

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2056

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H.P. 1553

House of Representatives, January 8, 2002

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**An Act to Strengthen the Laws Governing Inspections of Boilers,  
Pressure Vessels, Elevators and Tramways.**

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Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Business and Economic Development suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative RICHARDSON of Brunswick.  
Cosponsored by Senator SHOREY of Washington and  
Representative MICHAUD of Fort Kent, Senator: YOUNGBLOOD of Penobscot.

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

PART A

Sec. A-1. 32 MRSA §15104-A, sub-§1, as enacted by PL 1999, c. 386, Pt. W, §7, is amended to read:

1. **Rules.** The board shall, in accordance with Title 5, chapter 375, adopt rules to implement the purposes of this chapter, including rules for the safe and proper construction, installation, repair, use and operation of boilers and pressure vessels in this State. The rules must conform as nearly as practicable to the code. Rules adopted by the board under this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

The board shall publish and distribute among boiler manufacturers and others requesting them copies of the rules adopted by the board at a cost sufficient only to cover the printing and mailing expenses of distribution.

Sec. A-2. 32 MRSA §15104-B is enacted to read:

§15104-B. Appeals; variances

A person aggrieved by an order or act of the chief inspector or a deputy inspector under this chapter may, within 15 days after notice of the order or act, appeal from the order or act to the board, which shall hold a hearing pursuant to Title 5, chapter 375, subchapter IV. After the hearing, the board shall issue an appropriate order either approving or disapproving the order or act.

Any person who is or will be aggrieved by the application of any law, code or rule relating to the installation or alteration of boilers and pressure vessels may file a petition for a variance, whether compliance with that provision is required at the time of filing or at the time that provision becomes effective. The filing fee for a petition for a variance must be set by the Director of the Office of Licensing and Registration under section 15109, subsection 9. The chief inspector may grant a variance if, owing to conditions especially affecting the particular boiler or pressure vessel involved, the enforcement of any law, code or rule relating to boilers or pressure vessels would do manifest injustice or cause substantial hardship, financial or otherwise, to the petitioner or would be unreasonable under the circumstances, provided that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of that law, code or rule. In granting a

2 variance under this section, the chief inspector may impose  
4 limitations both of time and of use, and a continuation of the  
6 use permitted may be conditioned upon compliance with rules made  
8 and amended from time to time. A copy of the decision must be  
10 sent to all interested parties.

12 **Sec. A-3. 32 MRSA §15108-B**, as amended by PL 1999, c. 547,  
14 Pt. B, §78 and affected by §80, is further amended to read:

16 **§15108-B. Investigations of complaints; revocation of**  
18 **license, registration or certificate**

20 **1. Investigations.** The board shall investigate or cause to  
22 be investigated all complaints made to it and all cases of  
24 noncompliance with or violation of this chapter. ~~Any person may~~  
26 ~~register a complaint of fraud, deceit, gross negligence,~~  
28 ~~incompetency or misconduct against any person licensed or~~  
30 ~~required to be licensed under this chapter.~~ These complaints  
32 must be in writing, ~~sworn to by the person making them~~ and filed  
34 with the Office of Licensing and Registration.

36 **2. Suspension; revocation.** The board may suspend or revoke  
38 a license, registration or certificate pursuant to Title 5,  
40 section 10004. The board may refuse to issue or renew a license,  
42 registration or certificate or the District Court may suspend or  
44 revoke a license of any licensed person, firm, partnership,  
46 association, corporation or company who holds a license,  
48 registration, or certificate or ~~any applicant who is found guilty~~  
50 of for a license, registration or certificate on any of the  
following grounds:

- 32 A. The practice of fraud or deceit in obtaining a license,  
34 registration or certificate;
- 36 B. Any gross negligence, incompetency or misconduct in the  
38 licensee's job performance;
- 40 C. Operating or being in charge of a plant while under the  
42 influence of intoxicating beverages or narcotic drugs;
- 44 D. Suffering from physical or mental incapacity of such  
46 nature as would jeopardize physical property or lives in the  
48 exercise of the license;
- 50 E. Operating or having charge of a plant over which the  
licensee or applicant lacked authority;
- F. Violating any provisions of this chapter or any rule of  
the board; or

2 G. Conviction of a crime, subject to the limitations of  
Title 5, chapter 341.

4 **Sec. A-4. 32 MRSA §15117, first ¶**, as amended by PL 2001, c.  
323, §43, is further amended to read:

6  
8 Each boiler or pressure vessel used or proposed for use  
within this State, except boilers or pressure vessels exempt  
under section 15102, must be thoroughly inspected by the chief  
10 inspector ~~or one of the~~, a deputy inspectors inspector or an  
12 authorized ~~inspecters~~ inspector, as to its design, construction,  
installation, condition and operation. The board shall adopt  
14 rules pursuant to the Maine Administrative Procedure Act  
specifying the method and frequency of inspection. When any  
boiler or pressure vessel inspected as specified by the board is  
16 found to be suitable and to conform to the rules of the board,  
the chief inspector shall issue to the owner or user of that  
18 boiler or pressure vessel, upon payment of a fee to the board, an  
inspection certificate for each boiler or pressure vessel. The  
20 fee under subsection 9 must be set by the director. Inspection  
certificates must specify the maximum pressure that the boiler or  
22 pressure vessel inspected is allowed to carry. The inspection  
certificate may be valid for not more than 14 months from ~~its~~ the  
24 date of inspection in the case of boilers and 38 months from ~~its~~  
the date of inspection in the case of pressure vessels and must  
26 be posted under glass in the engine or boiler room containing the  
boiler or pressure vessel or an engine operated by it or, in the  
28 case of a portable boiler, in the office of the plant where it is  
temporarily located. The board may adopt rules setting forth  
30 criteria by which a temporary extension of an inspection  
certificate beyond 14 months in the case of boilers and beyond 38  
32 months in the case of pressure vessels may be authorized. Rules  
adopted pursuant to this section are routine technical rules  
34 pursuant to Title 5, chapter 375, subchapter II-A.

36 **Sec. A-5. 32 MRSA §15119, sub-§§2 and 3**, as amended by PL 1999,  
c. 386, Pt. W, §29, are further amended to read:

38  
40 **2. Inspection certificates.** Issue, suspend and revoke  
inspection certificates allowing boilers or pressure vessels to  
be operated, as provided in sections 15115 and 15117, and as  
42 provided in the Maine Administrative Procedure Act; ~~and~~

44 **3. Enforce laws and rules.** Enforce the laws of the State  
governing the use of boilers and pressure vessels and enforce the  
46 rules of the board; and

48 **Sec. A-6. 32 MRSA §15119, sub-§5** is enacted to read:

2        5. Order uninspected or unrepaired boilers and pressure  
3 vessels out of service. In addition to the chief inspector's  
4 powers under section 15117, order that a boiler or pressure  
5 vessel be taken out of service if an inspection report is not  
6 submitted to the board within 60 days of the expiration of the  
7 most recent certificate or if the owner fails to make repairs as  
8 required by the board.

9        **Sec. A-7. 32 MRSA §15120**, as amended by PL 1999, c. 687, Pt.  
10 E, §17, is further amended to read:

11        **§15120. Authorized inspectors; duties**

12        ~~In addition to any deputy boiler inspectors certified and~~  
13 ~~appointed under section 15106, the~~ The board shall, upon the  
14 request of any company authorized to insure against loss from  
15 explosion of boilers or pressure vessels in this State, issue to  
16 the boiler inspectors of the company certificates of authority as  
17 ~~licensed~~ authorized inspectors. Each inspector before receiving  
18 a certificate of authority must hold a certificate as an  
19 inspector of steam boilers for a state that has a standard of  
20 examination equal to that of this State or a certificate from the  
21 National Board of Boiler and Pressure Vessel Inspectors, or its  
22 successor organization. ~~Licensed~~ Authorized inspectors are not  
23 entitled to receive a salary from, nor may any of their expenses  
24 be paid by, the State. The continuance of a ~~licensed~~ an  
25 authorized inspector's certificate is conditioned upon the  
26 ~~licensed~~ authorized inspector continuing in the employ of a  
27 boiler inspection and insurance company duly authorized and upon  
28 maintenance of the standards imposed by this chapter. ~~Licensed~~  
29 Authorized inspectors shall inspect all boilers and pressure  
30 vessels insured by their respective companies, and the owners or  
31 users of those insured boilers are exempt from the payment of the  
32 fees provided for in section 15118. Authorized inspectors may,  
33 with the permission of the chief inspector, also inspect boilers  
34 or pressure vessels for which an application for insurance  
35 against loss from explosion of boilers or pressure vessels has  
36 been made or when a new boiler or pressure vessel is installed at  
37 an insured location and the prospective insured owner or user is  
38 exempt from the payment of fees provided for in section 15118.  
39 Each company employing ~~licensed~~ authorized inspectors shall,  
40 within 30 days following each certificate inspection made by the  
41 inspectors, file a report of the inspection with the chief  
42 inspector.

43        **Sec. A-8. 32 MRSA §15121** is enacted to read:

44        **§15121. Duties of owners of boilers and pressure vessels**

2 1. Responsibility for inspection. It is the responsibility  
4 of the owner to arrange for an inspection of a boiler or pressure  
vessel and to prepare the boiler or pressure vessel for  
inspection.

6 2. Obtain inspection certificate. The owner of a boiler or  
8 pressure vessel shall obtain an inspection certificate in a  
timely manner. A late certification fee may be set by the  
10 Director of the Office of Licensing and Registration within the  
Department of Professional and Financial Regulation under section  
12 15109, subsection 9 and must be assessed for failure to submit  
the application and inspection report in a timely manner.

14 3. Failure to qualify for inspection certificate. The  
16 owner of a boiler or pressure vessel that does not qualify for an  
inspection certificate shall take the boiler or pressure vessel  
18 out of operation until the required repairs have been made and a  
new inspection certificate has been issued.

20 4. Notify board when required repairs made. The owner of a  
22 boiler or pressure vessel shall notify the board when required  
repairs have been made and provide the board with satisfactory  
24 evidence of completion.

26 5. Notify board when boiler or pressure vessel removed.  
28 The owner of a boiler or pressure vessel shall notify the board  
within 30 days of the removal of the boiler or pressure vessel.

30 6. Change of ownership. The owner of a boiler or pressure  
32 vessel shall notify the board of a transfer of ownership within  
30 days of such a transfer.

34 7. Failure to comply. In addition to the remedies  
36 available under this chapter, an owner of a boiler or pressure  
vessel who fails to comply with the provisions of this chapter or  
38 rules adopted by the board is subject to the provisions of Title  
10, section 8003, subsection 5 whether or not the boiler or  
40 pressure vessel has a current inspection certificate, except  
that, notwithstanding Title 10, section 8003, subsection 5,  
42 paragraph A-1, subparagraph 3, a civil penalty of up to \$3,000  
may be imposed for each violation.

## 44 PART B

46 **Sec. B-1. 32 MRS §15201**, as enacted by PL 1995, c. 560, Pt.  
48 H, §14 and affected by §17, is amended to read:

50 **§15201. Declaration of policy**

2 It is the policy of the State to protect its citizens and  
visitors from unnecessary mechanical hazards in the operation of  
4 elevators and tramways and to ensure that reasonable design and  
construction are used, that accepted safety devices and  
6 sufficient personnel are provided and that periodic maintenance,  
inspections and adjustments considered essential for the safe  
8 operation of elevators and tramways are made. The primary  
responsibility for design, construction, maintenance and  
10 inspection rests with the firm, person, partnership, association  
or corporation or company that owns or operates elevators or  
tramways.

12

13 **Sec. B-2. 32 MRSA §15202, sub-§§2-A, 4-A, 4-B, 4-C and 5-A** are  
14 enacted to read:

15 **2-A. Chief inspector.** "Chief inspector" means an individual  
16 in the employ of the State whose duties include the examination  
17 and inspection of elevators and tramways and who has been  
18 designated as chief inspector by the Commissioner of Professional  
19 and Financial Regulation.

20  
21 **4-A. Deputy inspector.** "Deputy inspector" means an  
22 individual in the employ of the State whose duties include the  
23 examination and inspection of elevators and tramways under the  
24 direction of the chief inspector.

25

26  
27 **4-B. Direct supervision.** "Direct supervision" means that a  
28 helper is working in the presence of a licensed elevator or lift  
29 mechanic at all times.

30

31 **4-C. Director.** "Director" means the Director of the Office  
32 of Licensing and Registration.

33  
34 **5-A. Elevator contractor.** "Elevator contractor" means any  
35 person, firm, partnership, association, corporation or company  
36 engaged in the installation, sale, service, maintenance or  
37 inspection of elevators in this State.

38

39 **Sec. B-3. 32 MRSA §15202, sub-§7,** as enacted by PL 1995, c.  
40 560, Pt. H, §14 and affected by §17, is repealed.

41 **Sec. B-4. 32 MRSA §15202, sub-§§7-A and 7-B** are enacted to  
42 read:

43

44  
45 **7-A. Helper.** "Helper" means a person who is not licensed  
46 under this chapter as an elevator mechanic or lift mechanic and  
47 who assists in the installation, service or maintenance of  
48 elevators located in this State while working under the direct  
supervision of a licensed elevator mechanic or licensed lift



2 mechanic. Helpers must be registered in accordance with the  
3 provisions of this chapter.

4 **7-B. Licensed private elevator inspector.** "Licensed  
5 private elevator inspector" or "licensed private elevator and  
6 lift inspector" means an individual who has been licensed by the  
7 board to inspect elevators pursuant to this chapter and who is  
8 not a state employee whose duty is to inspect elevators.

10 **Sec. B-5. 32 MRSA §15202, sub-§8,** as enacted by PL 1995, c.  
11 560, Pt. H, §14 and affected by §17, is amended to read:

12  
13 **8. Licensed private tramway inspector.** "Licensed private  
14 tramway inspector" means an individual who has been licensed by  
15 the Board of Elevator and Tramway Safety to inspect tramways  
16 pursuant to this chapter and who is not a state employee whose  
17 duty is to inspect tramways.

18  
19 **Sec. B-6. 32 MRSA §15202, sub-§12,** as enacted by PL 1995, c.  
20 560, Pt. H, §14 and affected by §17, is repealed.

21  
22 **Sec. B-7. 32 MRSA §15202, sub-§14,** as enacted by PL 1995, c.  
23 560, Pt. H, §14 and affected by §17, is amended to read:

24  
25 **4. Skier.** "Skier" means any person while wearing skis or  
26 using a snowboard and any person while actually on a ski slope or  
27 trail located at a ski area for the purpose of skiing, including  
28 a person engaged in snowboarding or cross-country, nordic or  
29 telemark skiing.

30  
31 **Sec. B-8. 32 MRSA §15202, sub-§18,** as enacted by PL 1995, c.  
32 560, Pt. H, §14 and affected by §17, is repealed.

33  
34 **Sec. B-9. 32 MRSA §15203, first ¶,** as enacted by PL 1995, c.  
35 560, Pt. H, §14 and affected by §17, is amended to read:

36  
37 This chapter may not be construed to prevent the use or sale  
38 of elevators in this State that were being used or installed  
39 prior to January 1, 1950 and that ~~must--be~~ have been made to  
40 conform to the rules of the board covering existing installations  
41 and must be inspected as provided for in this chapter.

42  
43 **Sec. B-10. 32 MRSA §15204,** as amended by PL 1999, c. 386, Pt.  
44 X, §3, is further amended to read:

45 **§15204. Appeals; variances**

46  
47 A person aggrieved by an order or act of the chief inspector  
48 or ~~the state~~ a deputy inspector under this chapter may, within 15  
49 days after notice of the order or act, appeal from the order or

2 act to the board, which shall hold a hearing pursuant to Title 5,  
chapter 375, subchapter IV. After the hearing, the board shall  
4 issue an appropriate order either approving or disapproving the  
order or act.

6 Any person who is or will be aggrieved by the application  
of any law, code or rule relating to the installation or  
8 alteration of elevators or tramways may file a petition for a  
variance ~~with the board~~, whether compliance with that provision  
10 is required at the time of filing or at the time that provision  
becomes effective. The filing fee for a petition for a variance  
12 ~~must be set by the board and may not exceed \$100~~ must be set by  
the director under section 15225-A. ~~The board shall hold a~~  
14 ~~hearing pursuant to Title 5, chapter 375, subchapter IV.~~ The  
board shall chief inspector may grant a variance if, owing to  
16 conditions especially affecting the particular building or  
installation involved, the enforcement of any law, code or rule  
18 relating to elevators or tramways would do manifest injustice or  
cause substantial hardship, financial or otherwise, to the  
20 petitioner or any occupant of the petitioner's building or would  
be unreasonable under the circumstances or condition of the  
22 property, provided that desirable relief may be granted without  
substantial detriment to the public good and without nullifying  
24 or substantially derogating from the intent or purpose of that  
law, code or rule. ~~In exercising its powers~~ granting a variance  
26 under this section, the board chief inspector may impose  
limitations both of time and of use, and a continuation of the  
28 use permitted may be conditioned upon compliance with rules made  
and amended from time to time. ~~The board immediately shall send~~  
30 ~~a copy of its decision by registered mail to all interested~~  
~~parties.~~ A copy of the decision must be sent to all interested  
32 parties.

34 **Sec. B-11. 32 MRSA §15206, sub-§1**, as enacted by PL 1999, c.  
386, Pt. X, §6, is amended to read:

36 **1. Rules.** The board shall, in accordance with Title 5,  
38 chapter 375, adopt rules to implement the purposes of this  
chapter, including rules for the safe and proper construction,  
40 installation, alteration, repair, use, operation and inspection  
of elevators and tramways in the State. The rules must include  
42 standards for the review and audit of inspections performed by  
licensed private elevator inspectors not employed by the State.  
44 The rules must conform as nearly as practicable to the  
established standards as approved by the American National  
46 Standards Institute. Rules adopted by the board under this  
section are routine technical rules as defined in Title 5,  
48 chapter 375, subchapter II-A.

2 The board shall publish and distribute among elevator and tramway  
4 owners, lessees, manufacturers, repair companies and others  
6 requesting them copies of the rules as adopted by the board, at a  
8 cost sufficient only to cover the printing and mailing expenses  
of distribution, except those rules that are American National  
Standards Institute standards, which must be obtained from the  
publisher.

10 **Sec. B-12. 32 MRSA §15206-A**, as enacted by PL 1999, c. 386,  
Pt. X, §7 and amended by c. 547, Pt. B, §78 and affected by §80,  
is further amended to read:

12 **§15206-A. Investigations of complaints; revocation of**  
14 **license, registration or certificate**

16 **1. Investigations.** The board shall investigate or cause to  
18 be investigated all complaints made to it and all cases of  
noncompliance with or violation of this chapter. ~~Any person may~~  
20 ~~register a complaint of fraud, deceit, gross negligence,~~  
~~incompetency or misconduct against any person licensed or~~  
22 ~~required to be licensed under this chapter.~~ These complaints  
must be in writing, ~~sworn to by the person making them~~ and filed  
with the Office of Licensing and Registration.

24 **2. Suspension; revocation.** The board may suspend or revoke  
26 a license, registration or certificate pursuant to Title 5,  
section 10004. The board may refuse to issue or renew a license,  
28 registration or certificate or the District Court may suspend or  
revoke a license, registration or certificate of any licensed  
30 ~~person who is found guilty of~~ person, firm, partnership,  
association, corporation or company who holds a license,  
32 registration or certificate or any applicant for a license,  
registration or certificate on any of the following grounds:

34 A. The practice of fraud or deceit in obtaining a license,  
36 registration or certificate;

38 B. Any gross negligence, incompetency or misconduct in the  
licensee's job performance;

40 C. Violating any provision of this chapter or any rule of  
42 the board; or

44 D. Conviction of a crime, subject to the limitations of  
46 Title 5, chapter 341.

48 **Sec. B-13. 32 MRSA §15208**, as amended by PL 1999, c. 627, §1,  
is repealed and the following enacted in its place:

50 **§15208. Examination of private elevator and lift inspectors;**

licenses and renewals

2  
4       The board shall set standards necessary for the licensure  
6       and renewal of private elevator and lift inspectors. The board  
8       may adopt rules relating to the qualifications for licensure and  
10       renewal of private elevator and lift inspectors, including  
12       requirements for examination and continuing education. Rules  
14       adopted pursuant to this section are routine technical rules as  
16       defined in Title 5, chapter 375, subchapter II-A. The fee for  
18       applications, examinations, licenses and renewals must be  
20       established by the director pursuant to section 15225-A and Title  
22       10, section 8003, subsection 2-A, paragraph D. Licenses are  
24       issued for a period of one year.

26       A person who is licensed as a private elevator and lift  
28       inspector and who installs, services or sells elevator or lift  
30       equipment may not inspect any equipment that person has  
32       installed, serviced or sold or that was installed, serviced or  
34       sold by that person's employer.

36       **Sec. B-14. 32 MRS §15208-A and 15208-B** are enacted to read:

38       **§15208-A. Registration of elevator contractors**

40       Any person, firm, partnership, association, corporation or  
42       company engaged in the installation, sale, service, maintenance  
44       or inspection of elevators in this State shall register with the  
46       board annually. The registration must be submitted on a form  
48       provided by the board and must include the names and addresses of  
50       all licensed private inspectors, licensed mechanics and all  
52       helpers employed by the elevator contractor. An elevator  
54       contractor shall notify the board of any change in the  
56       information required under this section within 30 days of the  
58       change. The required fee for registration must be set by the  
60       director under section 15225-A.

62       **§15208-B. Registration; helpers**

64       All persons employed as helpers shall register annually with  
66       the board. The registration must be on a form provided by the  
68       board and include the name and address of the helper and the name  
70       and address of the helper's employer. A person registered as a  
72       helper shall notify the board of any change in the information  
74       required under this section within 30 days of the change. The  
76       required fee for registration must be set by the director under  
78       section 15225-A.

80       **Sec. B-15. 32 MRS §15209**, as amended by PL 1999, c. 386, Pt.  
82       X, §9, is further amended to read:

2       **§15209. Examination of private tramway inspectors; licenses**

4           The board shall license an applicant as a private tramway  
6       inspector, who may perform the inspections required on tramways,  
      if that applicant:

8           **1. Registration.** Is a professional engineer with a current  
10       valid registration in some state. If an applicant for a private  
12       tramway inspector's license demonstrates to the board that the  
14       applicant possesses more than 6 years' experience in the  
      construction, design, inspection and operation of tramways, this  
      registration requirement may be waived by the board;

16           **2. Experience.** Has considerable experience in the  
      construction, design or maintenance of tramways;

18           **3. Experience in inspecting.** Has 4 years' experience  
20       inspecting tramways while working for an insurance company, a  
22       government agency or a company performing tramway or similar  
      equipment inspections;

24           **4. Capability and aptitude.** Has the physical capability  
26       and aptitude to perform the duties of a private tramway inspector  
      in a safe and thorough manner; and

28           **5. Examination.** Has sufficient experience and knowledge to  
30       achieve a satisfactory rating in an examination designed to test  
32       the applicant's knowledge of orders and principles of tramway  
34       safety. When an applicant for a private tramway inspector's  
      license demonstrates more than 6 years' experience in the  
      construction, design, inspection and operation of tramways, the  
      provisions for examination must be waived.

36           A. The examination for a licensed private tramway inspector  
38       must be given by the chief inspector or by 2 or more  
40       examiners appointed by the chief inspector. The examination  
42       must be written, in whole or in part, 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 standard throughout the State.

44           ~~B. The record of the applicant's examination must be~~  
46       ~~accessible to the applicant. The examinations must be kept~~  
      ~~on file in the office for a period of not less than 2 years.~~

48           C. A private tramway inspector's license ~~expires on the 3rd~~  
50       ~~anniversary date of the original issue~~ is issued for a  
      period of one year. The license fee must be set by the  
      ~~board and may not exceed \$150~~ director under section 15225-A.

2 D. Applications for examination and license must be on  
3 forms furnished by the board. The examination fee for a  
4 private tramway inspector's license must be set by the board  
5 ~~and may not exceed \$100~~ director under section 15225-A.

6  
7 **Sec. B-16. 32 MRSA §15209-A**, as enacted by PL 1999, c. 386,  
8 Pt. X, §10, is amended to read:

10 **§15209-A. Private wire rope inspectors; licenses**

12 The board shall license an applicant as a private wire rope  
13 inspector, who may perform the inspections required for each  
14 tramway equipped with wire rope, if that applicant has a total of  
15 5 years' experience in wire rope manufacture, installation,  
16 maintenance or inspection. A private wire rope inspector's  
17 license ~~expires on the 3rd anniversary date of the original issue~~  
18 is issued for a period of one year. The license fee must be set  
19 by the board ~~and may not exceed \$150~~ director under section  
20 15225-A.

22 **Sec. B-17. 32 MRSA §15210**, as amended by PL 1999, c. 386, Pt.  
23 X, §11, is further amended to read:

24 **§15210. Revocation of private tramway or elevator inspector's**  
25 **license**

28 The board may revoke a private tramway, elevator or lift  
29 inspection license or remove inspection endorsements from an  
30 elevator or lift mechanic's license for the following causes:

32 **1. Failure to submit true reports.** For failure to submit  
33 true reports concerning the conditions of a tramway or elevator  
34 or for conduct determined by the board to be contrary to the best  
35 interests of tramway or elevator safety or the board; or

36  
37 **2. Physical infirmities.** For physical infirmities that  
38 develop to a point at which it appears that an inspector or  
39 mechanic is no longer able to perform the required duties in a  
40 thorough and safe manner; or

42 **3. Failure to comply with chapter or rules.** Failure to  
43 comply with any provision of this chapter or any rule adopted by  
44 the board. Rules adopted by the board pursuant to this chapter  
45 are routine technical rules as defined in Title 5, chapter 375,  
46 subchapter II-A.

48 **Sec. B-18. 32 MRSA §15211**, as amended by PL 1999, c. 386, Pt.  
49 X, §12 and amended by c. 547, Pt. B, §78 and affected by §80, is  
50 further amended to read:

2       **§15211. Notice of accidents**

4           Each elevator or tramway accident ~~caused--by--equipment~~  
6       ~~failure,~~ resulting in injury to a person or in substantial damage  
8       to equipment, must be reported by the owner or lessee to the  
10       chief inspector in accordance with the board's rules. When an  
12       elevator or tramway accident occurs, the inspection certificate  
14       for the involved elevator or tramway ~~must~~ may be summarily  
16       revoked in accordance with Title 5, section 10004, pending  
18       decision on any application with the District Court for a further  
20       suspension.

22           **Sec. B-19. 32 MRSA §15212**, as enacted by PL 1995, c. 560, Pt.  
24       H, §14 and affected by §17, is amended to read:

26       **§15212. Examination of accidents**

28           The ~~board~~ chief inspector may examine or cause to be  
30       examined the cause, circumstances and origin of all elevator or  
32       tramway accidents within the State. Upon request, the ~~board~~  
34       chief inspector shall furnish to the proper district attorney the  
36       names of witnesses and all information obtained.

38           **Sec. B-20. 32 MRSA §15213**, as amended by PL 1999, c. 386, Pt.  
40       X, §13, is further amended to read:

42       **§15213. Elevator or lift mechanics; license; definition**

44           A person may not service, repair, alter or install any  
46       elevator unless that person is licensed as an elevator or lift  
48       mechanic under ~~sections 15214 and 15216~~ this chapter. ~~Elevator~~  
50       ~~work in industrial plants, manufacturing plants and hospitals may~~  
52       ~~be performed by plant personnel who are not licensed under~~  
54       ~~sections 15214 and 15216 if the work is supervised by the plant~~  
56       ~~engineer and performed in compliance with rules adopted by the~~  
58       ~~board.~~

60           A licensed elevator or lift mechanic may not service or  
62       repair an elevator or lift that does not have a current  
64       inspection certificate unless those repairs are being made as  
66       required by an initial elevator inspection or to correct  
68       violations noted in an inspection report.

70           The word "elevator," as used in this ~~section and sections~~  
72       ~~15214 and 15216~~ chapter, includes all electrical equipment,  
74       wiring, steelwork and piping in the elevator machine room,  
76       hoistway and pit pertaining to the operation and control of an  
78       elevator, except power feeders and required power equipment up to

2 the control panel, heating, lighting, ventilation and drainage  
equipment.

4 **Sec. B-21. 32 MRSA §15214**, as amended by PL 1999, c. 386, Pt.  
X, §14, is further amended to read:

6 **§15214. Issuance; qualifications**

8  
10 The board shall issue an elevator or lift mechanic's license  
12 to any applicant who has at least 2 years' experience in the  
14 service, repair, alteration or installation of elevators and  
~~lifts while employed by an elevator company, or has equivalent~~  
~~experience as defined by rules of the board, and satisfactorily~~  
~~passes--the--examination--provided--for--in~~ meets the requirements  
established pursuant to section 15216.

16  
18 A licensed elevator or lift mechanic may not have more than  
20 2 helpers under direct supervision. These helpers ~~need--not--be~~  
~~licensed~~ must be registered with the board as required by section  
15208-B.

22 A licensed elevator or lift mechanic shall comply with the  
24 ~~elevator rules of this State~~ provisions of this chapter and the  
rules adopted by the board. Rules adopted pursuant to this  
section are routine technical rules as defined in Title 5,  
26 chapter 375, subchapter II-A.

28 **Sec. B-22. 32 MRSA §15215**, as amended by PL 1999, c. 386, Pt.  
X, §15, is repealed.

30  
32 **Sec. B-23. 32 MRSA §15216**, as amended by PL 1999, c. 386, Pt.  
X, §16, is repealed and the following enacted in its place:

34 **§15216. Examination of elevator or lift mechanics;**  
**applications; licenses; renewals**

36  
38 The board shall set standards necessary for the licensure  
and renewal of elevator or lift mechanics. The board may adopt  
rules relating to the qualifications for licensure and renewal of  
40 elevator or lift mechanics, including requirements for  
examination and continuing education. Rules adopted pursuant to  
42 this section are routine technical rules as defined in Title 5,  
chapter 375, subchapter II-A. The fee for applications,  
44 examinations, licenses and renewals must be established by the  
director pursuant to section 15225-A and Title 10, section 8003,  
46 subsection 2-A, paragraph D. Licenses are issued for a period of  
one year.

48  
50 **Sec. B-24. 32 MRSA §§15216-A and 15216-B**, as enacted by PL  
1999, c. 386, Pt. X, §17, are repealed.



2           **Sec. B-25. 32 MRSA §15216-C**, as enacted by PL 1999, c. 386,  
Pt. X, §17, is amended to read:

4  
6           **§15216-C. License renewal**

8           Any license issued under this chapter is ~~automatically~~  
renewable upon satisfaction of the applicable requirements for  
9 renewal and payment of the renewal fee as set forth in this  
10 chapter required fee set by the director under section 15225-A.  
The expiration dates for licenses issued under this chapter may  
12 be established at such other times as the commissioner may  
designate. The board shall notify persons licensed under this  
14 chapter of the date of expiration of the license and the fee  
required for its renewal ~~for a 3-year period~~. The notice must be  
16 mailed to the person's last known address at least 30 days in  
advance of the expiration date of the license.

18  
20           A license may be renewed up to 90 days after the date of its  
expiration upon payment of a late fee ~~of \$10~~ in addition to the  
renewal fee. Any person who submits an application for renewal  
22 more than 90 days after the license expiration date is subject to  
all requirements governing new applicants under this chapter,  
24 except that the board may in its discretion waive the examination  
and other requirements. The board may levy penalties for  
26 nonrenewal in an amount not to exceed \$100. Notwithstanding any  
other provision of this chapter, the board shall waive the  
28 examination if a renewal application is made within 90 days after  
separation from the United States Armed Forces, under conditions  
30 other than dishonorable, by a person who failed to renew that  
person's license because that person was on active duty in the  
32 Armed Forces; except that the waiver of examination may not be  
granted if the person served a period of more than 4 years in the  
34 Armed Forces, unless that person is required by some mandatory  
provision to serve a longer period and that person submits  
36 satisfactory evidence of this mandatory provision to the board.

38           **Sec. B-26. 32 MRSA §15221**, as amended by PL 1999, c. 386, Pt.  
X, §18 and amended by c. 547, Pt. B, §78 and affected by §80, is  
40 further amended to read:

42           **§15221. Inspection of elevators and tramways**

44           **1. Fees; inspection certificate.** Each elevator or tramway  
proposed to be used within this State must be thoroughly  
46 inspected by either the chief inspector, a state deputy inspector  
or a licensed private elevator or tramway inspector and, if found  
48 to conform to the rules of the board, the board shall issue to  
the owner ~~or user~~ an inspection certificate. Fees for inspection  
50 and certification of elevators and tramways must be set by the

2 ~~beard-pursuant-to-section-15225~~ director under section 15225-A  
and must be paid by the owner ~~ex--user~~ of the elevator or  
4 tramway. The certificate must specify the maximum load to which  
the elevator or tramway may be subjected, the date of its  
6 issuance and the date of its expiration. The elevator  
certificate must be posted in the elevator and the tramway  
8 certificate at a conspicuous place in the machine area.

10 **2. Scheduled inspections.** ~~A-state--inspector-or-licensed~~  
~~elevator--inspector--shall--inspect--every--elevator--on--a--schedule~~  
~~determined-by-the-board--The-schedule-must-be-based-on-the-class,~~  
12 ~~size-and-usage-of-the-elevator.--A-state-inspector-or-licensed~~  
~~tramway-inspector--shall--inspect--every--tramway--twice--each--year.~~  
14 The owner of an elevator shall have the elevator inspected  
annually by a licensed private elevator inspector, the chief  
16 inspector or a deputy inspector. The owner of a tramway shall  
have the tramway inspected by a licensed private tramway  
18 inspector, the chief inspector or a deputy inspector twice each  
year. One tramway inspection must be made when weather  
20 conditions permit a complete inspection of all stationary and  
moving parts. The 2nd tramway inspection must be made while the  
22 tramway is in operation.

24 **3. Temporary suspension of inspection certificate;**  
**condemnation card.** When, in the inspector's opinion, the  
26 elevator or tramway can not continue to be operated without  
menace to the public safety, the chief inspector or state deputy  
28 inspector may temporarily suspend an inspection certificate in  
accordance with Title 5, section 10004 and post or direct the  
30 posting of a red card of condemnation at every entrance to the  
elevator or tramway. The condemnation card is a warning to the  
32 public and must be of such type and dimensions as the board  
determines. The suspension continues, pending decision on any  
34 application with the District Court for a further suspension.  
The condemnation card may be removed only by the inspector  
36 posting it or by the chief inspector.

38 **4. Special certificate; special conditions.** When, upon  
inspection, an elevator or tramway is found by the inspector to  
40 be in reasonably safe condition but not in full compliance with  
the rules of the board, the inspector shall certify to the chief  
42 inspector the inspector's findings and the chief inspector may  
issue a special certificate, to be posted as required in this  
44 section. This certificate must set forth any special conditions  
under which the elevator or tramway may be operated.

46 **5. Inspection reports.** Licensed private tramway and  
48 elevator inspectors shall submit inspection reports to the beard  
owner on a form provided by the board ~~for-all-inspectiens~~ within  
50 15 working days from the date of the inspection.

2           **6. Follow-up inspections.** All follow-up inspections  
4 necessary to enforce compliance must be performed by either the  
chief inspector or a state deputy inspector. A fee ~~as set forth~~  
~~in section 15225~~ set by the director under section 15225-A must  
6 be charged for those follow-up inspections.

8           **7. Certificate not transferable.** An inspection certificate  
may not be transferred to any other person, firm, corporation or  
10 association. If ownership of an elevator or tramway is  
transferred, the new owner must apply for a new inspection  
12 certificate as required by section 15229, subsection 7.

14           **Sec. B-27. 32 MRSA §15223**, as enacted by PL 1995, c. 560, Pt.  
H, §14 and affected by §17, is amended to read:

16           **§15223. Certificate required**

18           The Notwithstanding Title 17-A, section 4-B, subsection 3  
20 and section 1301, the owner, lessee or agent of an elevator or  
tramway who operates that elevator or tramway without an a  
22 current and valid inspection certificate ~~displayed~~ commits a  
Class E crime and, ~~notwithstanding Title 17-A, sections 1252 and~~  
24 ~~1301,~~ must be punished by a fine of not more than \$50 \$100 for  
each day of illegal operation.

26           **Sec. B-28. 32 MRSA §15224**, as amended by PL 1999, c. 386, Pt.  
28 X, §19, is further amended to read:

30           **§15224. Installation of new elevators and tramways; fees**

32           Detailed plans or specifications of each new or altered  
elevator or tramway must be submitted to and approved by the  
34 chief inspector before the construction may be started. Fees for  
examination of the plans or specifications must be \$5 ~~per \$1,000~~  
36 ~~of the valuation of the elevator or tramway as covered by the~~  
~~blueprints set by the director under section 15225-A. The minimum~~  
38 ~~fee may not be less than \$35 and the maximum fee may not be more~~  
~~than \$100.~~

40           **Sec. B-29. 32 MRSA §15225**, as amended by PL 1999, c. 386, Pt.  
42 X, §20, is repealed.

44           **Sec. B-30. 32 MRSA 15225-A** is enacted to read:

46           **§15225-A. Fees**

48           The director, pursuant to Title 10, section 8003, subsection  
2-A, paragraph D, may establish by rule fees authorized under

2 this chapter in amounts that are reasonable and necessary for  
3 their respective purposes, subject to the following limitations.

4 1. Annual inspection or special inspection of elevators;  
5 fee. The fee for each annual or special inspection of elevators  
6 may not exceed \$100, plus \$10 for each landing.

8 2. Annual inspection of tramways; fee. The annual fee for  
9 the required inspections of tramways may not exceed \$200.

10 3. Application fee. The fee for an application may not  
11 exceed \$25.

12 4. Examination. The fee for examination for licensure may  
13 not exceed \$100.

14 5. Initial inspection of elevators. The initial inspection  
15 of elevators must be made by the chief inspector or a deputy  
16 inspector or the commissioner's designee, and the fee for the  
17 initial inspection of each new or altered elevator may not exceed  
18 \$500, plus expenses.

19 6. Initial inspection of tramways; fee. The initial  
20 inspection of tramways must be made by the chief inspector or a  
21 deputy inspector or the commissioner's designee or a licensed  
22 private tramway inspector and the fee for the initial inspection  
23 of each new or altered tramway may not exceed \$500, plus expenses.

24 7. Inspection certificate fee. The inspection certificate  
25 fee may not exceed \$100.

26 8. Late inspection certificate fee. The late inspection  
27 certificate fee may not exceed \$250.

28 9. License or registration. The fee for licensure may not  
29 exceed \$100 per year.

30 10. Renewal of license, registration or inspection  
31 certificate. The fee for renewal of a license, registration or  
32 inspection certificate may not exceed \$100 per year.

33 11. Review of plans. The fee for review of elevator plans  
34 may not exceed \$5 per \$1,000 of valuation as covered by the  
35 blueprints, except that the minimum fee for a review may not be  
36 less than \$35 and the maximum fee may not be more than \$100.

37 The fee for any other authorized purpose not specified in  
38 this section may not exceed \$100. Rules adopted pursuant to this  
39 section are routine technical rules as defined in Title 5,  
40 chapter 375, subchapter II-A.

2           **Sec. B-31. 32 MRSA §15226**, as amended by PL 1999, c. 386, Pt.  
X, §21, is further amended to read:

4           **§15226. Reports by inspectors**

6           A state deputy inspector or licensed private inspector shall  
8           make a full report to the chief inspector, giving all data  
required by the rules adopted by the board and shall report to  
10          the chief inspector and to the owner or lessee all defects found  
and all noncompliances with the rules. When any serious  
12          infraction of the rules is found by a state deputy inspector or  
licensed private inspector and that infraction is, in the opinion  
14          of the inspector, dangerous to life, limb or property, the  
inspector shall report that infraction immediately to the chief  
16          inspector.

18          **Sec. B-32. 32 MRSA §15227, sub-§2**, as amended by PL 1999, c.  
386, Pt. X, §22, is further amended to read:

20           **2. Free access to premises or location.** To provide free  
22          access for state deputy inspectors, including the chief  
inspector, at all reasonable times to any premises in the State  
24          where an elevator or tramway is installed or is under  
construction for the purpose of ascertaining whether that  
26          elevator or tramway is installed, operated, repaired or  
constructed in accordance with this chapter;

28          **Sec. B-33. 32 MRSA §15227, sub-§§3, 4 and 5**, as enacted by PL  
30          1995, c. 560, Pt. H, §14 and affected by §17, are amended to read:

32           **3. Supervise inspectors.** To allocate and supervise the  
work of state deputy inspectors;

34           **4. Certificates.** To issue and temporarily suspend  
36          certificates allowing elevators and tramways to be operated  
pursuant to Title 5, chapter 375; and

38           **5. Examinations.** To hold examinations and establish the  
40          fitness of applicants to become licensed private elevator or  
tramway inspectors or elevator mechanics, and to issue  
42          certificates or licenses to those persons who have successfully  
passed required examinations and been approved by the board as  
44          licensed private elevator or tramway inspectors or elevator  
mechanics; and

46          **Sec. B-34. 32 MRSA §15227, sub-§6** is enacted to read:

2 6. Take uninspected or unrepaired elevators and tramways  
3 out of service. To take an elevator or tramway out of service in  
4 accordance with Title 5, section 10004 if an inspection report  
5 has not been submitted to the board within 60 days of the  
6 expiration of the most recent certificate or if the owner has  
7 failed to make repairs as required by the board. This power is  
8 in addition to the chief inspector's powers under section 15221,  
9 subsection 3.

10 **Sec. B-35. 32 MRSA §15229** is enacted to read:

12 **§15229. Duties of owners of elevators or tramways**

14 **1. Owner responsibility.** The responsibility for design,  
15 construction, maintenance and inspection of an elevator or  
16 tramway rests with the person, firm, partnership, association,  
17 corporation or company that owns the elevator or tramway.

18 **2. Obtain inspection certificate.** The owner of an elevator  
19 or tramway shall submit an annual application for an annual  
20 inspection certificate together with the inspection report within  
21 30 business days of the inspection and prior to the expiration of  
22 the current certificate. The application must be on a form  
23 provided by the board and must be accompanied by the required fee  
24 set by the director under section 15225-A. A late fee set by the  
25 director under section 15225-A may be assessed for failure to  
26 submit the application and inspection report in a timely manner.

27 **3. Failure to qualify for inspection certificate.** The  
28 owner of an elevator that does not qualify for an inspection  
29 certificate shall take the elevator out of operation until the  
30 required repairs have been made and a new inspection certificate  
31 has been issued.

32 **4. Notify board when required repairs made.** The owner of  
33 an elevator or tramway shall notify the board when required  
34 repairs have been made and provide the board with satisfactory  
35 evidence of completion.

36 **5. Elevator declared idle or placed out of service.** The  
37 owner of an elevator that has been declared idle or placed out of  
38 service in accordance with rules adopted by the board shall  
39 notify the board within 30 days of declaring the elevator idle.

40 **6. Removal.** The owner of an elevator or tramway shall  
41 notify the board within 30 days of the removal of the elevator or  
42 tramway.

43 **7. Change of ownership.** The owner of record of an elevator  
44 or tramway shall notify the board of a transfer of ownership of  
45 the elevator or tramway.

2 an elevator within 30 days of such transfer. The new owner shall  
3 apply, on a form provided by the board, for a new inspection  
4 certificate that will be issued without the need for an  
5 additional inspection for the remainder of the term of the  
6 current certificate. A fee for issuance of a new inspection  
7 certificate may be set by the director under section 15225-A.

8 **8. Failure to comply.** In addition to the remedies  
9 available under this chapter, an owner who fails to comply with  
10 the provisions of this chapter or rules adopted by the board is  
11 subject to the provisions of Title 10, section 8003, subsection 5  
12 whether or not the elevator or tramway has a current inspection  
13 certificate, except that, notwithstanding Title 10, section 8003,  
14 subsection 5, paragraph A-1, subparagraph 3, a civil penalty of  
15 up to \$3,000 may be imposed for each violation.

16 **Sec. B-36. Transition.** In order to accomplish the transition  
17 from licenses issued for a 3-year period to licenses issued for a  
18 one-year period, the license or renewal fee assessed will be 1/3  
19 of the fee for a 3-year license until annual license and renewal  
20 fees can be adopted by the Director of the Office of Licensing  
21 and Registration pursuant to the Maine Revised Statutes, Title  
22 10, section 8003, subsection 2-A, paragraph D and Title 32,  
23 section 15225-A.

## 26 SUMMARY

27  
28  
29 Part A of the bill amends the laws governing boiler and  
30 pressure vessels to:

31 1. Provide the chief inspector with the authority to grant  
32 variances and to provide any party aggrieved by an order or act  
33 of the chief inspector or a deputy inspector with the right to  
34 appeal from the order or act to the Board of Boilers and Pressure  
35 Vessels;

36  
37 2. Provide the chief inspector with the ability to take a  
38 boiler or pressure vessel out of service if the owner has failed  
39 to have it inspected in a timely fashion or has failed to make  
40 required repairs;

41  
42 3. Clarify that it is the owner's responsibility to have a  
43 boiler or pressure vessel inspected in a timely manner;

44  
45 4. Clarify the existing duties of owners of boilers and  
46 pressure vessels, including that it is the owner's responsibility  
47 to have a boiler or pressure vessel inspected in a timely fashion  
48 and establish additional requirements, such as a requirement that

2 the board must be notified when a unit is removed or when  
required repairs have been completed;

4 5. Clarify that the board has the authority to adopt rules  
to implement the purposes of the chapter;

6  
8 6. Clarify that an insurance company inspector may inspect  
a boiler or pressure vessel not insured by that company if it is  
in connection with an application for insurance or when a new  
10 unit is installed at an insured location; and

12 7. Make technical and conforming changes, including changes  
necessary to conform the Maine Revised Statutes, Title 32,  
14 chapter 131 with the provisions of Public Law 1999, c. 687, which  
provided the Director of the Office of Licensing and Registration  
16 with the authority to establish fees for authorized purposes  
through rulemaking.

18 Part B of the bill amends the laws governing elevators and  
20 tramways to:

22 1. Provide the chief inspector with the ability to take an  
elevator out of service if the owner has failed to have the  
24 elevator inspected in a timely fashion or has failed to make  
required repairs;

26 2. Clarify the duties and responsibilities of elevator and  
28 tramway owners, including the responsibility to obtain an  
inspection certificate, have the elevator inspected on an annual  
30 basis, notify the Board of Elevator and Tramway Safety when  
required repairs have been made, notify the Board of Elevator and  
32 Tramway Safety when ownership of a unit changes and notify the  
board when a unit is removed or no longer in use.

34 3. Provide the chief inspector with the authority to grant  
36 variances, subject to the existing right of any party aggrieved  
by an order or act of the chief inspector or a deputy inspector  
38 with the right to appeal from the order or act to the board;

40 4. Clarify the board's ability to fine an owner or operator  
for failure to comply with the requirements of the chapter;

42 5. Strengthen the administrative remedies available against  
44 owners who fail to comply with the applicable statutes by giving  
the board the ability to assess fines of up to \$3,000 per  
46 violation;

48 6. Change the terms of licenses issued by the board from a  
3-year term to a one-year term and provide the board with the



2 authority to adopt standards through rulemaking for licensure,  
renewal and continuing education of elevator and lift mechanics;

4 7. Prohibit licensed elevator mechanics from repairing  
elevators that do not have current inspection certificates unless  
6 the repairs are to correct violations noted in an inspection  
report;

8  
10 8. Prohibit a licensed private elevator inspector from ever  
inspecting an elevator that he or she sold, serviced or installed  
12 or that was sold, serviced or installed by the inspector's  
employer;

14 9. Change the license name of licensed elevator inspectors  
to differentiate private inspectors from state-employed  
16 inspectors;

18 10. Require elevator contractors and helpers to register  
with the board;

20  
22 11. Clarify that the board has the authority to adopt rules  
to implement the purposes of the chapter; and

24 12. Make technical and conforming changes, including  
changes necessary to conform the Maine Revised Statutes, Title  
26 32, chapter 133 with the provisions of Public Law 1999, c. 687,  
which provided the Director of the Office of Licensing and  
28 Registration with the authority to establish fees for authorized  
purposes through rulemaking.  
30