

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1407

H.P. 997

House of Representatives, April 25, 1995

**An Act to Establish Safety Standards for All Utility Facilities.**

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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 STONE of Bangor.

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

2  
4       **Sec. 1. 35-A MRSA §2305, sub-§1**, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

6       **Sec. 2. 35-A MRSA §2305, last ¶**, as enacted by PL 1993, c. 18, §2, is amended to read:

8  
10       An electric utility may not provide electricity for any line in, upon, along or under roads, streets and public ways maintained by a municipality if the lines or poles were constructed by a person other than an electric utility, unless the electric utility is provided with certified copies of the findings by the applicable licensing authority of compliance with ~~subsections 1 and~~ subsection 2 and the commission's findings pursuant to subsection 3.

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

20       **§2305-A. Electrical utilities to conform to standards**

22       **1. Applicable national standard.** All electric power, telephone and community antenna or cable television utilities operating in the State shall design, construct, operate and maintain their lines and equipment in conformance with the applicable provisions of the National Electrical Safety Code (NESC)-ANSI-C2 (Standard).

28               A. The requirements of the 1993 edition of the standard must be met for applicable facilities and work tasks on and after the effective date of the standard, and the requirements may be used by a utility at any time after the publication date.

34               B. Unless a hearing is requested of the Public Utilities Commission within 120 days of the publication of a subsequent revision of the standard, the revised edition must automatically be adopted in 60 days, or the 180th day after publication, as the applicable edition for facilities and work covered in the standard until superseded. When editions change, existing facilities may continue to meet the requirements of previously applicable code editions if allowed under the new edition.

44       **2. Modifications, deletions and waivers to the standard.** The commission may, at its discretion and after appropriate hearing, modify, delete or waive individual requirements of the standards. A modification, deletion or waiver of a national standard of practice contained in the standard may be made only when other measures achieving equivalent levels of safety are

2 substituted or when national standard practice is found to be not  
3 applicable or is found to be unduly burdensome for the level of  
4 safety achieved under the given local conditions.

5 A. Modifications, deletions or waivers of individual  
6 requirements of an edition of the standard must remain in  
7 force until the effective date of the next edition of the  
8 standard or repeal by the commission, whichever occurs first.

9 B. If no request for rehearing on existing modifications,  
10 deletions or waivers to an edition of the standard is  
11 received within 120 days of the publication of the next  
12 edition of the standard, the existing modifications,  
13 deletions or waivers must be automatically considered  
14 repealed on the effective date of the subsequent edition.

15 3. Additional safety measures. The commission may, at its  
16 discretion and after appropriate hearing, require safety measures  
17 in addition to those required by the standard. The additional  
18 requirements remain in force until repealed by the procedure set  
19 out in this subsection or by the commission. In order for  
20 additional requirements to remain in force, they must be  
21 reaffirmed by the commission within 10 years of their inception  
22 or last reaffirmation. If additional requirements are not  
23 affirmed within the prescribed time, they must be considered  
24 repealed.  
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## 1000

32 This bill requires all utilities, including cable television  
33 companies, to comply with the National Electric Safety Code, as  
34 enhanced or modified by the Public Utilities Commission. This  
35 bill also repeals the Maine Revised Statutes, Title 35-A, section  
36 2305, subsection 1, which has been written into the new section  
37 2305-A.  
38