

MAINE STATE LEGISLATURE

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October 29, 1956

To Ralph L. Langille, Supervising Inspector of Elevators
Re: Qualifications of Inspectors

You ask, "Is it permissible for this Department to permit an examination to be given to a person who may be otherwise qualified, but who is regularly employed by a concern which provides elevator inspection service on a per case or fee contract basis, to an insurance company, or companies, licensed to insure against loss from elevator accident in this State? Said person receives no remuneration from the insurance company, or companies, either as salary or fees."

You state that the above question arose as a result of your decision not to permit an examination for a certificate of authority as inspector of elevators to be taken by an employee of a company which was not an insurance company but which did provide engineering, audit and inspection services for casualty, fire and marine underwriters.

It is our opinion that the only people eligible to be inspectors of elevators, other than those in the direct employ of the Department of Labor and Industry, are people who are in the employ of either a company licensed to insure against loss in elevator accidents in this State or an elevator company doing business in this State. We draw your attention to Section 120 of Chapter 30 of the Revised Statutes of 1954, which reads as follows:

"In addition to any state elevator inspector appointed under the provisions of section 118, the commissioner shall, upon the request of any company licensed to insure against loss from elevator accident in this state, issue to any elevator inspector of such company a certificate of authority as an authorized elevator inspector, provided that each such inspector before receiving his certificate of authority shall pass satisfactorily the examination provided for in section 121 or in lieu of such examination shall hold a certificate as an inspector of elevators in a state that has a standard of examination equal to that in this state. The commissioner shall also upon request from any elevator company doing business in this state issue to any employee designated by the requesting company a certificate of authority as an authorized elevator inspector, provided that each such inspector before receiving his certificate of authority shall pass satisfactorily the examination provided for in section 121. An authorized inspector appointed under the provisions of this section shall receive no salary from the state and have no expenses paid by the state and continuance of such authorized inspector's certificate of authority shall be conditioned upon his continuing in employment as an elevator inspector by such insurance company, or in employment by such elevator

company, as the case may be, and upon his maintenance of the standards imposed by the provisions of sections 115 to 131, inclusive.

. . ."

We would also draw your attention to Section 116 of Chapter 30, which defines "authorized elevator inspector":

"'Authorized elevator inspector' shall mean an individual authorized by the commissioner to examine and inspect elevators and may be a person in the employ of an elevator company doing business in this state or a person in the employ of an insurance company licensed to insure against loss from elevator accidents in the state."

In conclusion, it appears that a person who is not regularly employed by an insurance company licensed to insure against loss from elevator accidents or an elevator company doing business in this State may not take the examination.

James Glynn Frost
Deputy Attorney General

Jgf/c