

Notice of Agency Rule-making Proposal

AGENCY: Department of Professional and Financial Regulation, Office of Licensing and Registration, Electricians' Examining Board

CHAPTER NUMBER AND TITLE: Chapter 120, Electric Installation Standards; Chapter 135, Electrical Permits

PROPOSED RULE NUMBER *(leave blank; assigned by Secretary of State)*:

CONTACT PERSON FOR THIS FILING: Cheryl Hersom, Board Administrator, Office of Licensing and Registration, 35 State House Station, Augusta, ME 04333, (207) 624-8605, cheryl.c.hersom@maine.gov

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different): Same as above

PUBLIC HEARING (if any): May 20, 2011, 9:00 a.m., Department of Professional and Financial Regulation, 76 Northern Avenue, Gardiner, Maine

COMMENT DEADLINE: May 31, 2011

BRIEF *SUMMARY: The proposed amendments to Chapter 120 conform the National Electrical Code for Maine to the release of the 2011 edition of the National Electrical Code ("NEC"). The 2011 NEC replaces the 2008 NEC, on which this chapter is currently based. Proposed Chapter 135 eliminates the ability of an electrical company to apply for an electrical permit. Under this chapter, application may only be made by an individual master electrician or limited electrician.

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): None

STATUTORY AUTHORITY FOR THIS RULE: 32 MRSA §§1102-B(2) and (4), 1153, 1153-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: jeffrey.m.frankel@maine.gov

* Check one of the following two boxes.

The above summary is for use in both the newspaper and website notices.

The above summary is for the newspaper notice only. A more detailed summary / basis statement is attached.

Please approve bottom portion of this form and assign appropriate AdvantageME number.

APPROVED FOR PAYMENT _____ DATE: _____
(authorized signature)

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
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Notice of Agency Rule-making Proposal

DETAILED BASIS STATEMENT / SUMMARY:

Chapter 120

The proposed amendments to Chapter 120 conform the National Electrical Code for Maine to the release of the 2011 edition of the National Electrical Code ("NEC"). The 2011 NEC replaces the 2008 NEC, on which Chapter 120 is currently based.

This proposed amendments to Chapter 120 change various provisions of the 2011 NEC in recognition of Maine conditions not reflected in the national rule. The changes are shown in the following table:

Chapter 120	Analysis and expected operation
2(A) 2(C)	NEC 210.5(C) and 215.12(C) deal with identification of branch circuits and feeders, respectively. The exceptions taken in this chapter disallow documentation as a permitted method of identification. Field experience has shown that this is not a reliable method of identification.
2(D) 2(E)	The exception taken to NEC 334.10(3) and the non-adoption of NEC 334(12(A)(2) provide for less restrictive requirements for the installation of Type NM-B cable. This is a common inexpensive cable type and wiring method. This action will result in considerable cost savings to building owners without jeopardizing the safety or persons or property.
2(B)	The exception in the current rules to NEC 210.8(A)(5) is no longer needed. The purpose of the exception was to prevent a flooded basement because of nuisance tripping of a GFCI receptacle. The exception is no longer needed because standards for manufacture of these devices have changed and nuisance tripping is no longer a problem.
2(F) and 2(H) – 2(Q)	The ten exceptions in the current rules relating to securing and supporting raceway systems and the exception to NEC 338.10(4)(a) are no longer needed due to changes in the 2011 edition of the NEC. The 2011 changes reflect the intent of the exceptions.
2(G)	The exceptions taken to NEC 338.12(B)(1) and (2) result in a rule less restrictive than the NEC by permitting extension of USE cable to the first termination at a building or structure. This generates savings to the owner in that equipment for transitioning to a different wiring method is not necessary.
2(R)	NEC 702.4 requires that when automatic transfer equipment is used with a generator, the generator must be sized to carry the entire transferred load. The exception to this section exempts single-family dwellings from this requirement, resulting in substantial savings to homeowners.

The exceptions to the NEC made in this chapter do not/will not adversely affect the public safety.

Chapter 135

Proposed Chapter 135 eliminates the ability of an electrical company to apply for an electrical permit. Under this chapter, application may only be made by an individual master electrician or limited electrician.

Title 32 MRSA §1102-B(1) of the electricians licensing law requires the “person making the installation” to be the person applying for a permit. Under current practice, the board accepts permit applications from electrical companies, master electricians and limited electricians. Although an electrical company license must be validated by a master electrician or limited electrician, current law imposes no supervisory responsibility on the validating master licensee. As a consequence, some company licenses are validated by a master or limited electrician who has no knowledge of or personal involvement in the work performed by the company. On information and belief, such validating masters or limited licensees may be retired from the trade and living out-of-state. Such absentee validating masters or limited licensees may be compensated by journeyman electricians who apply for permits in the name of the company—in essence, be paid solely for the use of their name and license number. The proposed rule will: (a) require the electrician performing the installation to apply for a permit and prohibit electrical companies with absentee validators from applying for permits, (b) impose responsibility for compliance with the laws and rules governing electricians on the individual master electrician or limited electrician who applies for a permit, and (c) enhance public safety by ensuring supervision of the installation by the validating master or limited electrician.

The proposed rule responds to enforcement difficulties faced by the board inspectors when investigating electrical installations that violate the Maine electrical code. In some cases, board staff has been unable to identify the electrician who performed the installation with sufficient certainty to bring a complaint for safety violations. In some cases, a master or limited electrician has denied any knowledge of or participation in an installation that was authorized by a permit obtained by the electrical company for which such master or limited electrician was the validating licensee. This is an abuse of the licensing law that undercuts accountability for substandard installations and jeopardizes public safety.

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**318 ELECTRICIANS' EXAMINING BOARD****MARKED-UP
VERSION****Chapter 120: ELECTRICAL INSTALLATION STANDARDS**

SUMMARY: This chapter establishes the effective dates of the current edition of the National Electrical Code to which all installations must conform.

1. All installations of electrical equipment commencing on or after ~~September 1, 2008~~July 1, 2011 ~~shall~~must comply with the ~~2008-2011~~ edition of the National Electrical Code, National Fire Protection standard #70, as well as with all applicable statutes or rules of the State and all applicable ordinances, orders, rules and regulations of local municipalities.
2. The Board hereby adopts and incorporates into this chapter by reference The National Electrical Code, National Fire Protection Association standard #70, (~~2008-2011~~ edition) with the following exceptions:
 - A. The Board adopts Article 210.5(C) with the following amendment:

210.5 Identification for Branch Circuits.

- (C) **Ungrounded Conductors.** Where the premises wiring system has branch circuits supplied from more than one nominal voltage system, each ungrounded conductor of a branch circuit shall be identified by phase or line and system at all termination, connection, and splice points. The means of identification shall be permitted to be by separate color coding, marking tape, tagging, or other approved means. The method utilized for conductors originating within each branch-circuit panelboard or similar branch-circuit distribution equipment ~~shall be documented in a manner that is readily available~~ or shall be permanently posted at each branch-circuit panelboard or similar branch-circuit distribution equipment.

- B. ~~The Board adopts Article 210.8(A)(5), Exception to (5), with the following amendment:~~[exception deleted]

~~**210.8 — Ground-Fault Circuit-Interrupter Protection for Personnel.**~~~~**(A) — Dwelling Units.**~~

~~*Exception to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground fault circuit interrupter protection. A single receptacle connected to an individual branch circuit supplying a sump pump shall not be required to have ground fault circuit interrupter protection, provided that a GFCI*~~

~~protected receptacle is located within 900 mm (3 ft) of the non-GFCI protected receptacle.~~

- C. The Board adopts Article 215.12(C) with the following amendment:

215.12 Identification of Feeders.

- (C) **Ungrounded Conductors.** Where the premises wiring system has feeders supplied from more than one nominal voltage system, each ungrounded conductor of a feeder shall be identified by phase or line and system at all termination, connection, and splice points. The means of identification shall be permitted to be by separate color coding, marking tape, tagging, or other approved means. The method utilized for conductors originating within each feeder panelboard or similar feeder distribution equipment ~~shall be documented in a manner that is readily available or~~ shall be permanently posted at each feeder panelboard or similar feeder distribution equipment.

- D. The Board adopts Article 334.10(3) with the following amendment:

334.10 Uses Permitted.

- (3) Other structures permitted to be of Types III, IV, and V construction except as prohibited in 334.12. ~~Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.~~

- E. The Board does not adopt Article 334.12(A)(2), **Uses Not Permitted.**

- F. ~~The Board adopts Article 338.10(4)(a) with the following amendment: [exception deleted]~~

~~**338.10 Uses Permitted.**~~

~~(4) **Installation Methods for Branch Circuits and Feeders.**~~

- ~~(a) **Interior Installations.** In addition to the provisions of this article, Type SE service entrance cable used for interior wiring shall comply with the installation requirements of Part II of Article 334, except that the ampacity need not be in accordance with the 60°C (194°F) conductor temperature rating.~~

- G. The Board adopts Article 338.12(B) (1) and (2) with the following amendment:

338.12 Uses Not Permitted.

(B) Underground Service-Entrance Cable.

- (1) For interior wiring of branch circuits and feeders originating and terminating within the same building.
- (2) For aboveground installations except where USE cable emerges from the ground and is terminated in an enclosure at ~~an outdoor~~ a location acceptable to the Authority Having Jurisdiction and the cable is protected in accordance with 300.5(D).

- H. ~~The Board adopts Article 342.30 with the following amendment:~~[exception deleted]

~~**342.30 Securing and Supporting.** IMC shall be installed as a complete system in accordance with 300.18 and shall be securely fastened in place and supported in accordance with 342.30(A) and (B), or permitted to be unsupported in accordance with 342.30(C).~~

- I. ~~The Board does not adopt Article 342.30(C),~~ **Unsupported Raceways.**[exception deleted]

- J. ~~The Board adopts Article 344.30 with the following amendment:~~[exception deleted]

~~**344.30 Securing and Supporting.** RMC shall be installed as a complete system in accordance with 300.18 and shall be securely fastened in place and supported in accordance with 344.30(A) and (B), or permitted to be unsupported in accordance with 344.30(C).~~

- K. ~~The Board does not adopt Article 344.30(C),~~ **Unsupported Raceways.**[exception deleted]

- L. ~~The Board adopts Article 352.30 with the following amendment:~~[exception deleted]

~~**352.30 Securing and Supporting.** PVC conduit shall be installed as a complete system in accordance with 300.18 and shall be fastened so that movement from thermal expansion or contraction is permitted. PVC conduit shall be securely fastened and supported in accordance with 352.30(A) and (B), or permitted to be unsupported in accordance with 352.30(C).~~

- M. ~~The Board does not adopt Article 352.30(C),~~ **Unsupported Raceways.**[exception deleted]

- N. ~~The Board adopts Article 355.30 with the following amendment:~~[exception deleted]

~~**355.30 Securing and Supporting.** RTRC shall be installed as a complete system in accordance with 300.18 and shall be securely fastened in place and supported in accordance with 355.30(A) and (B), or permitted to be unsupported in accordance with 355.30(C).~~

- O. ~~The Board does not adopt Article 355.30(C),~~ **Unsupported Raceways.**[exception deleted]

P. ~~The Board adopts Article 358.30 with the following amendment:[exception deleted]~~

~~**358.30 Securing and Supporting.** EMT shall be installed as a complete system in accordance with 300.18 and shall be securely fastened in place and supported in accordance with 358.30(A) and (B), or permitted to be unsupported in accordance with 358.30(C).~~

Q. ~~The Board does not adopt Article 358.30(C), **Unsupported Raceways**:[exception deleted]~~

R. The Board adopts Article ~~702.5(B)(2)~~702.4(B)(2) with the following amendment:

~~702.5~~**702.4** **Capacity and Rating**

(B) System Capacity.

(2) **Automatic Transfer Equipment.** For other than single-family dwellings, where automatic transfer equipment is used, an optional standby system shall comply with (2)(a) or (2)(b).

3. Copies of the National Electrical Code, National Fire Protection Association standard #70 may be purchased from:

National Fire Protection Association
1 Batterymarch Park, P.O. Box 9101
Quincy, MA 02269-9101
Telephone: 1-800-344-3555

STATUTORY AUTHORITY: 32 M.R.S.A. §§ 1153 and 1153-A

EFFECTIVE DATE:
February 16, 1986

AMENDED:
January 10, 1988
December 27, 1989
March 27, 1993
June 10, 1996

EFFECTIVE DATE (ELECTRONIC CONVERSION):
November 2, 1996

AMENDED:
July 15, 2000

REPEALED AND REPLACED:
August 28, 2002

August 20, 2005 – filing 2005-328

AMENDED:

September 1, 2008 – filing 2008-361

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**318 ELECTRICIANS' EXAMINING BOARD****CLEAN
VERSION****Chapter 120: ELECTRICAL INSTALLATION STANDARDS**

SUMMARY: This chapter establishes the effective dates of the current edition of the National Electrical Code to which all installations must conform.

1. All installations of electrical equipment commencing on or after July 1, 2011 must comply with the 2011 edition of the National Electrical Code, National Fire Protection standard #70, as well as with all applicable statutes or rules of the State and all applicable ordinances, orders, rules and regulations of local municipalities.

2. The Board hereby adopts and incorporates into this chapter by reference The National Electrical Code, National Fire Protection Association standard #70, (2011 edition) with the following exceptions:

A. The Board adopts Article 210.5(C) with the following amendment:

210.5 Identification for Branch Circuits.

(C) **Ungrounded Conductors.** Where the premises wiring system has branch circuits supplied from more than one nominal voltage system, each ungrounded conductor of a branch circuit shall be identified by phase or line and system at all termination, connection, and splice points. The means of identification shall be permitted to be by separate color coding, marking tape, tagging, or other approved means. The method utilized for conductors originating within each branch-circuit panelboard or similar branch-circuit distribution equipment shall be documented in a manner that is readily available or shall be permanently posted at each branch-circuit panelboard or similar branch-circuit distribution equipment.

B. [exception deleted]

C. The Board adopts Article 215.12(C) with the following amendment:

215.12 Identification of Feeders.

(C) **Ungrounded Conductors.** Where the premises wiring system has feeders supplied from more than one nominal voltage system, each ungrounded conductor of a feeder shall be identified by phase or line and system at all termination, connection, and splice points. The means of identification shall be permitted to be by separate color coding, marking tape, tagging, or other approved means. The method utilized for conductors originating

within each feeder panelboard or similar feeder distribution equipment ~~shall be documented in a manner that is readily available or~~ shall be permanently posted at each feeder panelboard or similar feeder distribution equipment.

- D. The Board adopts Article 334.10(3) with the following amendment:

334.10 Uses Permitted.

- (3) Other structures permitted to be of Types III, IV, and V construction except as prohibited in 334.12. ~~Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.~~

- E. The Board does not adopt Article 334.12(A)(2), **Uses Not Permitted.**

F. [exception deleted]

- G. The Board adopts Article 338.12(B) (1) and (2) with the following amendment:

338.12 Uses Not Permitted.

(B) Underground Service-Entrance Cable.

- (1) For interior wiring of branch circuits and feeders originating and terminating within the same building.
- (2) For aboveground installations except where USE cable emerges from the ground and is terminated in an enclosure at ~~an outdoor~~ a location acceptable to the Authority Having Jurisdiction and the cable is protected in accordance with 300.5(D).

H. [exception deleted]

I. [exception deleted]

J. [exception deleted]

K. [exception deleted]

L. [exception deleted]

M. [exception deleted]

N. [exception deleted]

O. [exception deleted]

P. [exception deleted]

- Q. [exception deleted]
- R. The Board adopts Article 702.4(B)(2) with the following amendment:

702.4 Capacity and Rating

(B) System Capacity.

- (2) **Automatic Transfer Equipment.** For other than single-family dwellings, where automatic transfer equipment is used, an optional standby system shall comply with (2)(a) or (2)(b).

3. Copies of the National Electrical Code, National Fire Protection Association standard #70 may be purchased from:

National Fire Protection Association
1 Batterymarch Park, P.O. Box 9101
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AMENDED:

September 1, 2008 – filing 2008-361

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**318 ELECTRICIANS' EXAMINING BOARD****Chapter 135 ELECTRICAL PERMITS**

Summary: This chapter identifies the types of licensee who may apply for an electrical permit, requires that the licensee applying for a permit must personally sign the application, prohibits a licensee from signing a permit application on behalf of or in the name of another licensee, requires that the permit fee be paid at time of application, and states that a person who applies for a permit is legally and professionally responsible for compliance with the electrical laws and rules relating to the installation for which the permit was requested.

1. Application for Electrical Permit

Application for an electrical permit pursuant to 32 MRSA §1102-B may be made only by:

1. An individual master electrician; or
2. An individual limited electrician, for an installation within the scope of the licensee's limited practice.

The application must be personally signed by the master electrician or limited electrician applying for the permit. A licensee may not sign an application on behalf of or in the name of another licensee, even if authorized to do so by the other licensee.

2. Fees

An application for an electrical permit must be accompanied by the fees required by Chapter 10, Section 5(15) of the rules of the Department of Professional and Financial Regulation, Office of Licensing and Registration entitled "Establishment of License Fees."

3. Responsibility

A master electrician or limited electrician who applies for an electrical permit is legally and professionally responsible for compliance with all laws and rules enforceable by the board with respect to the installation for which the permit was requested.

STATUTORY AUTHORITY: 32 MRSA §1102-B(2) and (4), §1153, §1153-A

EFFECTIVE DATE: