maintenance of traffic lighting by an employee of a state agency, quasi-independent state agency or municipality or by a person performing the installation or maintenance on behalf of a state agency, quasi-independent state agency or municipality. Nothing in this subsection exempts a person installing or maintaining traffic lighting from any applicable training

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1 certification or licensing requirements for performing the installation or maintenance, and  
2 the installation or maintenance must be performed in accordance with all applicable  
3 federal, state and local laws, regulations, safety codes and ordinances and any other  
4 applicable safety requirements. A municipality or a contractor working for a  
5 municipality must maintain any minimum insurance requirements specified by the  
6 Department of Transportation. For purposes of this subsection, "quasi-independent state  
7 agency" has the same meaning as in Title 5, section 12021, subsection 5.'

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### SUMMARY

9 This amendment provides that traffic lighting is considered covered equipment under  
10 the Overhead High-voltage Line Safety Act, and it defines "traffic lighting." This  
11 amendment provides that state agencies, quasi-independent state agencies and  
12 municipalities are exempt from the provisions of the Maine Revised Statutes, Title 35-A,  
13 sections 756 and 757 for the installation or maintenance of traffic lighting as long as the  
14 person performing the installation or maintenance has met applicable training  
15 certification or licensing requirements for performing the installation or maintenance and  
16 the installation or maintenance is performed in accordance with all applicable federal,  
17 state and local laws, regulations, safety codes and ordinances and any other applicable  
18 safety requirements. The amendment also requires a municipality or a contractor working  
19 for a municipality to maintain the minimum insurance requirements specified by the  
20 Department of Transportation.