



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 915

H.P. 675

House of Representatives, March 8, 2011

An Act To Clarify the Exemption of Lineworkers from Maine Electrician Licensing Laws

(EMERGENCY)

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative FITTS of Pittsfield.
Cosponsored by Representative: McKANE of Newcastle.

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

3 **Whereas,** in the fall of 2010, the Electricians' Examining Board issued a preliminary
4 determination that would require licensure under the laws governing electrician licensing
5 for lineworkers employed by electricity generators and contractors performing line work
6 on behalf of public utilities and electricity generators; and

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

11 **Whereas,** the actions of the Electricians' Examining Board to require electrician
12 licensure of lineworkers would substantially interfere with the ability of public utilities,
13 electricity generators and their contractors to safely and cost-effectively install electric
14 lines subject to the National Electrical Safety Code, including lines for large transmission
15 and distribution projects currently under construction in this State; and

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

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

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22 repealed and the following enacted in its place:

23 **1-A. Public utility.** An entity subject to the jurisdiction of the Public Utilities
24 Commission, the Federal Energy Regulatory Commission or the Federal Communications
25 Commission, including all employees of such an entity, but only to the extent the entity
26 or its employees are making electrical installations in furtherance of providing its
27 authorized service or activities incidental to that authorized service. This exception does
28 not apply to:

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

30 B. Installations of mobile home service equipment; and

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

33 **Sec. 2. 32 MRSA §1102, sub-§1-B** is enacted to read:

34 **1-B. Generator.** An entity, including all employees of such an entity, that
35 constructs, owns or operates an electricity generation facility, including all ancillary
36 facilities, equipment and generator leads, but only to the extent the entity or its employees
37 are making electrical installations in furtherance of or incidental to the generation of
38 electricity at a facility that is connected to the utility transmission grid by a transmission

1 line that has a capacity rating of 34.5 kilovolts or greater. This exception does not apply
2 to installations at any business office of a generator that is not physically located adjacent
3 to the generator's electricity generation facility;

4 **Sec. 3. 32 MRSA §1102, sub-§1-C** is enacted to read:

5 **1-C. Contractor.** An entity, including all employees of such an entity, to the extent
6 the entity has contracted with a public utility or generator, as described in this section, to
7 perform services for the public utility or generator, but only to the extent the public utility
8 or generator would be exempt from this chapter if it were performing the services directly
9 through its employees; or

10 **Sec. 4. 32 MRSA §1102, sub-§2,** as amended by PL 1999, c. 386, Pt. F, §2, is
11 repealed.

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

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

19 **Sec. 6. 32 MRSA §1102-B, sub-§5, ¶B-1** is enacted to read:

20 **B-1.** The electrical work and equipment employed in connection with the
21 construction, installation, operation, repair or maintenance of any generating facility
22 by a generator, or by a contractor working on behalf of a generator as set forth in
23 section 1102, subsection 1-C, in rendering its authorized service or in any way
24 incidental thereto;

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

27 SUMMARY

28 This bill clarifies that lineworkers of public utilities and electric generators, including
29 contractors working on their behalf, are exempt from the electrician licensing laws.