

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1193

H.P. 862

House of Representatives, April 4, 1995

An Act to Expand Elevator and Tramway Inspection Services.

Submitted by the Department of Labor pursuant to Joint Rule 24.
Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CHASE of China.
Cosponsored by Senator: BEGLEY of Lincoln.

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

4 **Sec. 1. 26 MRSA §478**, as enacted by PL 1977, c. 543, §4, is
amended to read:

6 **§478. Examination of elevator inspectors**

8 Examination for the-state elevator inspectors shall must be
given by the supervising inspector or by 2 or more examiners to
10 be appointed by the supervising inspector. The examination fee
is set by the board and may not exceed \$100. Such The
12 examination must be written in part or in whole, and must be
confined to questions, the answers to which will aid in
14 determining the fitness and competency of the applicant for the
intended service and must be of uniform grade throughout the
16 State. In case an applicant fails to pass this examination, he
the applicant may appeal to the board for a 2nd examination
18 within 90 days of notification of his the applicant's failure to
pass and such the 2nd examination shall must be given by the
20 board or by examiners other than those by whom the first
examination was given. Upon the result of this 2nd examination,
22 the board shall determine whether or not the applicant is
qualified.

24
26 The record of the applicant's examination, whether original
or on appeal, shall must be accessible to him the applicant. The
28 examinations must be kept on file in the office of the
supervising inspector for a period of not less than 2 years.

30 Applications for examination and license must be made on
forms furnished by the bureau.

32
34 An elevator inspector's license expires on the 3rd
anniversary date of the original issue. The license may be
36 renewed for a period of 3 years without further examination if a
renewal fee in an amount set by the board, not to exceed \$300, is
38 paid and during that period the licensee has worked as an
elevator inspector.

40 **Sec. 2. 26 MRSA §479, sub-§5, ¶D** is enacted to read:

42 D. Applications for examination and license must be on
forms furnished by the bureau. The examination fee for a
44 tramway inspector's license must be set by the board and may
not exceed \$100.

46
48 **Sec. 3. 26 MRSA §480**, as amended by PL 1977, c. 694, §457, is
further amended to read:

2 **§480. Revocation of tramway or elevator inspector's license**

4 The board may file a complaint with the Administrative Court
pursuant to Title 5, section 10051 to revoke tramway or elevator
inspection licenses for the following causes:

6 **1. Failure to submit true reports.** For failure to submit
8 true reports concerning the conditions of a tramway or elevator,
or for conduct deemed determined by the board to be contrary to
10 the best interests of tramway or elevator safety or the board; or

12 **2. Physical infirmities.** When physical infirmities develop
to a point where at which it appears that an inspector can no
14 longer perform his the required duties in a thorough and safe
manner.

16 **Sec. 4. 26 MRSA §490-A**, as amended by PL 1989, c. 590, §8, is
18 further amended to read:

20 **§490-A. Inspection of elevators and tramways**

22 Each elevator or tramway proposed to be used within this
State shall must be thoroughly inspected by either the
24 supervising inspector, a state inspector or a licensed inspector,
and if found to conform to the rules of the board, the board
26 shall issue to the owner or user an inspection certificate. Fees
for inspection and certification of elevators and tramways shall
28 must be set by the board pursuant to section 490-E, and shall
must be paid by the owner or user of the elevator or tramway.
30 The certificate shall must specify the maximum load to which the
conveyance shall may be subjected, the date of its issuance and
32 the date of its expiration. Elevator certificates shall must be
posted in the elevator and the tramway certificate at a
34 conspicuous place in the machine area.

36 A state inspector or licensed inspector shall inspect every
elevator ~~once each year and a~~ on a schedule determined by the
38 board. The schedule must be based on the class, size and usage
of the elevator. A state inspector or licensed inspector shall
40 inspect every tramway twice each year. One tramway inspection
shall must be made when weather conditions permit a complete
42 inspection of all stationary and moving parts. The 2nd tramway
inspection shall must be made while the tramway is in operation.

44 The supervising inspector or state inspector may, when in
46 his the inspector's opinion the conveyance ~~may~~ can not continue
to be operated without menace to the public safety, temporarily
48 suspend an inspection certificate in accordance with Title 5,
section 10004 and post or direct the posting of a red card of
50 condemnation at every entrance to the conveyance. The
condemnation card shall ~~be~~ is a warning to the public and shall
52 must be of such type and dimensions as the board shall ~~determine~~

1 determines. The suspension shall--~~continue~~ continues pending
2 decision on any application with the Administrative Court for a
3 further suspension.

4
5 The condemnation card may be removed only by the inspector
6 posting it or by the supervising inspector. Any other person
7 removing or defacing such card shall-be-punished-by is subject to
8 a fine of not more than \$50 \$500.

10 If upon inspection an elevator or tramway is, in the opinion
11 of the inspector, found to be in reasonably safe condition but
12 not in full compliance with the rules of the board, the inspector
13 shall certify to the supervising inspector ~~his~~ the inspector's
14 findings and the supervising inspector may issue a special
15 certificate, the same to be posted as required in this section.
16 This certificate shall must set forth any special conditions
17 under which the conveyance may be operated.

18
19 Licensed tramway and elevator inspectors shall submit
20 inspection reports to the board on a form provided by the board
21 for all inspections within 15 working days from the date of the
22 inspection.

24 All ~~followup~~ follow-up inspections necessary to enforce
25 compliance shall must be performed by either the supervising
26 inspector or a state inspector. A fee as set forth in section
27 490-E shall must be charged for those follow-up inspections.

28
29 **Sec. 5. 26 MRSA §490-E.** as amended by PL 1989, c. 590, §10,
30 is further amended to read:

32 **§490-E. Inspection fees**

34 The initial inspection of elevators shall must be made by
35 the supervising inspector ~~or,~~ a state inspector or a licensed
36 inspector and the fee for the initial inspection of each new or
37 altered elevator shall must be set by the board, not to exceed
38 \$100, plus expenses.

40 The initial inspection of tramways shall must be made by the
41 supervising inspector, a state inspector or a licensed inspector
42 and the fee for the initial inspection of each new or altered
43 tramway shall must be set by the board, not to exceed \$100, plus
44 expenses.

46 The fee for each required inspection of elevators shall must
47 be set by the board, not to exceed \$100, plus \$10 for each
48 landing.

2 The annual fee for the required inspections of tramways shall must be set by the board.

4 The certificate fee shall must be set by the board, not to exceed \$100.

6
8 When a tramway or elevator inspection has been made by a licensed ~~tramway~~ inspector, the inspector shall submit the inspection fee to the board along with an inspection report. The supervising inspector may, in accordance with rules adopted by the board, waive this requirement.

12 All fees and sums received shall must be deposited with the Treasurer of State to be credited to the General Fund.

14
16 **Sec. 6. 26 MRSA §490-F**, as enacted by PL 1977, c. 543, §4, is amended to read:

18 **§490-F. Reports by inspectors**

20
22 The state inspectors or licensed ~~tramway~~ inspectors shall make a full report to the supervising inspector, giving all data required by the rules 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. ~~Where~~ When any serious infraction of the rules is found by a state inspector or licensed ~~tramway~~ inspector and ~~where-such that~~ that infraction is, in the opinion of the inspector, dangerous to life, limb or property, it ~~shall-be~~ is the duty of ~~such~~ the inspector to report ~~such that~~ that infraction immediately to the supervising inspector.

32
34 **STATEMENT OF FACT**

36 This bill does the following:

38 1. It allows the supervising inspector to examine and qualify elevator inspectors who do not work for the State. Examination and licensing fees are set by the Board of Elevator and Tramway Safety within statutory limits;

42 2. It allows the board to set an examination fee for licensed tramway inspectors;

44 3. It provides standards for revocation of an elevator inspector's license;

48 4. It allows a licensed elevator inspector to perform periodic inspections. It allows the board to set the period of inspections based on class, size and usage of the elevator. It

2 increases the allowable fine for use of a condemned elevator or
tramway to a maximum of \$500;

4 5. It allows a licensed elevator inspector to perform
initial and periodic inspections. It allows the supervising
6 inspector to permit a licensed inspector to retain the inspection
fee in accordance with standards to be set by board rules; and
8

10 6. It modifies the reporting requirements to apply to both
licensed tramway and licensed elevator inspectors.