

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1709

H.P. 1098

House of Representatives, April 18, 2023

An Act to Establish a Baseline of Consistency and Safety for the Operation of Construction Cranes and Elevators

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ROBERTS of South Berwick.
Cosponsored by Representatives: HASENFUS of Readfield, LaROCHELLE of Augusta,
MASTRACCIO of Sanford, SAYRE of Kennebunk.

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

2 **Sec. 1. 32 MRSA c. 133-A** is enacted to read:

3 **CHAPTER 133-A**

4 **OPERATORS OF CONSTRUCTION CRANES AND ELEVATORS**

5 **§15301. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 **1. Commissioner.** "Commissioner" means the Commissioner of Professional and
9 Financial Regulation.

10 **2. Contractor.** "Contractor" means a person who employs or contracts with a person
11 to operate a crane or an elevator or to train a crane operator or an elevator operator.

12 **3. Covered person.** "Covered person" means a crane operator, crane trainer, elevator
13 operator or elevator trainer.

14 **4. Crane.** "Crane" means a fixed or mobile machine used in construction for lifting,
15 lowering and horizontally moving a load, with the hoisting mechanism as an integral part
16 of the machine, as described in 29 Code of Federal Regulations, Section 1926.1400 (2020).

17 **5. Crane operator.** "Crane operator" means a person who operates a crane.

18 **6. Crane trainer.** "Crane trainer" means a person who trains a crane operator.

19 **7. Elevator.** "Elevator" means a fixed hoisting and lowering mechanism used in
20 construction for lifting or lowering personnel.

21 **8. Elevator operator.** "Elevator operator" means a person who operates an elevator.

22 **9. Elevator trainer.** "Elevator trainer" means a person who trains an elevator operator.

23 **10. General contractor.** "General contractor" means a person who employs or
24 contracts for the services of a contractor.

25 **§15302. Registration and training**

26 Beginning January 1, 2024, a person may not operate a crane, train a crane operator,
27 operate an elevator or train an elevator operator unless that person has met the training
28 requirements established under subsection 1 and has registered with the commissioner in
29 accordance with subsection 2.

30 **1. Training.** The commissioner shall by rule establish training requirements for
31 covered persons in accordance with this subsection.

32 **A.** An elevator operator or an elevator trainer shall complete a safety training program
33 that involves:

34 (1) At least 10 hours of training that the commissioner determines to meet
35 applicable standards established by the United States Department of Labor,
36 Occupational Safety and Health Administration; and

1 (2) At least 5 hours of training, in addition to the training in subparagraph (1), that
2 includes a demonstrated knowledge of the American National Standards Institute's
3 and American Society of Safety Engineers' publication "Safety Requirements For
4 Personnel Hoists And Employee Elevators For Construction And Demolition
5 Operations," ANSI/ASSE A10.4-2004, and the United States Department of
6 Labor, Occupational Safety and Health Administration's Standard Number
7 1926.552, Material hoists, personnel hoists and elevators.

8 B. A crane operator or a crane trainer shall:

9 (1) Complete a safety training program that involves at least 10 hours of training
10 that the commissioner determines to meet applicable standards established by the
11 United States Department of Labor, Occupational Safety and Health
12 Administration; and

13 (2) Be certified in crane operation by an accredited national organization that
14 certifies crane operators approved by the commissioner.

15 **2. Registration.** The commissioner shall establish a registry of covered persons in
16 accordance with this subsection.

17 A. A covered person shall register with the commissioner on a form and in the manner
18 established by the commissioner by rule.

19 B. The registrant shall confirm in writing, under penalty of perjury, that the registrant
20 has met the requirements of subsection 1.

21 C. The fee for a registration is \$50. A registration is valid for 2 calendar years from
22 the date of the registration and may be renewed upon payment of the registration fee.

23 **3. Rules.** The commissioner shall adopt rules to implement this section. Rules adopted
24 by the commissioner under this subsection are routine technical rules as defined in Title 5,
25 chapter 375, subchapter 2-A.

26 **§15303. Sanctions**

27 The Attorney General may investigate and bring an appropriate action against any
28 person who violates this chapter.

29 **1. False information.** A covered person may not provide false or incomplete
30 information in any registration under section 15302, subsection 2.

31 A. A covered person who violates this subsection commits a civil violation for which
32 a fine of at least \$100 and up to \$500 may be adjudged.

33 B. The commissioner shall permanently revoke the registration of a covered person
34 who is found to have provided 6 or more instances of false or incomplete information
35 in a registration. The commissioner, on appeal by the covered person, after notice and
36 a hearing, may shorten the revocation period to no less than 6 months if the covered
37 person provides to the commissioner proof satisfactory that:

38 (1) The person has met all the training requirements for registration under section
39 15302, subsection 1;

40 (2) With respect to registration as an elevator operator or elevator trainer, that the
41 person has, subsequent to the revocation, completed at least 5 hours of training, in
42 addition to the training in subparagraph (1), that includes a demonstrated

1 knowledge of the American National Standards Institute's and American Society
2 of Safety Engineers' publication "Safety Requirements For Personnel Hoists And
3 Employee Elevators For Construction And Demolition Operations," ANSI/ASSE
4 A10.4-2004, and the United States Department of Labor, Occupational Safety and
5 Health Administration's Standard Number 1926.552, Material hoists, personnel
6 hoists and elevators; and

7 (3) With respect to registration as a crane operator or crane trainer, that the person
8 has completed at least 10 hours of training in crane operation given by an
9 accredited national organization that certifies crane operators approved by the
10 commissioner.

11 **2. Hiring unregistered covered person.** A contractor may not employ or contract
12 with a person to operate a crane or an elevator or to train a crane operator or an elevator
13 operator if the person is not registered in accordance with section 15302, subsection 2 or
14 the registration of that person is revoked under subsection 1 or if the contractor knows or
15 has reason to know that the person is not otherwise in compliance with this chapter.

16 A. A contractor who violates this subsection commits a civil violation for which a fine
17 of \$500 per employee per day of violation, not to exceed \$10,000 in any calendar year,
18 may be adjudged.

19 B. If the court finds that the contractor has violated this subsection in a manner that
20 results in the maximum fine under paragraph A, the court shall enjoin the contractor
21 from employing in this State any person to operate a crane or an elevator or to train a
22 crane operator or an elevator operator for a period of 12 months from the date of the
23 adjudication.

24 **3. Contracting with violating subcontractor.** A general contractor may not employ
25 or contract with a subcontractor who is subject to an injunction under subsection 2,
26 paragraph B or a subcontractor whom the general contractor knows or has reason to know
27 is not in compliance with this chapter.

28 A. A general contractor who violates this subsection commits a civil violation for
29 which a fine of \$1,000 per subcontractor per day of violation, not to exceed \$100,000
30 in any calendar year, may be adjudged.

31 SUMMARY

32 This bill does the following:

33 1. Requires operators of construction cranes and elevators to be trained and to register
34 with the Commissioner of Professional and Financial Regulation;

35 2. Prohibits contractors from hiring persons who are not in compliance with the
36 training and registration requirements;

37 3. Prohibits general contractors from contracting with contractors who hire persons
38 not in compliance with the training and registration requirements; and

39 4. Provides for civil penalties for violations of the training and registration
40 requirements and the hiring prohibitions.