

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 723

H. P. 525

House of Representatives, January 24, 1961

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Wheaton of Princeton.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT to Create a Board of Electrical Safety Rules and Regulations.

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

Sec. 1. R. S., c. 30, §§ 88-F to 88-J, additional. Chapter 30 of the Revised Statutes, as amended, is further amended by adding 5 new sections, to be numbered 88-F to 88-J, to read as follows:

'Board of Electrical Safety Rules and Regulations.

Sec. 88-F. Establishment and purpose. There is created and established the Board of Electrical Safety Rules and Regulations for the purpose of formulating and adopting reasonable safety regulations and codes in order to provide for personal, material and public safety in connection with the operation, maintenance and construction of operating electric utilities and other electrical installations such as are found in manufacturing plants, commercial establishments and construction projects, and such other activities usually associated therewith. The said board shall consist of 10 members of which 8 shall be appointed to membership by the Commissioner of Labor and Industry, subject to the approval of the Governor and Council. Of the 8 appointed members of the board, 2 shall represent the electric utilities within the State; 2 shall represent the electrical workers within the State; one shall represent the insurance companies licensed to insure workmen's compensation within the State; one shall represent the public; one shall represent the electrical contractors within the State and one shall represent the manufacturers of electrical equipment which is distributed and used within the State. The 9th member of the board shall be the Commissioner of Labor and Industry and the 10th member shall be the Insurance Commissioner. The chairman shall be elected annually by the members of the board.

The board shall meet at least twice yearly at the State Capitol, or at any other place designated by the chairman. Of the 8 appointed members, 2 shall be appointed for a term of one year; 2 shall be appointed for a term of 2 years; 2 shall be appointed for a term of 3 years; and 2 shall be appointed for a term of 4 years. Each member shall hold office until his successor is duly appointed and qualified. At the expiration of each member's term, his successor shall be appointed by the Commissioner of Labor and Industry, subject to the approval of the Governor and Council, from the same classification for a term of 4 years. In case of a vacancy in board membership, the commissioner, with the approval of the Governor and Council, shall appoint a member of the proper classification to serve the unexpired term of the absent member.

The 8 appointed members of the board shall serve without salary and shall receive their actual expenses while engaged in the performance of their duties as members of said board. The chairman of said board shall approve and countersign all vouchers for expenditures under this section.

Sec. 88-G. Definitions. Under sections 88-F to 88-J the following words shall have the following meanings:

- I. Approved. "Approved" shall mean as approved by the Board of Electrical Safety Rules and Regulations;
- II. Board. "Board" shall mean the Board of Electrical Safety Rules and Regulations;
- III. Commissioner. "Commissioner" shall mean the Commissioner of Labor and Industry;
- IV. Electrical work. "Electrical work" shall mean and include forming, erection, demolition, dismantling, alteration, repair and moving of current carrying facilities and all other related structures and all operations in connection therewith.

Sec. 88-H. Duties and powers of the board. The board shall formulate and adopt reasonable rules and regulations for safe and proper operations in electrical work within the State. The rules and regulations so formulated shall conform as far as practicable to the standard safety codes for electrical work. Such rules and regulations shall become effective 90 days after the date they are adopted. Before any rules and regulations are adopted a public hearing shall be held after suitable notice has been published in at least 3 daily newspapers within the State.

Sec. 88-I. Appeals. Any person aggrieved by an order or act of the inspector or the department under sections 88-F to 88-J may, within 15 days after notice thereof, appeal from such order or act to the board, which shall hold a hearing thereon and said board shall, after such hearing, issue an appropriate order either approving or disapproving said order or act.

Any such order of said board or any rule or regulation formulated by said board shall be subject to review by the Superior Court by an appeal taken within 30 days after the date of such order to the Superior Court held in and for the

county in which the operation is located at the instance of any party in interest and aggrieved by said order or decision. Such appeal shall be prosecuted by petition to which such party shall annex the order of the board and in which the appellant shall set out the substance of and the reasons for the appeal. Upon the filing thereof, the court shall order notice thereof. Upon the evidence and after hearing, which shall be held not less than 7 days after notice thereof, the court may modify, affirm or reverse the order of the board and the rule or regulation on which it is based in whole or in part in accordance with law and the weight of the evidence. The court shall, upon hearing, determine whether the filing of the appeal shall operate as a stay of any order pending the final determination of the appeal, and may impose such terms and conditions as may be deemed proper.

Sec. 88-J. Exceptions. The provisions relating to safety in electrical work shall not apply to installation for self use, providing not more than 5 persons are employed for wages in such electrical work or that such electrical work is not performed by a party for hire under a verbal or written contract, nor shall they apply to operating telephone utility companies. However, the licensing requirements for electricians as administered by the Insurance Department must be complied with in all cases.'

Sec. 2. R. S., c. 30, § 4, amended. Section 4 of chapter 30 of the Revised Statutes, as amended by section 1 of chapter 466 of the public laws of 1955, is further amended to read as follows:

'Sec. 4. Powers to enter manufacturing establishment, etc. The commissioner as state factory inspector, and any authorized agent of the department, may enter any factory or mill, construction activity, **electrical activity**, workshop, private works or state institutions which have shops or factories, when the same are open or in operation, for the purpose of gathering facts and statistics such as are contemplated by ~~this section and the 2 preceding sections 2 to 4~~, and may examine into the methods of protection from danger to employees and the sanitary conditions in and around such buildings and places, and may make a record of such inspection.'

Sec. 3. R. S., c. 30, § 5, amended. The first sentence of the 2nd paragraph of section 5 of chapter 30 of the Revised Statutes, as enacted by section 2 of chapter 466 of the public laws of 1955, is amended to read as follows:

'If the commissioner or any authorized agent of the department shall find, upon inspection of construction activities **or electrical activities**, that conditions of the activity are in violation of the rules and regulations and so as to be dangerous to employees working at or near them, he shall notify immediately the contractor or person in charge of such activity to make alterations or additions consistent with the rules and regulations by him deemed necessary for the safety and protection of the employee.'

Sec. 4. R. S., c. 30, § 9, amended. The 2nd and 3rd paragraphs of section 9 of chapter 30 of the Revised Statutes, as amended by section 4 of chapter 466 of the public laws of 1955, are further amended to read as follows:

'Whoever refuses to admit or unreasonably delays the commissioner or any authorized agent of the department in entering any factory, mill, workshop, construction activity, **electrical activity**, private works or state institution referred to in section 4 for the purpose of carrying out ~~the provisions of~~ said section 4, or refuses to give the information required by said commissioner or authorized agent, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both ~~such fine and imprisonment~~.

Any proprietor, owner or agent of any factory, mill, workshop, construction activity, **electrical activity**, private works or state institution, described in section 4, who fails to make the alterations or additions required by the commissioner as state factory inspector or any authorized agent of the department within 30 days from the date of the written notice specified in section 5 or within such time as said alterations or additions can be made with proper diligence, shall be punished by a fine of not less than \$25 nor more than \$200, or by imprisonment for not more than 30 days, or by both ~~such fine and imprisonment~~.

Sec. 5. Appropriation. There is appropriated from the General Fund to the Department of Labor and Industry to carry out the purposes of this act the sum of \$9,750 for the fiscal year ending June 30, 1962 and the sum of \$11,636 for the fiscal year ending June 30, 1963.