

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2016 to August 2, 2017**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**NOVEMBER 1, 2017**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2017**

**§6431-B. Tag system**

**1. Tag system established.** The commissioner shall establish by rule a lobster trap tag system under which lobster and crab fishing license holders and nonresident lobster and crab landing permit holders must purchase tags for the purpose of identifying and tracking traps. The rules must contain provisions for replacing lost tags. The commissioner may impose a per tag fee to cover the cost of trap tags, the costs of administering and enforcing a lobster trap tag system, the costs of management of the lobster fishery and the costs associated with lobster management policy councils and referenda pursuant to section 6447. Trap tag fees must be deposited in the Lobster Management Fund established under section 6431-C. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**2. Penalties.** A person who violates a rule adopted pursuant to subsection 1 commits:

A. A civil violation for which a fine of \$250 must be adjudged if the person fishes 25 or fewer traps that are not tagged in accordance with rules adopted pursuant to subsection 1; and

B. A Class D crime if the person fishes more than 25 traps that are not tagged in accordance with rules adopted pursuant to subsection 1.

**Sec. 10. 12 MRSA §6432, sub-§2,** as amended by PL 2011, c. 266, Pt. A, §11, is repealed and the following enacted in its place:

**2. Marking.** A lobster or crab trap or trawl must be marked by a lobster buoy as described in subsections 3 and 4. The buoy must be visible at the surface. A person may not:

A. Set, raise, lift or transfer any lobster trap or buoy unless it is clearly marked with the owner's lobster and crab fishing license number or the owner's nonresident lobster and crab landing permit number; or

B. Intentionally set or fish a lobster or crab trap or trawl in a manner that is designed to avoid detection that the trap or trawl has been set or fished.

**Sec. 11. 12 MRSA §6434, sub-§3-A,** as enacted by PL 2007, c. 283, §2, is amended to read:

**3-A. Penalty.** A person who violates this section commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged Class D crime.

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

Effective June 14, 2017.

**CHAPTER 198****S.P. 556 - L.D. 1583****An Act To Amend the  
Electricians' Examining Board  
Licensing Laws**

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

**Whereas,** this legislation removes an unnecessary statutory barrier that currently prevents individuals who are licensed as electricians in other jurisdictions from obtaining comparable licenses from the Electricians' Examining Board; and

**Whereas,** this legislation encourages qualified professionals to move to the State and contribute positively to the state economy; and

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

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

**Sec. 1. 30-A MRSA §4173, sub-§5,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**5. Where permit is not required.** The installation or alteration of electrical equipment in municipalities ~~which that~~ do not require a permit and in the unorganized territories is governed by Title 32, section ~~4402-B~~ **1102-C.**

**Sec. 2. 32 MRSA §1101,** as amended by PL 2011, c. 286, Pt. F, §§1 to 4; c. 290, §§1 and 2; c. 406, §1; c. 491, §14; and c. 650, §1, is further amended to read:

**§1101. Definitions**

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

**1. Apprentice electrician.** "Apprentice electrician" means an apprentice, ~~as defined in Title 26, section 3201, subsection 1,~~ who is engaged in a written agreement to work at and learn the trade of an electrician under the direct supervision of a licensed master, journeyman or limited electrician in an apprenticeship program registered pursuant to 29 Code of Federal Regulations, Section 29.3 (2016) with the United States Department of Labor, Office of Apprenticeship

or a state apprenticeship agency recognized by the Office of Apprenticeship.

**1-A. Electrical company.** "Electrical company" means a person, firm, corporation or partnership employing licensees engaged in the business of doing electrical installations.

**1-B. Board.** "Board" means the Electricians' Examining Board.

**2. Electrical installations.** "Electrical installations" means the installation, repair, alteration and maintenance of electrical conductors, fittings, devices and fixtures for heating, lighting, power purposes or heat activated fire alarms, intrusion alarms, energy management, telephone, telegraph, cable and closed circuit ~~closed-circuit~~ television, sound systems, ~~data transmission~~, conduit and raceway systems and electrically supervised manual fire alarms and sprinkler systems. "Electrical installations" includes complete installations related to photovoltaic, fuel cell and wind power generation systems. "Electrical installations" does not include the installation or repair of portable appliances and other portable electrical equipment, installation of which involves only the insertion of an attachment plug into a fixed receptacle outlet. It is the meaning and intent of this subsection that the word "portable" does not include or apply to any type of fixed electrically operated or driven equipment.

**3. Helper electrician.** "Helper electrician" means a person ~~making licensed to make~~ electrical installations in the employment of a licensed master electrician, limited electrician or electrical company and under the direct supervision of a licensed master, journeyman or limited electrician but who does not qualify under subsection 1.

**3-A. Journeyman-in-training electrician.** "Journeyman-in-training electrician" means a person making electrical installations in the employment of a licensed master electrician, limited electrician or electrical company and under the indirect supervision of a licensed limited or master electrician.

**4. Journeyman electrician.** "Journeyman electrician" means a person ~~making licensed to make~~ electrical installations in the employment and under the indirect supervision of a licensed master electrician, limited electrician or electrical company.

**4-A. Supervision.** ~~Two apprentice electricians, one helper electrician or 2 helper electricians who are both currently enrolled in, or have completed, a program of study consisting of 576 hours of education as approved by the Electricians' Examining Board or from an accredited institution may work with and under the direct supervision of a master electrician, limited electrician or journeyman electrician. A master electrician who teaches an electrical course at a Maine career and technical education center, a Maine career and technical education region, a Maine community~~

~~college or an apprenticeship program registered by the Department of Labor may have a maximum of 12 helper or apprentice electricians under direct supervision while making electrical installations that are a part of the instructional program of the school or apprenticeship program, as long as the total value of each installation does not exceed \$5,000. An electrical installation may not be commenced pursuant to this subsection without the prior approval of the director or president of the school or apprenticeship program at which the master electrician is an instructor. These installations are limited to those done in buildings or facilities owned or controlled by:~~

~~A. School administrative units; and~~

~~B. Nonprofit organizations.~~

~~The Electricians' Examining Board and the municipal electrical inspector of the municipality in which the installation is to be made, if the municipality has an inspector, must be notified of all installation projects entered into pursuant to this subsection prior to the commencement of the project. There must be an inspection by a state electrical inspector or by the municipal electrical inspector of the municipality in which the installation has been made, if the municipality has an inspector, before any wiring on the project is concealed.~~

**5. Limited electrician.** "Limited electrician" means a person ~~doing work to install and service the electrical work related~~ licensed to make electrical installations limited to a specific type of electrically operated equipment or to specific electrical installations only authorized by this license.

**6. Master electrician.** "Master electrician" means ~~an individual~~ a licensed person qualified under this chapter, ~~engaging in, or about to engage in;~~ the business of installing electrical wires, conduits, apparatus, fixtures and other electrical equipment. ~~The certificate must specify the name of the individual who is authorized to enter upon or engage in business as set forth in this chapter.~~

**8. Utility corporation.** "Utility corporation" means a utility that is not a public utility, as defined in Title 35-A, section 102, or a person, firm or corporation subject to the jurisdiction of the Federal Communications Commission.

**Sec. 3. 32 MRSA §1102, sub-§1-A, ¶B,** as enacted by PL 2011, c. 290, §3, is amended to read:

B. Installations of ~~mobile home~~ manufactured housing service equipment; and

**Sec. 4. 32 MRSA §1102, sub-§1-B,** as enacted by PL 2011, c. 290, §4, is amended to read:

**1-B. Aboveground electric lines.** Electrical work in connection with the construction, installation, operation, repair or maintenance of any aboveground

electric transmission line capable of operating at one kilovolt or more.

**Sec. 5. 32 MRSA §1102-B**, as amended by PL 2011, c. 286, Pt. B, §5 and Pt. F, §§6 to 8 and c. 290, §§7 and 8, is repealed.

**Sec. 6. 32 MRSA §§1102-C and 1102-D** are enacted to read:

**§1102-C. Permit; inspection of electrical installations**

**1. Permit required.** Except as otherwise provided in this section and in section 1102-D, a permit must be obtained from the board before an electrical installation may be performed.

**2. Application for permit.** An application for a permit must be submitted by a licensed master electrician or limited electrician on a form provided by the board together with any plans, specifications or schedules the board may require prior to making the electrical installation. If the board determines that the description of the electrical installation planned is in compliance with all applicable statutes, ordinances and rules, and a fee required under subsection 4 has been paid, the board shall issue a permit.

**3. Inspection required.** An inspection is required before electrical wiring is enclosed through the construction process. The licensed electrician performing the electrical installation shall notify a state electrical inspector, or the local municipal inspector if the municipality has an electrical inspector, when the installation is ready for inspection. The inspector shall determine whether the electrical installation complies with all applicable statutes, ordinances and rules. If the inspector determines that the electrical installation does not comply, the procedures set forth in section 1104 apply. A utility corporation must require proof of permit prior to connecting power to the electrical installation.

**4. Procedures and fees.** Pursuant to the Maine Administrative Procedure Act, the board may adopt procedures for applications for permits and the conduct of inspections under this section. The combined service fee for a permit and inspection must be paid with every application for a permit. The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation shall adopt by rule a schedule of appropriate service fees, but in no event may any scheduled service fee exceed \$100. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**5. Exceptions to the permitting requirement.** In addition to the exception for a single-family dwelling set forth in section 1102-D, a permit from the board is not required for:

A. An electrical installation in a single-family dwelling performed by a licensed electrician qualified under this chapter;

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

C. The electrical work and equipment employed in connection with an aboveground electric transmission line described in section 1102, subsection 1-B;

D. Minor repair work, including the replacement of lamps, fuses, lighting fixtures, switches and sockets, the installation and repair of outlets, radio and other low-voltage equipment and the repair of service entrance equipment;

E. Electrical installations for which a permit and inspection are required by municipal resolution or ordinance under Title 30-A, section 4173;

F. Any electrical equipment and work, including construction, installation, operation, maintenance and repair in or about industrial or manufacturing facilities;

G. Any electrical equipment and work, including construction, installation, operation, maintenance and repair in, on or about other properties, equipment or buildings, residential or of any other kind, owned or operated by a person engaged in industrial or manufacturing operations provided that the work is done under the supervision of an electrical engineer or master electrician in the employ of that person;

H. Work performed by any person licensed under chapter 139 as an oil burner technician, subject to the restrictions of the license as issued;

I. Work performed by a person licensed under chapter 139 as a propane and natural gas installer, when installing propane and natural gas utilization equipment, subject to the restrictions of that person's license;

J. Work performed by a person licensed under chapter 49 as a plumber, except that this exception applies only to disconnection and connection of electrical conductors required in the replacement of water pumps and water heaters of the same or smaller size in residential properties; or

K. Work performed by a person licensed under chapter 69-C as a pump installer, except that this exception applies only to disconnection and connection of electrical conductors required in the replacement of water pumps of the same or smaller

size in residential properties and the installation of new water pumps and associated equipment of 3 horsepower or smaller.

**§1102-D. Single-family dwelling exception; certificate required**

**1. Exception.** A person may make an electrical installation in a newly constructed single-family dwelling that is occupied by that person and used solely as a single-family dwelling, or will be occupied by that person as the person's bona fide personal abode and used solely as a residence, as long as the electrical installation conforms to the standards of the National Electrical Code or other standards approved by the board and as long as the person applies for and receives a single-family dwelling certificate in accordance with this section.

**2. Application for single-family dwelling certificate.** An application for a single-family dwelling certificate must be made by the person that is using and occupying, or will use and occupy, the single-family dwelling solely as that person's bona fide personal abode and residence.

**3. Certification.** An electrical installation made pursuant to this section in a newly constructed single-family dwelling requires certification by a state electrical inspector or a local inspector, or a licensed master electrician or a licensed limited electrician in house wiring, prior to the activation of electricity by the utility company.

**4. Notification and inspection of single-family dwelling certificate required.** An inspection is required before the electrical wiring is enclosed by the construction process. The person making the electrical installation shall contact the state electrical inspector prior to the electrical installation. The person making the electrical installation shall also notify the state inspector when the electrical installation is ready for inspection. The inspector shall determine whether the electrical installation complies with all applicable statutes, ordinances and rules. If the inspector determines that the electrical installation does not so comply, the procedures set forth in section 1104 apply. A utility corporation must require proof of certification prior to connecting power to the electrical installation.

**5. Procedures and fees.** Pursuant to the Maine Administrative Procedure Act, the board may adopt procedures for applications for single-family dwelling certificates and the conduct of inspections under this section. The combined service fee for a certificate and inspection must be paid with every application for a certificate. The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation shall adopt by rule a schedule of appropriate service fees, but in no event may any scheduled service fee exceed \$100. Rules adopted pursuant to this subsection are routine

technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 7. 32 MRSA §1103**, as amended by PL 2011, c. 420, Pt. M, §1 and affected by §7, is further amended to read:

**§1103. Municipal licenses not required; municipal permits**

A municipality, notwithstanding provisions in charters or ordinances to the contrary, may not require licensed electricians to be municipally licensed, and a municipality may not issue a permit for an electrical installation unless satisfied that the person applying for the permit complies with this chapter.

**Sec. 8. 32 MRSA §1104**, as amended by PL 2011, c. 559, Pt. A, §34, is further amended to read:

**§1104. State electrical inspectors**

State electrical inspectors have powers throughout the counties of the State similar to those of sheriffs in their respective counties, relating to enforcement of this chapter and rules adopted under this chapter. These powers are limited to the power to conduct investigations, issue citations, serve summonses and order corrections of violations in accordance with specific statutory authority.

**1. Complaint inspections.** State electrical inspectors, upon ~~an oral~~ complaint of imminent danger or upon written complaint of any owner, lessee or tenant of a building, state fire inspector, fire chief, fire department inspector, personnel of a transmission and distribution utility or local electrical inspector or whenever they determine it necessary at all reasonable hours, for purposes of examination, may enter into and upon all buildings or premises within their jurisdiction and inspect ~~the same those buildings or premises~~. They may enter any building only with the permission of the person having control thereof or, after hearing, upon order of court. Whenever any state electrical inspector finds any electrical installation in any building or structure that does not comply with this chapter, that inspector shall order ~~the same the electrical installation~~ to be removed or remedied and the order must forthwith be complied with by the owner or occupant of the premises or buildings or the electrician that performed the work. Whenever any state electrical inspector finds any electrical installation in any building or structure that creates a danger to other property or to the public, the inspector may forbid use of the building or structure by serving a written order upon the owner and the occupant, if any, to vacate within a reasonable period of time to be stated in the order.

**2. Order to correct deficiency; appeal.** Any person ordered by a state electrical inspector to correct an electrical deficiency or to vacate a building or structure may appeal the order to the Electricians' Examining Board by filing with that board within 30

days of receipt of the order a written notice of appeal. The board shall hold a hearing and review that appeal and issue its written decision thereof within a reasonable time after receipt of the notice of appeal. If the board upholds the inspector's order, it shall prescribe the time period for the requisite correction specified in its written decision or the time within which that person must vacate the building or structure. The decision must be complied with unless appealed as provided. Any person ordered by the board to correct an electrical deficiency or to vacate a building or structure may appeal the order to the Superior Court in accordance with Title 5, ~~chapter 375, subchapter 7~~ section 11001 by filing a petition for review within 48 hours of receipt of the order. The petition for review may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

~~The decision of the Superior Court on an appeal as provided is final. An order by a state electrical inspector or an order by the Electricians' Examining Board is final and subject to no further appeal upon failure to file a timely, written appeal therefrom as provided.~~

Upon the failure of any person to carry out a final order as provided, the Electricians' Examining Board may petition the Superior Court for the county in which the building or premises are located for an injunction to enforce that order. If the court determines upon hearing the petition that a lawful final order was issued, it shall order compliance.

**Sec. 9. 32 MRSA §1105, sub-§5**, as amended by PL 2007, c. 402, Pt. I, §5, is repealed.

**Sec. 10. 32 MRSA §1151, 2nd ¶**, as amended by PL 2007, c. 402, Pt. I, §6, is further amended to read:

The ~~7 members consist~~ board consists of: one master electrician experienced in low-energy electronics; one master electrician who is a bona fide member from organized labor classified as an inside electrician; one master electrician who is employed as a municipal electrical inspector; one master electrician from the education field; and one ~~person~~ master electrician experienced in ~~the any~~ electrical field, all of whom must have at least ~~10~~ 5 years of experience in the electrical field, ~~except that the latter 3 need not be active electricians at the time of their appointment~~; and 2 public members as defined in Title 5, section 12004-A.

**Sec. 11. 32 MRSA §1152**, as amended by PL 2003, c. 204, Pt. C, §1, is repealed.

**Sec. 12. 32 MRSA §1153-A**, as repealed and replaced by PL 2003, c. 204, Pt. C, §2, is amended to read:

### **§1153-A. Standards; installation**

All electrical installations must comply with the National Electrical Code that is adopted by rule by the board. The board shall establish by rule technical standards for the proper installation of electrical equipment. These standards must conform as nearly as practicable to the National Electrical Code, National Fire Protection Association standard #70. The installation of the electrical equipment must also comply with the applicable statutes of the State and all applicable ordinances, orders, rules and regulations of any city or town where the installation is being performed. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 13. 32 MRSA §1155-B, sub-§1, ¶A**, as enacted by PL 2007, c. 402, Pt. I, §10, is amended to read:

A. Any gross negligence, incompetency or misconduct in the performance of the work of making electrical installations. Continued failure to conform with applicable regulations of the National Electrical Code, National Electrical Safety Code or of other safety codes that have been approved by the American ~~National Standards Association~~ Institute or its successor or other organization approved by the board is prima facie evidence of that gross negligence and incompetency; and

**Sec. 14. 32 MRSA §1201**, as amended by PL 2011, c. 420, Pt. M, §5 and affected by §7, is further amended to read:

#### **§1201. License required**

An electrical installation may not be made unless by an electrician ~~or other person~~ licensed by the board except as provided in this chapter.

**Sec. 15. 32 MRSA §1201-A, sub-§4**, as enacted by PL 2011, c. 286, Pt. F, §12, is amended to read:

**4. Low-energy installers.** Individuals or employees installing telephone, ~~telegraph~~, cable and closed-circuit television, data ~~communication~~ transmission and sound equipment;

**Sec. 16. 32 MRSA §1202**, as amended by PL 2011, c. 406, §2 and c. 420, Pt. M, §6 and affected by §7 and amended by c. 491, §15, is repealed.

**Sec. 17. 32 MRSA §1202-A** is enacted to read:

#### **§1202-A. Issuance of licenses**

An applicant for licensure under this section shall submit an application with the required fee established under section 1203-A. A person licensed under this chapter must produce a copy of the license upon request of the state electrical inspector.

**1. Apprentice or helper electrician; scope of license.** The board may issue a license to an applicant for an apprentice electrician license or a helper electrician license.

A. An apprentice electrician who is licensed in accordance with this subsection and registered with an apprenticeship program may perform electrical installations under the direct supervision of a master electrician, journeyman electrician or limited electrician.

B. A helper electrician who is licensed in accordance with this subsection may make electrical installations under the direct supervision of a master electrician, journeyman electrician or limited electrician. A helper electrician must be employed by a supervising master electrician, limited electrician or electrical company.

**2. Journeyman electrician; scope of license.** The board may issue a license to an applicant for a journeyman electrician license.

A. A journeyman electrician may make electrical installations while employed by a supervising master electrician, limited electrician or electrical company. A person licensed under this subsection may supervise:

(1) Two helper electricians who are enrolled in, or have completed, a program of study consisting of 576 hours of education as approved by the board or from an accredited institution;

(2) Two apprentice electricians; or

(3) One helper electrician.

B. In order to obtain a license under this subsection, a person must first pass an examination approved by the board and provide evidence of having:

(1) Worked at least 8,000 hours in the field of electrical installations as a licensed helper electrician or apprentice electrician under the direct supervision of a master electrician, journeyman electrician or limited electrician or having at least 8,000 hours of work experience in electrical installations, and having completed a program of study consisting of 576 hours as approved by the board or from an accredited institution. The 576 hours must consist of 225 hours of required study, including an approved course of 45 hours in the current National Electrical Code, and 351 hours of elective study that is either composed of all trade-related electives or 225 hours of trade-related courses and 135 hours of degree-related courses;

(2) Graduated from an accredited regional applied technology high school 2-year electrical program, worked at least 8,000 hours in the field of electrical installations as a licensed helper electrician under the direct supervision of a master electrician, journeyman electrician or limited electrician and completed a course of 45 hours in the current National Electrical Code;

(3) Graduated from an accredited community college electrical program or a vocational-electrical program of a state department of corrections and having worked at least 8,000 hours in the field of electrical installations as a licensed helper electrician, under the direct supervision of a master electrician, journeyman electrician or limited electrician, and having completed a course of 45 hours in the current National Electrical Code. Graduates of a community college electrical program or a vocational-electrical program of a state department of corrections are credited 4,000 hours of work experience in electrical installations and are qualified to sit for the examination;

(4) Worked at least 8,000 hours as a licensed apprentice electrician in the field of electrical installations under the direct supervision of a master electrician, journeyman electrician or limited electrician, having completed a program of study comprising at least 576 hours prescribed in an apprenticeship program approved by the board and having completed a course of 45 hours in the current National Electrical Code. A licensed apprentice who has completed an approved apprenticeship program of study and has worked at least 4,000 hours as a licensed apprentice electrician is qualified to sit for the examination; or

(5) Comparable work experience or education or training, or a combination of work experience, education and training, completed within the State or outside the State, that is acceptable to the board.

**3. Journeyman-in-training electrician license; scope of license; professional qualifications.** The board may issue a license to an applicant for a journeyman-in-training electrician license.

A. A journeyman-in-training electrician may make electrical installations while employed by a supervising master electrician, limited electrician or electrical company. A journeyman-in-training electrician may not supervise other electricians.

B. In order to obtain a license under this subsection, a person must first pass an examination ap-



proved by the board and provide evidence of having:

(1) Completed at least 2,000 work hours in the field of electrical installations as a licensed helper electrician under the direct supervision of a master electrician, journeyman electrician or limited electrician; graduated from an accredited community college electrical program or a vocational-electrical program of a state department of corrections; and completed a course of 45 hours in the current National Electrical Code; or

(2) Comparable work experience or education or training, or a combination of work experience, education and training, completed within the State or outside the State, that is acceptable to the board.

**4. Master electrician license; scope of license; professional qualifications.** The board may issue a license to an applicant for a master electrician license.

A. A master electrician may make electrical installations without limitation. A master electrician is responsible for verifying the current licensure of all of that master electrician's employees, if licensure is applicable, prior to and during employment. Master electricians are responsible for any electrical installation they perform and for the electrical installations of individuals they supervise at the time of the electrical installations.

A master electrician may supervise 2 helper electricians who are enrolled in, or have completed, a program of study consisting of 576 hours of education as approved by the board or from an accredited institution; 2 apprentice electricians; or one helper electrician. Any helper electrician or apprentice electrician must be employed by a master electrician and be under the master electrician's supervision.

A master electrician may supervise an unlimited number of licensed journeyman electricians, journeyman-in-training electricians or limited electricians.

B. In order to obtain a license under this subsection, a person must first pass an examination approved by the board and provide evidence of having:

(1) Worked at least 12,000 hours in the field of electrical installations as a licensed helper electrician or apprentice electrician under the direct supervision of a master electrician, journeyman electrician or limited electrician, or worked at least 4,000 hours in the field of electrical installations as a journeyman electrician or journeyman-in-training electrician under the indirect supervision of a master

electrician or limited electrician and having completed a program of study consisting of 576 hours as approved by the board or from an accredited institution. The 576 hours must consist of 450 hours of required study, including a course of 45 hours in the current National Electrical Code and 126 hours of degree-related courses; or

(2) Comparable work experience or education or training, or a combination of work experience, education and training, completed within the State or outside the State, that is acceptable to the board.

C. A person who holds a journeyman or limited electrician license issued prior to July 1, 1987 is eligible to take the examination for a master electrician license if the person has completed the number of hours of work experience required by this subsection and has completed a 45-hour course in the current National Electrical Code.

**5. Limited electrician license; scope of license.** The board may issue a license to an applicant for a limited electrician license.

A. A limited electrician may only make electrical installations authorized by the specific limited license category. A limited electrician is responsible for verifying the current licensure of all employees, if licensure is applicable, prior to and during employment. Limited electricians are responsible for any electrical installation work they perform and for work of individuals they supervise at the time of electrical installation.

A limited electrician may supervise 2 helper electricians who are enrolled in, or have completed, a program of study consisting of 576 hours of education as approved by the board or from an accredited institution; 2 apprentice electricians; or one helper electrician. A limited electrician may supervise helper electricians or apprentice electricians only in the performance of electrical installations authorized by the limited electrician's specific limited license category.

B. In order to obtain a license under this subsection, a person must meet the following requirements, as applicable:

(1) A limited electrician in water pumps must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. A limited electrician in water pumps is restricted to performing electrical work between the branch circuit overcurrent device, the water pump and associated controls.

(2) A limited electrician in outdoor signs, including sign lighting, must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. The scope of this license does not include branch circuit wiring.

(3) A limited electrician in gasoline dispensing must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. A limited electrician in gasoline dispensers is restricted to performing electrical work between the branch circuit overcurrent device, the dispenser and associated controls.

(4) A limited electrician in traffic signals, including outdoor lighting of traffic signals, must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. A limited electrician in traffic signals is restricted to performing electrical work on traffic signals, including outdoor lighting of traffic signals and the traffic signal electrical service.

(5) A limited electrician in house wiring must provide evidence of having completed at least 225 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 4,000 hours of work experience approved by the board in rules. A limited electrician in house wiring is restricted to performing electrical work in one-family dwellings and 2-family dwellings, including manufactured homes.

(6) A limited electrician in refrigeration must provide evidence of having completed at least 270 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 6,000 hours of work experience approved by the board in rules. Graduates of a community college electrical program in refrigeration approved by the board or from an accredited institution are credited with 4,000 hours of work experience upon graduation. A limited electrician in refrigeration is restricted to performing electrical work between the branch circuit overcurrent device, the refrigeration equipment and associated controls.

(7) A limited electrician in low-energy electronics, including fire alarms, must provide evidence of having completed at least 270 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 4,000 hours of work experience approved by the board in rules. A limited electrician in low-energy electronics is restricted to performing electrical work on low-energy electronics as supplied by Class I, II and III limited energy systems, all fire alarm systems and the dedicated branch circuit wiring.

(8) A limited electrician in crane wiring must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. A limited electrician in crane wiring is restricted to the installation of electrical equipment and wiring used in connection with cranes, mono-rail hoists, hoists and runways.

C. A person may be eligible for a limited electrician license by providing evidence of comparable work experience, education or training within the State or outside the State, acceptable to the board.

D. The board may adopt rules to establish standards in accordance with the Maine Administrative Procedure Act. The rules must allow the board to exercise its discretion to determine if a limited electrician license holder applying for a master electrician's license has adequate experience in all phases of electrical installation to take the examination.

**Sec. 18. 32 MRSA §1206**, as enacted by PL 1993, c. 636, §2, is amended to read:

### **§1206. Reciprocity**

The board shall issue a license to any person who files ~~a sworn~~ an application, who is licensed under the laws of another state or territory of the United States and who has been licensed and actively engaged in an electrician's work for a minimum of ~~6 years~~ 8,000 hours, as long as that state or territory has licensing standards and experience requirements at least equivalent to this State's and as long as that state or territory grants similar privileges to persons licensed under this chapter. Reciprocal licenses may not be denied on the basis of current residency.

Notwithstanding other provisions of this section, the board, upon receiving an application for a reciprocal license, may waive the 576 hours of study required for a journeyman or master license pursuant to section ~~4202~~ 1202-A. The board may require the applicant to submit such written evidence, ~~verified by oath~~, as it determines necessary to support the application.

Sec. 19. 32 MRSA §1207 is enacted to read:

**§1207. Electrical installations performed as part of an electrical education or state apprenticeship program**

**1. Installation as part of education or apprenticeship program.** A person licensed under this chapter as a master electrician who teaches an electrical course at a career and technical education center or at a community college in this State, through an apprenticeship program registered by the Department of Labor or provided by a state career and technical education region may have a maximum of 12 helper or apprentice electricians under that person's direct supervision while making electrical installations that are a part of the instructional program of the school or apprenticeship program. An electrical installation may not be commenced pursuant to this section without the prior approval of the director or president of the school or program at which the master electrician is an instructor. Electrical installations authorized under this section are limited to those in buildings or facilities owned or controlled by:

- A. School administrative units; and
- B. Nonprofit organizations.

**2. Notification; inspection.** The board and the municipal electrical inspector of the municipality in which the electrical installation is to be made, if the municipality has an inspector, must be notified of all electrical installation projects pursuant to this section prior to the commencement of the projects. There must be an inspection by a state electrical inspector or by the municipal electrical inspector of the municipality in which the electrical installation has been made, if the municipality has an inspector, before any wiring on the project is concealed.

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

Effective June 14, 2017.

**CHAPTER 199**

**S.P. 133 - L.D. 406**

**An Act To Amend the Law Regarding Joint Use of Certain Utility and Telecommunications Infrastructure**

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

**Sec. 1. 35-A MRSA §711**, as amended by PL 2011, c. 623, Pt. B, §4, is further amended to read:

**§711. Joint use of equipment**

**1. Joint use permitted.** The commission may order that joint use be permitted and prescribe reasonable compensation and reasonable terms and conditions for the joint use when, after a hearing had upon its own motion or upon complaint of a public utility, voice service provider, dark fiber provider, wholesale competitive local exchange carrier or cable television system joint use entity affected, it finds the following:

- A. That public convenience and necessity require the use by one public utility, voice service provider, dark fiber provider, wholesale competitive local exchange carrier or cable television system of the conduits, subways, wires, a joint use entity to provide nondiscriminatory access to any poles, pipes or other equipment, or any part of them, on, over or under any street or highway and belonging to another public utility, voice service provider, dark fiber provider, wholesale competitive local exchange carrier or cable television system ducts, conduits or rights-of-way owned or controlled by another joint use entity;
- B. That joint use will not result in irreparable injury to the owner or other users of the conduits, subways, wires, poles, pipes poles, ducts, conduits or other equipment rights-of-way or in any substantial detriment to the service; and
- C. That the public utilities, voice service provider, dark fiber provider, wholesale competitive local exchange carrier or cable television system joint use entities have failed to agree upon the use or the terms and conditions or compensation for the use; and
- D. That the joint use entity seeking access to the poles, ducts, conduits or rights-of-way owned or controlled by another joint use entity has the technical and financial capabilities to fulfill its obligations related to such joint use.

**2. Liability of user.** If joint use is ordered, the public utility, voice service provider, dark fiber provider, wholesale competitive local exchange carrier or cable television system joint use entity to whom the use is permitted is liable to the owner or other users of the conduits, subways, wires, poles, pipes or other equipment poles, ducts, conduits or rights-of-way for damage that may result from its use to the property of the owner or other users.

**3. Interests of customers.** Any actions taken or orders issued by the commission under this section shall must take into account the interests of the subscribers customers of the affected cable television system, as well as the customers of the affected public utilities joint use entities.

**4. Rules.** The commission shall adopt a rule rules governing the resolution of pole attachment rate