

MAINE STATE LEGISLATURE

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L.D. 646

(Filing No. S- 128)

STATE OF MAINE
SENATE
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 251, L.D. 646,
Bill, "AN ACT Concerning the Standards for Handi-
capped Restricted-use Elevators."

Amend the bill by striking out all of the title
and inserting in its place the following:

'AN ACT Concerning Variances for Elevators.'

Further amend the bill by striking out everything
after the enacting clause and inserting in its place
the following:

'26 MRSA §474, as repealed and replaced by PL
1977, c. 694, §455, is amended to read:

§474. Appeals

Any person aggrieved by an order or act of the
supervising inspector or the state inspector or the
bureau under this subchapter may, within 15 days af-
ter notice thereof, appeal from the order or act to
the board which shall hold a hearing pursuant to Ti-
tle 5, ~~section 9051 et seq~~ chapter 375, subchapter
IV. The board shall, after the hearing, issue an ap-
propriate order either approving or disapproving the
order or act.

Any person who is or will be aggrieved by the ap-
plication of any law, code or rule relating to the
installation or alteration of elevators or tramways
may file a petition for a variance with the board,
whether or not compliance with that provision is re-
quired at the time of filing or at a future date when
that provision becomes effective. The filing fee for
a petition for a variance is \$50. The board shall
hold a hearing pursuant to Title 5, chapter 375, sub-

D. O.F.R.

COMMITTEE AMENDMENT " A " to S.P. 251, L.D. 646

1 chapter IV. The board shall grant a variance if,
2 owing to conditions especially affecting the particu-
3 lar building or installation involved, the enforce-
4 ment of any law, code or rule relating to elevators
5 or tramways, would do manifest injustice or cause
6 substantial hardship, financial or otherwise, to the
7 petitioner or any occupant of the petitioner's build-
8 ing or would be unreasonable under the circumstances
9 or condition of the property, provided that desirable
10 relief may be granted without substantial detriment
11 to the public good and without nullifying or substan-
12 tially derogating from the intent or purpose of that
13 law, code or rule. In exercising its powers under
14 this section, the board may impose limitations both
15 of time and of use and a continuation of the use per-
16 mitted may be conditioned upon compliance with rules
17 made and amended from time to time. The board shall
18 immediately send a copy of its decision by registered
19 mail to all interested parties.

20 Any order or decision of the board or any rule
21 formulated by the board shall be subject to review by
22 the Superior Court pursuant to Title 5, section 8058
23 or ~~section 11001 et seq~~ chapter 375, subchapter VII.'

24 STATEMENT OF FACT

25 This amendment enacts a variance provision under
26 the elevator and tramway laws. A person who is ag-
27 grieved by the law or standards may ask for a vari-
28 ance from the Board of Elevator and Tramway Safety.
29 The board must grant the variance if compliance would
30 result in manifest injustice or substantial hardship
31 and the relief requested does not reduce the safety
32 of the elevator or tramway.

33 3797052285

Reported by Senator Trafton for the Committee on Legal Affairs.
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(5/28/85) (Filing No. S-128)