

Annual List of Rulemaking Activity
Rules Adopted January 1, 2021 to December 31, 2021
Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5

Agency name: Department of Professional and Financial Regulation,
Office of Professional and Occupational Regulation,
Electricians' Examining Board

Umbrella-Unit: **02-318**

Statutory authority: 22 MRS § 1812-G(3); 32 MRS §§ 2102, 2104, 2153-A(1)

Chapter number/title: **Ch. 120**, Electrical Installation Standards

Filing number: **2021-136**

Effective date: 7/2/2021

Type of rules: Routine Technical

Emergency rules: No

Principal reason or purpose for rule:

As required by 32 MRS §1153-A, all electrical installations must comply with the *National Electrical Code*, National Fire Protection Association standard #70 ("NEC") that is adopted by rule by the board, and the board must establish by rule technical standards for the proper installation of electrical equipment. These standards must conform as nearly as practicable to the NEC. This rulemaking would repeal the current Chapter 120, "Electrical Installation Standards" which adopts and incorporates by reference the 2017 NEC and replace with a new rule with the same title and in the same location that adopts and incorporates by reference the 2020 NEC.

Basis statement:

The Maine Electricians' Examining Board (the "Board") is charged by the Legislature with the regulation of electricians in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 MRS §1153.

The adopted rulemaking adopts and incorporates by reference into board rule the 2020 NEC with certain amendments and exclusions.

The adopted rulemaking will repeal 02-318 Chapter 120, "Electrical Installation Standards" and replace with a new rule with the same title and in the same location that adopts and incorporates by reference into board rule the *2020 National Electrical Code*, National Fire Protection Association standard #70 ("2020 NEC"), subject to certain amendments and exclusions. The board's current Chapter 120 adopts and incorporates by reference the *2017 National Electrical Code*, subject to certain amendments and exclusions.

The adopted rule adopts the 2020 NEC with amendments to the following: Article 100, Definitions, Dormitory Unit; Article 200.6(D), Grounded Conductors of Different Systems; Article 210.5(C)(1)(b), Branch Circuits Supplied from More than One Nominal Voltage System, Posting of Identification Means; Article 210.8(B), Ground-Fault Circuit-Interrupter Protection for Personnel, Other Than Dwelling Units; Article 210.8(F), Ground-Fault Circuit-Interrupter Protection for Personnel, Outdoor Outlets; Article 215.12(C)(1)(b) Identification for Feeders, Identification of Ungrounded Conductors, Feeders Supplied from More than One Nominal Voltage System, Posting of Identification Means; Article 230.2(E) Number of Services, Identification; Article 334.10(3), Uses Permitted; Article 338.12(B)(1) and (2), Uses Not Permitted, Underground Service-Entrance Cable; Article 400.12(4), Uses Not Permitted, Where attached to building surfaces; Article 406.9(C), Receptacles in Damp or Wet Locations, Bathtub and Shower Space; Article 625.40, Electric Vehicle Branch Circuit; and Article 702.4(B)(2), Capacity and Rating, System Capacity, Automatic Transfer Equipment.

The adopted rule does not adopt Article 230.67, Surge Protection or Article 334.12(A)(2).

Fiscal impact of rules:

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Within the scope of the entire 2020 NEC and related amendments and exclusions, there are changes that may both increase and decrease the costs of electrical installations.

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Umbrella-Unit: **02-318**

Statutory authority: 32 MRS §§ 1101, 1153, 1153-A

Chapter number/title: **Ch. 160** (*New*), Power Generation Systems as Electrical Installations

Filing number: **2021-194**

Effective date: 10/4/2021

Type of rules: Routine Technical

Emergency rules: No

Principal reason or purpose for rule:

In 2020, the Board engaged in the rulemaking process in an effort to clarify what portions of the installation of a photovoltaic system are considered an “electrical installation” as that term is defined in statute. This rule is a continuation of that effort and in response to comments received during that rulemaking and at the December 18, 2020 public hearing. This rule would create a new chapter in Board rules to explain when installations of power generation systems, including photovoltaic, fuel cell, or wind power generation systems, are, and are not, considered “electrical installations.” The rule explains that while only licensed electricians may perform “electrical installations” as that term is defined in statute, the mere construction or placement of a support structure intended to hold or support a photovoltaic system (including racking and mounting equipment such as frames, racks, rails, and footings) that does not itself convert solar energy into electric energy does not constitute an “electrical installation” and therefore need not be performed by licensed electricians.

Basis statement:

The Maine Electricians' Examining Board (the “Board”) is charged by the Legislature with the regulation of electricians in the State of Maine for the sole purpose of protecting the public health and welfare. The Legislature granted the Board rulemaking authority pursuant to 32 MRS §1153.

In 2020, the Board engaged in the rulemaking process in an effort to clarify what portions of the installation of a photovoltaic system are considered an “electrical installation” as that term is defined in statute. This proposed rule is a continuation of that effort and in response to comments received during that rulemaking and at the December 18, 2020 public hearing. This proposed rule would create a new chapter in Board rules to explain when installations of power generation systems, including photovoltaic, fuel cell, or wind power generation systems, are, and are not, considered “electrical installations.” The rule explains that while only licensed electricians may perform “electrical installations” as that term is defined in statute, the mere construction or placement of a support structure intended to hold or support a photovoltaic system (including racking and mounting equipment such as frames, racks, rails, and footings) that does not itself convert solar energy into electric energy does not constitute an “electrical installation” and therefore need not be performed by licensed electricians.

The rule states that for purposes of installing portions of photovoltaic power generation systems that constitute less than a complete installation: (A) “Photovoltaic system” includes all components used to convert solar energy into electric energy; (B) Installation of any component of a photovoltaic system that converts solar energy into electric energy constitutes an “electrical installation” as that term is defined by statute; (C) Making either an electrical connection of any component within a photovoltaic system, or an electrical connection to such system, constitutes an “electrical installation” as that term is defined by statute; and (D) the mere construction or placement of a support structure intended to hold or support a photovoltaic system (including

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racking and mounting equipment such as frames, racks, rails, and footings) that does not itself convert solar energy into electric energy does not constitute an “electrical installation.”

Fiscal impact of rules:

The rule is meant to codify the Board’s ongoing interpretation of what does and does not constitute an “electrical installation” as it is defined in statute. It is unknown whether or to what extent this codification in rule of an existing statutory interpretation will have a fiscal impact.

In response to its proposed 2020 rulemaking (Chapter 100, Definitions, Photovoltaic Racking System), the Board received comments with regard to installation of racking systems and solar project costs.