

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 675 - L.D. 915

**An Act To Clarify the Exemption of Lineworkers from Maine Electrician
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, in the fall of 2010, the Electricians' Examining Board issued a preliminary determination that would require licensure under the laws governing electrician licensing for lineworkers employed by electricity generators and contractors performing line work on behalf of public utilities and electricity generators; and

Whereas, electrician licensing is intended to cover indoor electrical work governed by the National Electrical Code, whereas outdoor and related line work performed by public utilities, electricity generators and their contractors is governed by the National Electrical Safety Code and is unrelated to electrician licensing; and

Whereas, the actions of the Electricians' Examining Board to require electrician licensure of lineworkers would substantially interfere with the ability of public utilities, electricity generators and their contractors to safely and cost-effectively install electric lines subject to the National Electrical Safety Code, including lines for large transmission and distribution projects currently under construction in this State; 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Sec. 1. 32 MRSA §1101, sub-§7, as enacted by PL 1997, c. 119, §1, is repealed.

Sec. 2. 32 MRSA §1101, sub-§8, as enacted by PL 1999, c. 386, Pt. F, §1, is repealed and the following enacted in its place:

8. Utility corporation. "Utility corporation" means a utility that is not a public utility, as defined in Title 35-A, section 102, or a person, firm or corporation subject to the jurisdiction of the Federal Communications Commission.

Sec. 3. 32 MRSA §1102, sub-§1-A, as amended by PL 1999, c. 657, §13, is repealed and the following enacted in its place:

1-A. Public utility. An entity subject to the jurisdiction of the Public Utilities Commission, the Federal Energy Regulatory Commission or the Federal Communications Commission, including all employees of such an entity, but only to the extent the entity or its employees are making electrical installations in furtherance of providing its authorized service or activities incidental to that authorized service. This exception does not apply to:

A. Installations, other than installation of a meter, inside a customer's building;

B. Installations of mobile home service equipment; and

C. Installations at any business office of a utility corporation that is not physically located adjacent to the utility's generation or transmission and distribution plant;

Sec. 4. 32 MRSA §1102, sub-§1-B is enacted to read:

1-B. Aboveground electric lines. Electrical work in connection with the construction, installation, operation, repair or maintenance of any aboveground electric line capable of operating at one kilovolt or more.

Sec. 5. 32 MRSA §1102, sub-§1-C is enacted to read:

1-C. Contractor. An entity, including all employees of such an entity, to the extent the entity has contracted with a public utility, as described in this section, to perform services for the public utility, but only to the extent the public utility would be exempt from this chapter if it were performing the services directly through its employees; or

Sec. 6. 32 MRSA §1102, sub-§2, as amended by PL 1999, c. 386, Pt. F, §2, is repealed.

Sec. 7. 32 MRSA §1102-B, sub-§5, ¶B, as enacted by PL 1981, c. 432, §2, is amended to read:

B. The electrical work and equipment employed in connection with the construction, installation, operation, repair or maintenance of any utility by a ~~public utility corporation,~~ or by a contractor working on behalf of a public utility as set forth in section 1102, subsection 1-C, in rendering its authorized service or in any way incidental thereto;

Sec. 8. 32 MRSA §1102-B, sub-§5, ¶B-1 is enacted to read:

B-1. The electrical work and equipment employed in connection with an aboveground electric line described in section 1102, subsection 1-B;

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

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor