

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1247

H.P. 894

House of Representatives, April 11, 1995

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### An Act to Create the Overhead High-voltage Line Safety Act.

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Reference to the Committee on Utilities and Energy suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative TAYLOR of Cumberland.  
Cosponsored by Representatives: CAMERON of Rumford, CLARK of Millinocket,  
DONNELLY of Presque Isle, GIERINGER of Portland, KONTOS of Windham, STONE of  
Bangor, Senator: CARPENTER of York.

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

4 **Sec. 1. 35-A MRSA c. 7-A** is enacted to read:

6 **CHAPTER 7-A**

8 **OVERHEAD HIGH-VOLTAGE LINE SAFETY ACT**

10 **§751. Short title**

12 This Act may be known and cited as the "Overhead High-voltage Line Safety Act."

14 **§752. Definitions**

16 As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

18 **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 during erection to come within 10 feet of an overhead high-voltage line construction, operation or maintenance of 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, houses or other structures in transport and gutters, siding and other construction materials.

32 **2. Overhead high-voltage line.** "Overhead high-voltage line" means all above-ground bare or insulated electrical conductors of voltage in excess of 600 volts measured between conductors or measured between a conductor and the ground, except those conductors that are:

38 A. Deenergized and grounded; or

40 B. Enclosed in rigid metallic conduit or flexible armored conduit.

42 **3. Person.** "Person" means natural person, firm, business association, company, partnership, corporation or other legal entity.

44 **4. Person responsible.** "Person responsible" means the person performing or controlling the job or activity that necessitates the precautionary safety measures required by this Act.

2           5. Warning sign. "Warning sign" means a weather-resistant  
4 sign of not less than 5 inches by 7 inches with at least 2 panels  
and a message panel. The sign panel must contain the signal word  
6 "WARNING" in black lettering and a safety alert symbol consisting  
of a black triangle with an orange exclamation point, all on an  
8 orange background. The message panel must contain the following  
words, either in black letters on a white background or white  
10 letters on a black background: "UNLAWFUL TO OPERATE THIS  
EQUIPMENT WITHIN 10 FEET OF OVERHEAD HIGH-VOLTAGE LINES - Contact  
12 with power lines may result in death or serious burns." A symbol  
or pictorial panel may also be added. The warning sign language,  
14 lettering, style, colors, size and format must meet the  
requirements of the American National Standard Institute,  
16 Standard Z535.4-1991, Product Safety Signs and Labels, or its  
successors.

18 **§753. Duty and responsibility**

20           It is the duty and responsibility of employers of persons  
22 and individuals who use any covered equipment or items, for the  
benefit of themselves or others, to acquaint themselves and their  
24 employees or agents using the equipment or items or engaged in  
the work operations of other activities with the provisions of  
26 this Act and the rules prescribed and adopted pursuant to it.

28 **§754. Prohibited activities**

30           The following activities are prohibited until the  
requirements of sections 756 and 757 are met.

32           1. Perform work. A person may not perform any work or  
34 activity on any land, building, highway or other premises that  
may cause:

36           A. A person to be placed within 10 feet of an overhead  
38 high-voltage line; or

40           B. A tool or material used by a person to be brought within  
10 feet of an overhead high-voltage line.

42           2. Erect; construct; operate; maintain; transport; store.  
44 A person may not, individually or through an agent or employee or  
as an agent or employee, erect, construct, operate, maintain,  
46 transport or store any covered equipment or item within 10 feet  
of an overhead high-voltage line, except as allowed in this  
48 subsection. The required clearance from overhead high-voltage  
lines may not be less than 4 feet when:

50           A. A boat is sailing on high water;

2           B. Covered equipment is lawfully driven or transported on  
3           public streets and highways in compliance with the height  
4           restriction applicable to that covered equipment; or

6           C. Refuse collection equipment is operating.

8           3. Operate airplane or helicopter. A person may not,  
9           individually or through an agent or employee or as an agent or  
10          employee, operate or cause to be operated an airplane or  
11          helicopter within 20 feet of an overhead high-voltage line,  
12          except that no clearance is specified for licensed aerial spray  
13          applicators that may incidentally pass within the 20-foot  
14          limitation during normal operation.

16          4. Store. A person may not, individually or through an  
17          agent or employee or as an agent or employee, store or cause to  
18          be stored, underneath or in proximity to an overhead high-voltage  
19          line, any materials that are expected to be moved or handled by  
20          covered equipment.

22          5. Provide additional clearance. A person may not,  
23          individually or through an agent or employee or as an agent or  
24          employee, provide or cause to be provided additional clearance by:

26           A. Raising, moving or displacing an overhead utility line  
27           of any type or nature, including high-voltage, low-voltage,  
28           telephone, cable television, fire alarm or other line; or

30           B. Pulling or pushing a pole, guy line or other structural  
31           appurtenance.

32           **§755. Clearance reduced**

34           If the overhead high-voltage line is covered with temporary  
35           insulating sleeves or devices, in accordance with section 758,  
36           the required clearance may be reduced from 10 feet to 4 feet. If  
37           the line is deenergized and grounded, in accordance with section  
38           758, subsection 5, the required clearance may be reduced from 10  
39           feet to 2 feet. Under no circumstances may the overhead  
40           high-voltage line or its covering be contacted. If the overhead  
41           high-voltage lines are temporarily raised or moved to accommodate  
42           the expected work or other activity, without also being insulated  
43           or deenergized and grounded, the required 10-foot clearance from  
44           the overhead high-voltage line may not be reduced.

46           **§756. Warning signs**

48           A person may not, individually or through an agent or  
49           employee or as an agent or employee, operate covered equipment in  
50           the following circumstances:

2 the proximity of an overhead high-voltage line unless there are  
3 posted and maintained warning signs as follows:

4 1. In covered equipment. A sign must be located in the  
5 covered equipment and readily visible and legible to the operator  
6 of the covered equipment when at the controls of the covered  
7 equipment; and

8  
9 2. Outside covered equipment. Signs must be located on the  
10 outside of covered equipment in numbers and locations that are  
11 readily visible and legible at a distance of 12 feet by people  
12 engaged in the work operations.

13 **§757. Notification**

14  
15 1. Notification. When a person is going to carry on any  
16 work or activity in closer proximity to an overhead high-voltage  
17 line than permitted by this section, the person responsible for  
18 the work or activity must notify the owner or operator of the  
19 overhead high-voltage line prior to the time the work or activity  
20 is to be commenced. Notification must be at least 72 hours in  
21 advance of the work or activity, excluding Saturday, Sunday and  
22 legal state and federal holidays, except in emergency situations  
23 that include police, fire and rescue emergencies, in which case  
24 notification must be made as soon as possible. When the person  
25 or business entity responsible for the work activity is under  
26 contract or agreement with a government entity and the owner or  
27 operator of the overhead high-voltage lines have already made  
28 satisfactory mutual arrangements, further arrangements for that  
29 particular activity are not required.

30  
31 2. Information. A notice served by a person on an owner or  
32 operator of an overhead high-voltage line pursuant to this  
33 section must contain the following information:

34  
35 A. The name of the individual serving the notice;

36  
37 B. The location of the proposed work or activity;

38  
39 C. The name, address and telephone number of the person  
40 responsible for the work or activity;

41  
42 D. The field telephone number at the site of the work or  
43 activity, if one is available;

44  
45 E. The type and extent of the proposed work or activity;

46  
47 F. The name of the person for whom the proposed work or  
48 activity is being performed;

49  
50

2           G. The time and date of the notice; and

4           H. The date and time when the work or activity is to begin.

6           3. Telephone notification. If the notification required by  
8           this section is made by telephone, a record of the notification  
10           must be maintained by the owner or operator notified and the  
12           person giving the notice to document compliance with the  
14           requirements of this section.

16           4. Address and telephone. To facilitate the notification  
18           required by this section, every owner or operator of overhead  
20           high-voltage lines that does not participate in an association  
22           for mutual receipt of notification of activities close to  
24           overhead high-voltage lines shall file with the clerk of the  
26           Superior Court in each county and city in which its overhead  
28           high-voltage lines are located, the address and telephone numbers  
30           of the contact person or office of the owner or operator of  
32           overhead high-voltage lines in the State to whom all  
34           notifications concerning proposed work in that county or city is  
36           directed. The information must be maintained by the clerk of the  
38           Superior Court in a manner determined by the clerk.

40           5. Form association. Owners or operators of overhead  
42           high-voltage lines may form and operate an association providing  
44           for mutual receipt of notification of activities close to  
46           overhead high-voltage lines in a specified area. In areas where  
48           an association is formed, the following must occur:

A. Notification of work activities to the association must  
          be effected as set forth in this section;

B. Owners or operators of overhead high-voltage lines in  
          the area:

(1) May become members of the association;

(2) May participate in and receive the services  
                  furnished by the association; and

(3) Shall pay their proportionate share of the cost  
                  for the services furnished;

C. The association whose members or participants have  
          overhead high-voltage lines within a county shall file a  
          list containing the name, address and telephone number of  
          each owner or operator of overhead high-voltage lines within  
          the area of an association; and

2 D. If notification is made by telephone, record must be  
3 maintained by the association to document compliance with  
4 the requirements of this section.

6 **§758. Precautionary safety arrangements**

8 **1. Precautionary safety arrangements.** Installation or  
9 performance of precautionary safety arrangements must be  
10 performed by the owner or operator of overhead high-voltage lines  
11 only after mutually satisfactory arrangements are negotiated  
12 between the owner or the operator of the overhead high-voltage  
13 lines and the person responsible for the work or activity to be  
14 done. The negotiations must proceed promptly and in good faith  
15 with the goal of accommodating the work or activity consistent  
16 with the owner's or operator's service needs and the intent to  
17 protect the public from the danger of contact with overhead  
18 high-voltage lines.

20 **2. Appropriate for work.** The precautionary safety measures  
21 must be appropriate for the work or activity for which the owner  
22 or operator of overhead high-voltage lines has received  
23 notification. During negotiations, the person responsible for  
24 the work or activity may change the notification of intended  
25 activities to include different or limited work or activities so  
26 as to reduce the precautionary safety measures required to  
27 accommodate the work or activities. The precautionary safety  
28 measures may not violate the requirements of the National  
29 Electric Safety Code.

30 **3. Agreement for payment.** The owner or operator of the  
31 overhead high-voltage lines is not required to provide the  
32 precautionary safety arrangements until an agreement for payment  
33 has been made, except that, if there is a dispute over the amount  
34 to be charged by the owner or operator of the overhead  
35 high-voltage lines for providing the arrangements, the owner or  
36 operator shall commence with providing precautionary safety  
37 measures as if an agreement had been reached. If an agreement  
38 for payment has not been reached within 14 days from the  
39 completion of precautionary safety measures, the owner or  
40 operator and the person or business entity responsible for the  
41 work activities shall resolve the dispute by arbitration or other  
42 legal means.

44 **4. Initiate; timely fashion.** Unless otherwise agreed, the  
45 owner or operator of the overhead high-voltage lines shall  
46 initiate the agreed upon precautionary safety arrangements within  
47 3 working days after the date of agreement for payment, if  
48 required, has been reached or within 3 working days of notice  
49 that the work activity is being done without an agreement. Once  
50 initiated, the owner or operator of the overhead high-voltage  
51 lines shall complete the work promptly and without interruption,  
52 consistent with the owner's or operator's service needs. If the  
53 owner or operator of the overhead high-voltage lines fails to



2 provide the agreed upon precautionary safety arrangements within  
3 the period agreed upon, the owner or operator of the overhead  
4 high-voltage lines is liable for costs or loss of production of  
5 the person or business entity requesting the precautionary safety  
6 arrangements in order to work in proximity to overhead  
7 high-voltage lines, except that no liability exists during times  
8 of emergency, such as storm repair.

9  
10 5. Inclusion. Precautionary safety arrangements may  
11 include:

12 A. Placement of temporary mechanical barriers separating  
13 and preventing contact between material, equipment or  
14 persons and overhead high-voltage lines;

15  
16 B. Temporary deenergization and grounding;

17  
18 C. Temporary relocation or raising of the overhead  
19 high-voltage lines; or

20  
21 D. Any other measures that are appropriate in the judgment  
22 of the owner or operator of the overhead high-voltage lines.

23  
24 6. Expense. The actual expense incurred by an owner or  
25 operator of overhead high-voltage lines in taking precautionary  
26 measures, including wages of its workers involved in making  
27 safety arrangements, must be paid by the person responsible for  
28 the work or activity to be done except when:

29  
30 A. Prior arrangements for payment are made between a  
31 government entity for whom the work is to be done and the  
32 owner or operator of the overhead high-voltage line; or

33  
34 B. The owner or operator of the overhead high-voltage line  
35 has not installed the overhead high-voltage line in  
36 conformance with the National Electric Safety Code. If the  
37 overhead high-voltage line is not installed in conformance  
38 with National Electric Safety Code, the liability of the  
39 person responsible for the work or activity is limited to  
40 the amount required to accommodate the work or activity plus  
41 the amount required to bring the installation into  
42 compliance with the National Electric Safety Code.

43  
44 **§759. Enforcement**

45  
46 The provisions of this Act are considered safety and health  
47 standards of the State. A person who causes, permits or allows  
48 work or other activity in violation of the provisions of this Act  
49 may be assessed a civil penalty not exceeding \$1,000 for each day  
50 the violation continues. Money collected from these civil

2 penalties must be deposited with the Treasurer of State to be  
3 credited to the Department of Labor for public electrical safety  
4 training programs.

5 Civil penalties may be recovered in a civil action in the  
6 name of the State brought in the Superior Court for the county  
7 where the violation is alleged to have occurred or where the  
8 employer has its principal office. Interest accrues on the  
9 penalties at a rate of 1 1/2% per month except that the interest  
10 is suspended during the pendency of an appeal.

#### 12 **§760. Indemnification**

13 A responsible party is liable to the owner or operator of  
14 the overhead high-voltage line and 3rd parties, if any, for all  
15 damages to facilities, injuries to persons and all costs,  
16 expenses and liabilities incurred by the owner or operator of the  
17 overhead high-voltage lines and 3rd parties, if any, as a result  
18 of any contact with an overhead high-voltage line if the  
19 responsible party causes, permits or allows any work or activity  
20 in violation of a provision of this Act and as a result, a  
21 physical or electrical contact with an overhead high-voltage line  
22 occurs.

#### 24 **§761. Exemptions**

25 1. Overhead electrical; communication circuits;  
26 conductors. This Act does not apply to the construction,  
27 reconstruction, operation and maintenance of overhead electrical  
28 or communication circuits or conductors and their supporting  
29 structures and associated equipment of the following systems, if  
30 the work on any of the following systems is performed by the  
31 employees of the owner or operator of the systems or independent  
32 contractors engaged on behalf of the owner or operator of the  
33 systems to perform the work:

34 A. Rail transportation systems;

35 B. Electrical generating, transmission or distribution  
36 systems;

37 C. Communication systems, including cable television; or

38 D. Any other publicly or privately owned system.

39 2. Premises of mines. This Act does not apply to  
40 electrical or communications circuits or conductors on the  
41 premises of mines that are subject to the provisions of the  
42 Federal Mine Safety and Health Act of 1977, 30 United States  
43 Code, Title 30, Section 101.

2 Code, Section 801 and regulations adopted pursuant to that Act by  
3 the federal Mine Safety and Health Administration.

4

### 5 **STATEMENT OF FACT**

6

7 This bill promotes the safety and protection of persons  
8 engaged in work or activity in the vicinity of overhead  
9 high-voltage lines. The bill defines the conditions under which  
10 work may be carried on safely and provides for the precautionary  
11 safety arrangements to be taken when any person engages in work  
12 or other activity in proximity to overhead high-voltage lines.