

MAINE STATE LEGISLATURE

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January 20, 1965

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Definition of Elevator

FACTS:

A company in Maine had an elevator with a regular type loading platform. The platform was removed and two parallel channel irons were substituted to support loads. The modified installation with the two channel irons is more dangerous than the elevator with the regular platform. The question submitted in your memorandum has been rephrased.

QUESTION:

Is the modified installation with two parallel channel irons an elevator within the meaning and intent of the definition of 'elevator' set forth in 26 M.R.S. § 401, subsection 5?

ANSWER:

Yes.

OPINION:

26 M.R.S. § 401, subsection 5, reads as follows:

"Elevator. 'Elevator' shall mean a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction, and shall include the doors, well, enclosures, means and appurtenances required by these regulations. The term 'elevator' shall not include a dumbwaiter, endless belt, conveyor, chain or bucket hoist or temporary devices used for the primary purpose of elevating or lowering building materials, nor shall it include tiering, piling, feeding or other machines or devices giving service within only one story."

The substitution of two parallel channel irons does not make the installation fall within any of the exclusions set forth in the second sentence of the above subsection. The first sentence of the above subsection is the only pertinent sentence. The first sentence establishes three criteria for an "elevator", namely:

- First: A hoisting and lowering mechanism
- Second: A car or platform, which is part of the equipment of the mechanism, and
- Third: Guides in which the car or platform must move in a substantially vertical position.

The installation with the regular type loading platform was an elevator. When the two parallel channel irons were substituted for the regular loading platform, there was no change in the hoisting and lowering mechanism, nor in the guides. Therefore, this modified installation meets the first and third criteria for an elevator.

The second criterion is met if the two parallel channel irons is a car or a platform.

The major purpose of the sections of our law dealing with elevators is the safety of members of the public, owners of elevators, and their employees.

If a load carrying unit meeting the first and third criteria is not an elevator, then the underlying safety purpose of the elevator law can be thwarted. No law should be interpreted to negate its underlying purpose. For that reason the term 'platform', for purposes of the elevator law, should be construed to mean any unit upon which a load can be carried. Thus, the two parallel channel irons create a platform and the second criterion is met.

As the three criteria have been satisfied, the modified installation is an elevator within the meaning and intent of the definition of elevator set forth in 26 M.R.S. § 401, subsection 5.

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