

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1717

7 H. P. 1732

Office of the Clerk of the House

8 Submitted by the Department of Labor pursuant to Joint Rule 24.
9 Reference to the Committee on Labor suggested and 1,400 ordered
10 printed. Approved for introduction by the Legislative Council pursuant to
Joint Rule 26.

11 EDWIN H. PERT, Clerk

12 Presented by Representative Beaulieu of Portland.
13

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-TWO
18

19 **AN ACT to Amend Certain Provisions of the Elevator Laws.**
20

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

22 **Sec. 1.** 26 MRSA §472, sub-§5, last sentence, as
23 enacted by PL 1977, c. 543, §4, is amended to read:

24 The term "elevator" shall not include a dumbwaiter, con-
25 veyor, chain, or bucket hoist, tiering, piling or feeding
26 devices giving service within one story.

27 **Sec. 2.** 26 MRSA §483, as enacted by PL 1977, c. 543,
28 §4, is repealed.

29 **Sec. 3.** 26 MRSA §484, first ¶, 2nd sentence, as
30 enacted by PL 1977, c. 543, §4, is amended to read:

1 Elevator work in industrial plants, manufacturing plants and
2 hospitals may be performed by plant personnel who are not
3 licensed under sections 485 and 486, provided such work is
4 supervised by the plant engineer and performed in compliance
5 with the rules adopted by the board.

6 Sec. 4. 26 MRSA §490-A, 2nd ¶, first sentence, as
7 enacted by PL 1977, c. 543, §4, is amended to read:

8 ~~To maintain a certificate in force, a~~ A state inspector
9 shall inspect every elevator periodically every 6th calendar
10 ~~month- once each year~~ and a state inspector or licensed
11 inspector shall inspect every tramway twice each year.

12 Sec. 5. 26 MRSA §490-A, last ¶, as enacted by PL 1977,
13 c. 543, §4, is amended by adding at the end a new sentence
14 to read:

15 A fee as set forth in section 490-E, plus expenses, shall be
16 charged for those follow-up inspections.

17 Sec. 6. 26 MRSA §490-D, 2nd and 3rd sentences, as
18 enacted by PL 1977, c. 543, §4, are amended to read:

19 Fees for examination of such plans or specifications shall
20 be \$1 ~~\$2~~ per thousand of the valuation of the elevator or
21 tramway as covered by the blueprints. The minimum fee shall
22 not be less than \$5 ~~\$15~~ and the maximum fee shall not be
23 more than \$25 ~~\$50~~.

24 Sec. 7. 26 MRSA §490-E, first 3 paragraphs, as enacted
25 by PL 1977, c. 543, §4, are amended to read:

26 The initial inspection of elevators shall be made by
27 the supervising inspector or a state inspector and the fee
28 for such initial inspection of each new or altered elevator
29 shall be \$25 ~~\$40~~, plus expenses.

30 The initial inspection of tramways shall be made by the
31 supervising inspector, a state inspector or a licensed
32 inspector and the fee for such initial inspection of each
33 new or altered tramway shall be \$25 ~~40~~, plus expenses.

34 The fee for each required inspection of elevators shall
35 be \$16 ~~\$30~~, plus \$1 for each landing.

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Statement of Fact

The purposes of this bill are to:

1. Insure that the definition of "elevator" in Title 26, section 472 shall not include dumbwaiters, conveyors, chain or bucket hoists or tiering, piling or feeding devices regardless of whether they pass through a floor or not;

2. Repeal Title 26, section 483 which prohibited the operation of elevators by persons less than 16 years of age. This is in direct conflict with state and federal labor laws regulating the employment of minors;

3. Amend Title 26, section 484 to require that work done by plant personnel, who are not licensed elevator mechanics, is performed in compliance with the rules formulated by the Elevator and Tramway Safety Board;

4. Amend Title 26, section 490-A to reduce elevator inspection frequency from 2 inspections a year to once a year. Elevator and Tramway Safety Board experience has been that the majority of elevator owners and operators are maintaining their elevators in safe condition. However, approximately 20 to 25% of the elevators inspected are found to have safety defects. Inspecting all elevators twice a year has not allowed enough time for follow-up inspections on those elevators found to have had safety defects;

5. Amend Title 26, section 490-A, last paragraph, to permit for the charging of an inspection fee plus expenses when follow-up inspections are performed;

6. Amend Title 26, section 490-D, 2nd and 3rd paragraphs, to increase the plans examination fees to offset the cost of performing this service. These fees have not been changed since 1949; and

7. Amend Title 26, section 490-E, first 3 paragraphs, to raise elevator inspection fees to reflect the additional cost of providing this service since the last fee increase in 1977.

Despite these increases, the annual inspection costs to an elevator owner or operator who maintains his elevator in a safe condition will be less than the annual inspection costs experienced during the last 5 years.