CHAPTER 7-A

OVERHEAD HIGH-VOLTAGE LINE SAFETY ACT

§751. Short title

This Act may be known and cited as the "Overhead High-voltage Line Safety Act." [PL 1995, c. 348, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 348, §1 (NEW).

§752. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1995, c. 348, §1 (NEW).]

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 to come within 10 feet of an overhead high-voltage line during erection, construction, operation or maintenance, 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, boat masts and outriggers, houses or other structures in transport and gutters, siding and other construction materials. "Covered equipment or items" also includes traffic lighting.
[PL 2015, c. 177, §1 (AMD).]

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, that are owned or operated by a transmission and distribution utility, except those conductors that are:

A. Enclosed in a rigid metallic conduit or flexible armored conduit; or [PL 1995, c. 348, §1 (NEW).]

B. On the premises of mines that are subject to the provisions of the Federal Mine Safety and Health Act of 1977, 30 United States Code, Section 801 and regulations adopted pursuant to that Act by the federal Mine Safety and Health Administration. [PL 1995, c. 348, §1 (NEW).]
[PL 1999, c. 398, Pt. A, §19 (AMD); PL 1999, c. 398, Pt. A, §§104, 105 (AFF).]

3. Person. "Person" means natural person, firm, business association, company, partnership, corporation or other legal entity.
[PL 1995, c. 348, §1 (NEW).]

4. Person responsible. "Person responsible" means the person performing or controlling the job or activity that necessitates the precautionary safety measures required by this chapter.
[PL 1995, c. 348, §1 (NEW).]

4-A. Traffic lighting. "Traffic lighting" means a dynamic sign that is capable of electronically displaying a changing message that provides motorists traffic-emergency-related information or means a luminaire, traffic signal or traffic beacon used for traffic control.
[PL 2015, c. 177, §2 (NEW).]

5. Warning sign. "Warning sign" means a weather-resistant sign of not less than 5 inches by 7 inches with at least 2 panels: a signal panel and a message panel. The signal panel must contain the

signal word "WARNING" in black lettering and a safety alert symbol consisting of a black triangle with an orange exclamation point, all on an orange background. The message panel must contain the following words, either in black letters on a white background or white letters on a black background: "UNLAWFUL TO OPERATE THIS EQUIPMENT WITHIN 10 FEET OF OVERHEAD HIGH-VOLTAGE LINES - Contact with power lines may result in death or serious burns." A symbol or pictorial panel may also be added. The warning sign language, lettering, style, colors, size and format must meet the requirements of the American National Standard Institute, Standard Z535.4-1991, Product Safety Signs and Labels, or its successors.
[PL 1995, c. 348, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 348, §1 (NEW). PL 1999, c. 398, §A19 (AMD). PL 1999, c. 398, §§A104,105 (AFF). PL 2015, c. 177, §§1, 2 (AMD).

§753. Duty and responsibility

It is the duty and responsibility of employers of persons and individuals who use any covered equipment or items, for the benefit of themselves or others, to acquaint themselves and their employees or agents using the equipment or items or engaged in the work operations or other activities with the provisions of this chapter and the rules prescribed and adopted pursuant to it. [PL 1995, c. 348, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 348, §1 (NEW).

§754. Prohibited activities

The following activities are prohibited until the requirements of sections 756 and 757 are met. [PL 1995, c. 348, §1 (NEW).]

1. Perform work. A person may not individually or through an agent or as an agent or employee perform any work or activity on any land, building, highway or other premises that may cause:

A. A person to be placed within 10 feet of an overhead high-voltage line; or [PL 1995, c. 348, §1 (NEW).]

B. A tool or material used by a person to be brought within 10 feet of an overhead high-voltage line. [PL 1995, c. 348, §1 (NEW).]
[PL 1995, c. 348, §1 (NEW).]

2. Erect; construct; operate; maintain; transport; store. A person may not, individually or through an agent or employee or as an agent or employee, erect, construct, operate, maintain, transport or store any covered equipment or item within 10 feet of an overhead high-voltage line, except as allowed in this subsection. The clearance from an overhead high-voltage line may be less than 10 feet but not less than 4 feet for the following covered equipment or items in the following circumstances:

A. A sail boat on high water; [PL 1995, c. 348, §1 (NEW).]

B. Covered equipment lawfully driven or transported on public streets and highways in compliance with the height restriction applicable to that street or highway; or [PL 1995, c. 348, §1 (NEW).]

C. Refuse collection equipment wherever operated. [PL 1995, c. 348, §1 (NEW).]
[PL 1995, c. 348, §1 (NEW).]

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

[PL 1995, c. 348, §1 (NEW).]

4. Store. A person may not, individually or through an agent or employee or as an agent or employee, store or cause to be stored, underneath or in proximity to an overhead high-voltage line, any materials that are expected to be moved or handled by covered equipment in a manner that could bring the materials or the covered equipment within 10 feet of an overhead high-voltage line.
[PL 1995, c. 348, §1 (NEW).]

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

A. Raising, moving or displacing an overhead utility line of any type or nature, including high-voltage, low-voltage, telephone, cable television, fire alarm or other line; or [PL 1995, c. 348, §1 (NEW).]

B. Pulling or pushing a pole, guy or other structural appurtenance. [PL 1995, c. 348, §1 (NEW).]
[PL 1995, c. 348, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 348, §1 (NEW).

§755. Clearance reduced

If the overhead high-voltage line is covered with a mechanical barrier, in accordance with section 758, the required clearance under section 754, subsections 1 and 2 may be reduced to the designed working dimensions of the mechanical barrier. If the line is de-energized and grounded, in accordance with section 758, subsection 5, the required clearance under section 754, subsections 1 and 2 is reduced from 10 feet to 2 feet. Under no circumstances may the overhead high-voltage line or its covering be contacted. If the overhead high-voltage lines are temporarily raised or moved to accommodate the expected work or other activity, without also being insulated or de-energized and grounded, the required clearance under section 754, subsections 1 and 2 may not be reduced. [PL 1995, c. 348, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 348, §1 (NEW).

§756. Warning signs

A person may not, individually or through an agent or employee or as an agent or employee, operate covered equipment in the proximity of an overhead high-voltage line unless there are posted and maintained warning signs as follows: [PL 1995, c. 348, §1 (NEW).]

1. In covered equipment. A sign must be located in the covered equipment and readily visible and legible to the operator of the covered equipment when at the controls of the covered equipment; and
[PL 1995, c. 348, §1 (NEW).]

2. Outside covered equipment. Signs must be located on the outside of covered equipment in numbers and locations that are readily visible and legible at a distance of 12 feet by people engaged in the work operations.
[PL 1995, c. 348, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 348, §1 (NEW).

§757. Notification

1. Notification. When a person is going to carry on any work or activity in closer proximity to an overhead high-voltage line than permitted by this chapter, the person responsible for the work or activity must notify the owner or operator of the overhead high-voltage line prior to the time the work

or activity is to be commenced. Notification must be at least 72 hours in advance of the work or activity, excluding Saturday, Sunday and legal state and federal holidays, except in emergency situations that include police, fire and rescue emergencies, in which case notification must be made as soon as possible. When the person responsible for the work activity is under contract or agreement with a government entity and the government entity and the owner or operator of the overhead high-voltage lines have already made satisfactory mutual arrangements, further arrangements for that particular activity are not required.
[PL 1995, c. 348, §1 (NEW).]

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

A. The name of the individual serving the notice; [PL 1995, c. 348, §1 (NEW).]

B. The location of the proposed work or activity; [PL 1995, c. 348, §1 (NEW).]

C. The name, address and telephone number of the person responsible for the work or activity; [PL 1995, c. 348, §1 (NEW).]

D. The field telephone number at the site of the work or activity, if one is available; [PL 1995, c. 348, §1 (NEW).]

E. The type and extent of the proposed work or activity; [PL 1995, c. 348, §1 (NEW).]

F. The name of the person for whom the proposed work or activity is being performed; [PL 1995, c. 348, §1 (NEW).]

G. The time and date of the notice; and [PL 1995, c. 348, §1 (NEW).]

H. The date and time when the work or activity is to begin. [PL 1995, c. 348, §1 (NEW).]
[PL 1995, c. 348, §1 (NEW).]

3. Telephone notification. If the notification required by this section is made by telephone, a record of the notification must be maintained by the owner or operator of the overhead high-voltage line and by the person giving the notice to document compliance with the requirements of this section.
[PL 1995, c. 348, §1 (NEW).]

4. Address and telephone. To facilitate the notification required by this section, every owner or operator of overhead high-voltage lines that does not participate in an association for mutual receipt of notification of activities close to overhead high-voltage lines shall file with the commission the addresses and telephone numbers of the contact persons or offices of the owner or operator of overhead high-voltage lines in the State to whom all notifications concerning proposed work in the service territory of the owner or operator is directed. The information must be maintained by the commission in a manner determined by the commission.
[PL 1995, c. 348, §1 (NEW).]

5. Form association. Owners or operators of overhead high-voltage lines may form and operate an association providing for mutual receipt of notification of activities close to overhead high-voltage lines in a specified area. In areas where 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; [PL 1995, c. 348, §1 (NEW).]

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; [PL 1995, c. 348, §1 (NEW).]

C. The association whose members or participants have overhead high-voltage lines within the State 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 with the commission; and [PL 1995, c. 348, §1 (NEW).]

D. If notification is made by telephone, record must be maintained by the association to document compliance with the requirements of this section. [PL 1995, c. 348, §1 (NEW).]

[PL 1995, c. 348, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 348, §1 (NEW).

§758. Precautionary safety arrangements

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

[PL 1995, c. 348, §1 (NEW).]

2. Appropriate for work. The precautionary safety measures must be appropriate for the work or activity for which the owner or operator of overhead high-voltage lines has received notification. During negotiations, the person responsible for the work or activity may change the notification of intended activities to include different or limited work or activities so as to reduce the precautionary safety measures required to accommodate the work or activities. The precautionary safety measures may not violate the requirements of the National Electrical Safety Code.

[PL 1995, c. 348, §1 (NEW).]

3. Agreement for payment. Agreements for payments of the costs of precautionary safety measures are governed by the following provisions.

A. If the owner or operator of the overhead high-voltage line has standard rates that apply to the provision of precautionary safety arrangements, the owner or operator of the overhead high-voltage line is not required to provide precautionary safety measures until payment has been made by the person requesting the safety measures or an agreement for payment has been reached. [PL 1995, c. 348, §1 (NEW).]

B. If the owner or operator of the overhead high-voltage line does not have standard rates, the owner or operator of the overhead high-voltage lines is not required to provide the precautionary safety arrangements until an agreement for payment has been made, except that, if there is a dispute over the amount to be charged by the owner or operator of the overhead high-voltage lines for providing the arrangements, the owner or operator shall commence providing precautionary safety measures as if an agreement had been reached. If an agreement for payment has not been reached within 14 days from the completion of precautionary safety measures, the owner or operator and the person or business entity responsible for the work activities shall resolve the dispute by arbitration or other legal means. [PL 1995, c. 348, §1 (NEW).]

[PL 1995, c. 348, §1 (NEW).]

4. Initiate; timely fashion. Unless otherwise agreed, the owner or operator of the overhead high-voltage lines shall initiate the agreed upon precautionary safety arrangements within 3 working days after the date of agreement for payment, if required, has been reached or within 5 working days of notice that the work activity is being done without an agreement. Once initiated, the owner or operator of the overhead high-voltage lines shall complete the work promptly and without interruption,

consistent with the owner's or operator's service needs. If the owner or operator of the overhead high-voltage lines fails to provide the agreed upon precautionary safety arrangements within the period agreed upon, the owner or operator of the overhead high-voltage lines is liable for costs or loss of production of the person or business entity requesting the precautionary safety arrangements in order to work in proximity to overhead high-voltage lines, except that no liability exists during times of emergency, such as storm repair.
[PL 1995, c. 348, §1 (NEW).]

5. Inclusion. Precautionary safety arrangements may include:

A. Placement of temporary mechanical barriers separating and preventing contact between material, equipment or persons and overhead high-voltage lines; [PL 1995, c. 348, §1 (NEW).]

B. Temporary de-energization and grounding; [PL 1995, c. 348, §1 (NEW).]

C. Temporary relocation or raising of the overhead high-voltage lines; or [PL 1995, c. 348, §1 (NEW).]

D. Any other measures that are appropriate in the judgment of the owner or operator of the overhead high-voltage lines. [PL 1995, c. 348, §1 (NEW).]
[PL 1995, c. 348, §1 (NEW).]

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

A. Prior arrangements for payment are made between a government entity for whom the work is to be done and the owner or operator of the overhead high-voltage line; or [PL 1995, c. 348, §1 (NEW).]

B. The owner or operator of the overhead high-voltage line has not installed the overhead high-voltage line in conformance with the applicable edition of the National Electrical Safety Code. If the overhead high-voltage line is not installed in conformance with the applicable edition of the National Electrical Safety Code, the liability of the person responsible for the work or activity is limited to the amount required to accommodate the work or activity minus the amount required to bring the installation into compliance with the National Electrical Safety Code. [PL 1995, c. 348, §1 (NEW).]
[PL 1995, c. 348, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 348, §1 (NEW).

§759. Enforcement

The provisions of this chapter are considered safety and health standards of the State. A person who causes, permits or allows work or other activity in violation of the provisions of this chapter may be assessed a civil penalty not exceeding $1,700 for each day the violation continues. [PL 2021, c. 318, §6 (AMD).]

Civil penalties may be recovered in a civil action in the name of the State brought in the Superior Court for the county where the violation is alleged to have occurred or where the violator resides or has its principal office. Interest accrues on the penalties at a rate of 1 1/2% per month except that the interest is suspended during the pendency of an appeal. [PL 1995, c. 348, §1 (NEW).]

SECTION HISTORY

PL 1995, c. 348, §1 (NEW). PL 2021, c. 318, §6 (AMD).

§760. Liability

A person is liable to the owner or operator of the overhead high-voltage line and 3rd parties, if any, for all or part of the damages to facilities and injuries to persons and all or part of the costs, expenses and liabilities incurred by the owner or operator of the overhead high-voltage lines and 3rd parties, if any, as a result of any contact with an overhead high-voltage line if the person causes, permits or allows any work or activity in violation of a provision of this chapter and, as a result, a physical or electrical contact with an overhead high-voltage line occurs. The allocation of damages must be based on the comparative negligence of the parties as set forth in Title 14, section 156, except that employers of injured persons are immune from payment of damages to the extent provided under the Maine Workers' Compensation Act of 1992. [PL 2021, c. 618, §1 (AMD).]

SECTION HISTORY

PL 1995, c. 348, §1 (NEW). PL 2021, c. 618, §1 (AMD).

§761. Exemptions

1. Overhead electrical; communication circuits; conductors. This chapter does not apply to any person while engaged in the construction, reconstruction, operation and maintenance of overhead electrical or communication circuits or conductors and their supporting structures and associated equipment, if the person is an employee of the owner or operator of the overhead electrical or communication circuits or conductors or an independent contractor engaged on behalf of the owner or operator of the overhead electrical or communication circuits or conductors, including, but not limited to, employees of and independent contractors working for the following:

A. Any business operating rail transportation systems; [PL 1995, c. 348, §1 (NEW).]

B. Any business operating electrical generating, transmission or distribution systems; [PL 1995, c. 348, §1 (NEW).]

C. Any business operating communication systems; or [PL 1995, c. 348, §1 (NEW).]

D. Any business operating cable television systems. [PL 1995, c. 348, §1 (NEW).]
[PL 1995, c. 348, §1 (NEW).]

2. Agricultural activities. The provisions of sections 756 and 757 do not apply to a person operating agricultural equipment for agricultural purposes. If the equipment is likely to be routinely brought within 10 feet of an overhead high-voltage line, the owner or operator of the equipment must in each calendar year, prior to using the equipment, provide the owner or operator of the high-voltage line with the information required in section 757, subsection 2.
[PL 1995, c. 348, §1 (NEW).]

3. Water and sewer system operators. This chapter does not apply to any employee or independent contractor engaged on behalf of:

A. A water utility; [PL 1995, c. 348, §1 (NEW).]

B. A sewer district or sanitary district; or [PL 1995, c. 348, §1 (NEW).]

C. A municipal sewer department. [PL 1995, c. 348, §1 (NEW).]
[PL 1995, c. 348, §1 (NEW).]

4. State agencies; quasi-independent state agencies; municipalities. The provisions of sections 756 and 757 do not apply to the installation or maintenance of traffic lighting by an employee of a state agency, quasi-independent state agency or municipality or by a person performing the installation or maintenance on behalf of a state agency, quasi-independent state agency or municipality. Nothing in this subsection exempts a person installing or maintaining traffic lighting from any applicable training certification or licensing requirements for performing the installation or maintenance, and the installation or maintenance must be performed in accordance with all applicable federal, state and local laws, regulations, safety codes and ordinances and any other applicable safety requirements. A

municipality or a contractor working for a municipality must maintain any minimum insurance requirements specified by the Department of Transportation. For purposes of this subsection, "quasi-independent state agency" has the same meaning as in Title 5, section 12021, subsection 5.
[PL 2015, c. 177, §3 (NEW).]

SECTION HISTORY

PL 1995, c. 348, §1 (NEW). PL 2015, c. 177, §3 (AMD).

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