

Notice of Agency Rulemaking Proposal

AGENCY: 02-318, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Electricians' Examining Board

CHAPTER NUMBER AND TITLE:

Chapter 160: Power Generation Systems as Electrical Installations

TYPE OF RULE (*check one*): Routine Technical Major Substantive

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

BRIEF SUMMARY:

The rulemaking proposes a new chapter that will explain when installations of power generation systems are, and are not considered "electrical installations" as that term is defined in statute. The proposed rule provides that a complete installation of a photovoltaic, fuel cell, or wind power generation system is an "electrical installation" as that term is defined by statute, and describes when installing portions of a photovoltaic power generation system that constitute less than a complete installation are not "electrical installations" as that term is defined by statute.

Date, time and location of PUBLIC HEARING (*if any*): May 21, 2021, 8:00 am. If the state of emergency in response to the novel coronavirus disease known as COVID-19 is still in place at the time of the hearing, the hearing will be held through remote access pursuant to 1 M.R.S. § 403-A. The information needed to access the hearing remotely will be posted on the Board's website at: <https://www.maine.gov/pfr/professionallicensing/professions/electricians/home/board-meeting-information>.

If the state of emergency no longer exists at the time of the hearing, the hearing will be held at the Office of Professional and Occupational Regulation, 76 Northern Avenue, Gardiner, Maine. The hearing may be continued on additional dates if necessary. Comments on the proposed rules may be submitted to the Board Administrator no later than 5:00 p.m., Monday, May 31, 2021 by emailing her at electrician.board@maine.gov or by mailing your comments to her at Electricians' Examining Board, Attn: Catherine M. Carroll, 35 State House Station, Augusta, ME 04333-0035.

COMMENT DEADLINE: May 31, 2021 by 5:00 p.m.

CONTACT PERSON FOR THIS FILING (*include name, mailing address, telephone, fax, TTY, email*): Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333, catherine.m.carroll@maine.gov, (tel) 207-624-8605, TTY users call Maine Relay 711

CONTACT PERSON FOR SMALL BUSINESS IMPACT STATEMENT (*if different*): N/A

FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES (*if any*): N/A

STATUTORY AUTHORITY FOR THIS RULE: 32 M.R.S. §§ 1101, 1153, 1153-A

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (*if different*): N/A

AGENCY WEBSITE: <https://www.maine.gov/pfr/professionallicensing/professions/electricians>

EMAIL FOR OVERALL AGENCY RULEMAKING LIAISON: Kristin.Racine@maine.gov

* Check one of the following two boxes.

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

The summary provided above is for the newspaper notice only. Title 5 §8053, sub-§5 & sub-§7, ¶D. A more detailed summary is attached for inclusion in the rulemaking notice posted on the Secretary of State's website. Title 5 §8053, sub-§3, ¶D & sub-§6.

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

APPROVED FOR PAYMENT _____ DATE: _____

(authorized signature)

FUND	AGENCY	ORG	APP	OBJ	PROGRAM	FUNDING Profile JVC	FUND Pri JVC	FUND Line JVC
014	02A	4220	01	4946				

Notice of Agency Rulemaking Proposal

Additional Information for the Web *(if any)*

DETAILED SUMMARY:

The rulemaking proposes a new chapter that will explain when installations of power generation systems are, and are not, considered “electrical installations” as that term is defined in statute. The proposed rule provides that a complete installation of a photovoltaic, fuel cell, or wind power generation system is an “electrical installation” as that term is defined by statute, and describes when installing portions of a photovoltaic power generation system that constitute less than a complete installation are not “electrical installations” as that term is defined by statute.

The proposed rule states that for purposes of installing portions of photovoltaic power generation systems that constitute less than a complete installation: (A) “Photovoltaic system” includes all components used to convert solar energy into electric energy; (B) Installation of any component of a photovoltaic system that converts solar energy into electric energy constitutes an “electrical installation” as that term is defined by statute; (C) Making either an electrical connection of any component within a photovoltaic system, or an electrical connection to such system, constitutes an “electrical installation” as that term is defined by statute; and (D) the mere construction or placement of a support structure intended to hold or support a photovoltaic system (including racking and mounting equipment such as frames, racks, rails, and footings) that does not itself convert solar energy into electric energy does not constitute an “electrical installation.”

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
318 ELECTRICIANS' EXAMINING BOARD

Chapter 160: POWER GENERATION SYSTEMS AS ELECTRICAL INSTALLATIONS

Summary: This chapter explains when installations of power generation systems are, and are not, considered "electrical installations."

1. Only licensed electricians may perform "electrical installations" as that term is defined in statute.
2. A complete installation of a photovoltaic, fuel cell, or wind power generation system is an "electrical installation" as that term is defined by statute.
3. For purposes of installing portions of photovoltaic power generation systems that constitute less than a complete installation:
 - A. A "photovoltaic system" includes all components used to convert solar energy into electric energy.
 - B. Installation of any component of a photovoltaic system that converts solar energy into electric energy constitutes an "electrical installation" as that term is defined by statute.
 - C. Making either an electrical connection of any component within a photovoltaic system, or an electrical connection to such system, constitutes an "electrical installation" as that term is defined by statute.
 - D. The mere construction or placement of a support structure intended to hold or support a photovoltaic system (including racking and mounting equipment such as frames, racks, rails, and footings) that does not itself convert solar energy into electric energy does not constitute an "electrical installation."

STATUTORY AUTHORITY: 32 M.R.S. §§ 1101, 1153, & 1153-A

EFFECTIVE DATE:

Rulemaking Fact Sheet

(5 MRS A §8057-A)

AGENCY: 02-318, Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation, Electricians' Examining Board

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON: Catherine M. Carroll, Board Administrator, 35 State House Station, Augusta, ME 04333, catherine.m.carroll@maine.gov, (tel) 207-624-8605, TTY users call Maine Relay 711

CHAPTER NUMBER AND RULE TITLE:

Chapter 160: Power Generation Systems as Electrical Installations

TYPE OF RULE (*check one*): Routine Technical Major Substantive

STATUTORY AUTHORITY: 32 M.R.S. §§ 1101, 1153, 1153-A

DATE, TIME AND PLACE OF PUBLIC HEARING: May 21, 2021, 8:00 am. If the state of emergency in response to the novel coronavirus disease known as COVID-19 is still in place at the time of the hearing, the hearing will be held through remote access pursuant to 1 M.R.S. § 403-A. The information needed to access the hearing remotely will be posted on the Board's website at:

<https://www.maine.gov/pfr/professionallicensing/professions/electricians/home/board-meeting-information>.

If the state of emergency no longer exists at the time of the hearing, the hearing will be held at the Office of Professional and Occupational Regulation, 76 Northern Avenue, Gardiner, Maine. The hearing may be continued on additional dates if necessary. Comments on the proposed rules may be submitted to the Board Administrator no later than 5:00 p.m., Monday, May 31, 2021 by emailing her at electrician.board@maine.gov or by mailing your comments to her at Electricians' Examining Board, Attn: Catherine M. Carroll, 35 State House Station, Augusta, ME 04333-0035.

COMMENT DEADLINE: May 31, 2021, 5:00 p.m.

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE:

In 2020, the Board engaged in the rulemaking process in an effort to clarify what portions of the installation of a photovoltaic system are considered an "electrical installation" as that term is defined in statute. This proposed rule is a continuation of that effort and in response to comments received during that rulemaking and at the December 18, 2020 public hearing. This proposed rule would create a new chapter in Board rules to explain when installations of power generation systems, including photovoltaic, fuel cell, or wind power generation systems, are, and are not, considered "electrical installations." The rule explains that while only licensed electricians may perform "electrical installations" as that term is defined in statute, the mere construction or placement of a support structure intended to hold or support a photovoltaic system (including racking and mounting equipment such as frames, racks, rails, and footings) that does not itself convert solar energy into electric energy does not constitute an "electrical installation" and therefore need not be performed by licensed electricians.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___ YES X NO

ANALYSIS AND EXPECTED OPERATION OF THE RULE:

The rulemaking proposes a new chapter that will explain when installations of power generation systems are, and are not, considered "electrical installations" as that term is defined in statute. The proposed rule provides that a complete installation of a photovoltaic, fuel cell, or wind power generation system is an "electrical installation" as that term is defined by statute, and describes when installing portions of a photovoltaic power generation system that constitute less than a complete installation are not "electrical installations" as that term is defined by statute. It is expected that this rule will provide clarity by codifying the Board's current interpretation of what is an electrical installation that must be performed by licensed electricians.

**BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE
(including up to 3 primary sources relied upon)**

Expertise of the state electrical inspector and Board members as well as the comments and input received by the public in prior rulemaking.

ESTIMATED FISCAL IMPACT OF THE RULE: The proposed rule is meant to codify the Board’s ongoing interpretation of what does and does not constitute an “electrical installation” as it is defined in statute. It is unknown whether or to what extent this codification in rule of an existing statutory interpretation will have a fiscal impact.

In response to its proposed 2020 rulemaking (Chapter 100, Definitions, Photovoltaic Racking System), the Board received comments with regard to installation of racking systems and solar project costs.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:

[see §8057-A(2)(A)]

**INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED
AND HOW THEY WILL BE AFFECTED:** [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.