

MAINE STATE LEGISLATURE

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L.D. 1407

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UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 997, L.D. 1407, Bill, "An Act to Establish Safety Standards for All Utility Facilities"

Amend the bill by striking out all of section 3 and inserting in its place the following:

Sec. 3. 35-A MRSA §2305-A is enacted to read:

§2305-A. Electric utilities, telephone utilities and cable television companies to conform to standards

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Cable television company" has the same meaning as in Title 30-A, section 2001.

B. "Most recent edition of the Standard" means the 1993 edition or any subsequent edition of the Standard adopted by the commission pursuant to this section.

B. "Standard" means the National Electrical Safety Code (NESC)-ANSI-C2.

2. Applicable national standard. Except as otherwise provided in this section or by rule of the commission adopted pursuant to this section, every electric utility, telephone utility and cable television company shall design, construct, operate and maintain its lines and equipment in conformance with the applicable provisions of the most recent edition of the Standard.

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2 3. Review of standards by commission. Whenever a new or
revised edition of the Standard is published, an electric
4 utility, telephone utility or cable television company may
request the commission to hold a hearing on whether the new or
revised Standard should be adopted.

6
8 A. If a hearing is requested within 120 days of the
publication of the new or revised Standard, the commission
shall hold a hearing and shall either adopt the new or
10 revised Standard or, pursuant to subsection 4, amend or
reject the new or revised Standard. If a hearing is
12 requested and held under this paragraph, the new or revised
Standard does not go into effect in any form except as
14 expressly provided by the commission in its order.

16 B. If a hearing is not requested within 120 days of the
publication of the new or revised Standard, the commission
18 is deemed to have adopted the new or revised Standard
effective on the 180th day after publication. Existing
20 facilities that meet the requirements of the previously
applicable Standard but which do not meet the requirements
22 of the new or revised Standard may remain in noncompliance
only if grandfathered under the new edition.

24 4. Modifications, deletions and waivers to Standard. The
26 commission may, at its discretion and after appropriate hearing,
modify, delete or waive individual requirements of the Standard.
28 The commission may make a modification or deletion or grant a
waiver of a national standard of practice contained in the
30 Standard only if it finds one of the following:

32 A. Other measures achieving equivalent levels of safety will
be substituted for the modified, deleted or waived national
34 standard; or

36 B. The national standard is not applicable or is unduly
burdensome for the level of safety achieved under local
38 conditions.

40 Modifications, deletions or waivers of individual requirements of
the Standard remain in force until the next edition of the
42 Standard is adopted by the commission pursuant to subsection 3 or
the modification, deletion or waiver is repealed by the
44 commission, whichever occurs first.

46 Pursuant to subsection 3, paragraph A, an electric utility,
telephone utility or cable television company may petition the
48 commission to continue approved modifications, deletions or
waivers under a new or revised Standard. Unless the commission
50 reaffirms a modification, deletion or waiver in its order

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2 adopting a new or revised Standard, a modification, deletion or
3 waiver is deemed repealed on adoption of the new or revised
4 Standard.

5 5. Additional safety measures. The commission may, at its
6 discretion and after appropriate hearing, require safety measures
7 in addition to those required by the Standard. An additional
8 requirement remains in force for 10 years from its effective date
9 unless the commission:

- 10 A. Repeals the requirement; or
- 11
- 12 B. Reaffirms the requirement by order. Each reaffirmation
- 13 must occur within 10 years of the original effective date of
- 14 the requirement or within 10 years of the last affirmation.'
- 15
- 16

17 Further amend the bill by inserting at the end before the
18 statement of fact the following:

20 **FISCAL NOTE**

21
22 The Public Utilities Commission will incur some minor
23 additional costs to hold any hearings necessary to administer
24 conformance to the National Electrical Safety Code. These costs
25 can be absorbed within the commission's existing budgeted
26 resources.'

28
29 **STATEMENT OF FACT**

30
31 This amendment redrafts section 3 of the bill for purposes
32 of clarity and adds a fiscal note to the bill.

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