

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 98

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H. P. 57

House of Representatives, January 7, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Evans of Freedom.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Relating to Certificates of Authority to Inspect Elevators for  
Insurance Purposes.**

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

**R. S., T. 26, § 435, amended.** The 2nd, 3rd and 4th sentences of section 435 of Title 26 of the Revised Statutes are amended to read as follows:

~~The commissioner shall 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 each such inspector before receiving his certificate of authority shall satisfactorily pass the examination provided for in section 434.~~

An authorized inspector appointed under 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~~ upon his maintenance of the standards imposed by this subchapter.

Such authorized inspectors ~~shall~~ may inspect all elevators insured ~~or maintained~~ by their respective companies, and the owners or users of such elevators shall be exempt from the payment of the fees for the periodic inspections provided in section 464.

STATEMENT OF FACT

For many years following adoption of the elevator law, elevator service companies employed personnel who performed required elevator inspections

for insurance purposes. The elevator service companies were open to criticism and in some cases were accused of conflict of interest. Finally, about 2 years ago, the Attorney General declared inspections of this type illegal. The elevator service companies now wish to have this provision removed from the law to avoid further criticism.

Further, concerning the change of the word **shall**, to **may**, in December 1968, insurance companies started writing elevator insurance without provision for elevator inspections. In some cases, the insurance company continues the inspection service as a service to the insured but in many cases the State is requested to perform the required inspections. This change will allow both methods of inspection to be utilized depending on the owner's wishes.