

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1358

H. P. 928

House of Representatives, March 2, 1967

Referred to Committee on Labor. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Brown of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Revising Laws Relating to Elevators.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the elevator law and rules and regulations require that passenger elevators be inspected every 3 months and freight elevators be inspected every 6 months; and

Whereas, a nationwide strike involving elevator mechanics and servicemen began on February 3, 1967 with no indication of settlement in sight; and

Whereas, many of those elevator mechanics and servicemen are authorized by the Board of Elevator Rules and Regulations as elevator inspectors yet are not making the required inspections; and

Whereas, the lack of required inspections jeopardizes public life, limb and property; and

Whereas, the owner or user of an elevator is not allowed to operate such elevator without a valid certificate of operation posted thereon; and

Whereas, certificates of operation can be granted only when inspection proves that the elevator is safe for continued operation; and

Whereas, in the judgment of the Legislature these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 26, § 433, amended. The last sentence of section 433 of Title 26 of the Revised Statutes is amended to read as follows:

The commissioner may appoint such state elevator inspectors as are necessary to carry out this subchapter from among applicants who successfully pass the examination **as provided for in section 434.**

Sec. 2. R. S., T. 26, § 434, amended. Section 434 of Title 26 of the Revised Statutes is amended to read as follows:

Examination for the state ~~and authorized~~ inspectors shall be given by the supervising inspector or by 2 or more examiners to be appointed by the supervising inspector. ~~The person to be examined must pay an examination fee of \$10.~~ Such examination must be written in part or in whole, and must be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended service ~~and must be of uniform grade throughout the State.~~ ~~In case an applicant for a certificate of authority fails to pass this examination, he may appeal to the board for a 2nd examination within 90 days of notification of his failure to pass and such 2nd examination shall be given without further fee by the board or by examiners other than those by whom the first examination was given.~~ Upon the result of this 2nd examination, the board shall determine whether or not the applicant is qualified.

The record of the applicant's examination ~~whether original or on appeal~~ shall be accessible to him ~~and his employer.~~ The examinations must be kept on file in the office of the supervising inspector for a period of not less than 2 years.

Sec. 3. R. S., T. 26, § 435, repealed. Section 435 of Title 26 of the Revised Statutes is repealed.

Sec. 4. R. S., T. 26, § 461, amended. The first sentence of the first paragraph of section 461 of Title 26 of the Revised Statutes is amended to read as follows:

~~Each~~ **The owner or user of each** elevator proposed to be used within this State shall ~~be have each such elevator~~ thoroughly inspected by either the supervising inspector ~~or a state elevator inspector or an authorized elevator inspector~~ and if found to conform to the rules of the board, upon payment of the inspection fee ~~where required as provided for in section 464~~ and a registration fee of \$3 per year by the owner or user of such elevator to the ~~state inspector or the supervising inspector~~, the latter shall issue to such owner or user an inspection certificate.

Sec. 5. R. S., T. 26, § 461, amended. The first sentence of the 2nd paragraph of section 461 of Title 26 of the Revised Statutes is amended to read as follows:

To maintain a certificate in force, ~~either a state elevator inspector or an authorized elevator inspector or the supervising elevator inspector~~ shall inspect every passenger elevator periodically ~~at least every 6th calendar month and every~~

freight elevator at least every 12th calendar month following the month in which the initial inspection has been made.

Sec. 6. R. S., T. 26, § 461, amended. The 4th paragraph of section 461 of Title 26 of the Revised Statutes is amended to read as follows:

Whenever upon inspection, an inspector finds that an elevator is unsafe and creates a menace to public safety, he shall promptly make the facts known to the supervising inspector ~~or a state elevator inspector~~ who may order the conveyance out of service immediately, post or direct the posting of a red card of condemnation at every entrance to the conveyance, and shall notify in writing the owner or lessee of the building in which the elevator is located. The condemnation card shall be a warning to the public and shall be of such type and dimensions as the board shall determine.

Sec. 7. R. S., T. 26, § 465, repealed. Section 465 of Title 26 of the Revised Statutes is repealed.

Sec. 8. R. S., T. 26, § 466, amended. Section 466 of Title 26 of the Revised Statutes is amended to read as follows:

§ 466. Reports by state and authorized elevator inspectors

The state ~~and authorized~~ elevator inspectors shall make a full report to the supervising inspector, giving all data required by the rules and regulations adopted by the board and shall report to the supervising inspector and to the owner or lessee all defects found and all noncompliances with such rules and regulations. Where any serious infraction of said rules and regulations is found by a state ~~or authorized~~ elevator inspector and where such infraction is, in the opinion of the inspector, dangerous to life, limb or property, it shall be the duty of said inspector to report such infraction immediately to the supervising inspector.

Sec. 9. R. S., T. 26, § 467, sub-§ 6, amended. Subsection 6 of section 467 of Title 26 of the Revised Statutes is amended to read as follows:

6. Examinations. To hold examinations, and to establish the fitness of applicants to become elevator inspectors; ~~and upon authorization by the board, to issue certificates of authority to those persons who have successfully passed such examinations and are approved by the board as authorized elevator inspectors;~~

Sec. 10. Appropriation. There is appropriated from the General Fund to the Department of Labor and Industry the sum of \$2,000 for the fiscal year ending June 30, 1967 to carry out the purposes of this Act.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACTS

Estimated cost and expenditures
Department of Labor and Industry
Fiscal Year ending 6/30/67

Appropriation No. 3410
Fiscal Years ending 6/30/68
and 6/30/69

Cost to Administer**Cost to Administer**

(3) \$3,000 — Inspectors' salaries
900 — Inspectors' expenses
700 — Clerk typist
400 — Equipment, mailing
and supplies

(3) \$24,000 — Inspectors' salaries
7,500 — Inspectors' expenses
3,000 — Clerk typist
200 — Mailing and supplies

\$5,000 — Total

\$34,700 — Total

Dedicated Revenue

\$3,000 (300 inspections @ \$10)

Dedicated Revenue

\$36,000 (3,600 inspections @ \$10)

The strike of the elevator servicemen and repairmen who are authorized as elevator inspectors but are employed by elevator companies has highlighted a problem which has existed in the Elevator Division for many years. Their inspections are erratic and their reports are not of uniform grade. It is a problem we have had to live with because of our lack of funds and personnel. However, a bill passed by the 102nd Legislature which increases the inspection fee from \$6 to \$10 in conjunction with the above-mentioned strike, now makes state inspection of all elevators feasible.

Also, it is not inconceivable that the authorized inspectors employed by insurance companies will organize and strike at any time. This would result in 1,313 elevators being shut down within 6 months' time. Only 174 elevators are now being inspected by the supervising inspector out of a total of 1,487 elevators in the State.

An appropriation of \$2,000 will be required for the fiscal year ending June 30, 1967. Some time will be required to hire and train the 3 required inspectors and it is doubtful that they can be in full production before June 1, 1967. After that date, the Act shall be self supporting.